

**Judicial Council of Georgia
Emergency Session**

By Zoom Conference Call

**Monday, April 6, 2020
2:00 p.m.**

- 1. Preliminary Remarks**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Roll Call of Judicial Council Members**
(Cynthia Clanton, Judicial Council Secretary and AOC Director, Est. Time – 2 Min.)
- 3. Adoption of Minutes from Emergency Session on March 30, 2020**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. Update from the Georgia Department of Public Health**
(Ms. Megan Andrews or Ms. Emily Jones, Est. Time – 10 Min.)
- 5. COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members**
(Chief Justice Harold D. Melton, Est. Time – 15 Min.)
 - A. Extension of Statewide Judicial Emergency Order *(Draft to be Circulated)*
- 6. Reports from Courts, Councils, State Bar, and AOC (Est. Time – 20 min.)**
 - A. Supreme Court
 - B. Court of Appeals
 - C. Business Court
 - D. Council of Superior Court Judges
 - E. Council of State Court Judges
 - F. Council of Juvenile Court Judges
 - G. Council of Probate Court Judges
 - H. Council of Magistrate Court Judges
 - I. Council of Municipal Court Judges
 - J. State Bar of Georgia

K. Administrative Office of the Courts

7. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)

A. Council of Accountability Court Judges

B. Georgia Commission on Dispute Resolution

C. Council of Superior Court Clerks

D. Chief Justice’s Commission on Professionalism

E. Georgia Council of Court Administrators

F. Institute of Continuing Judicial Education

G. Judicial Qualifications Commission

8. Old/New Business

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

9. Concluding Remarks and Adjournment

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meetings

Friday, April 24, 2020	10 a.m. – 12:30 p.m.	Conference call with technology TBD
Friday, August 14, 2020	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 11, 2020	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Proposed Council Meeting Calendar – 2021

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	The James H. “Sloppy” Floyd Building/ Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Please continue to check www.georgiacourts.gov (the Judicial Gateway) for the latest updates and information. Thank you and continue to be safe!

Judicial Council of Georgia
Emergency Session
Conference Call
March 30, 2020 • 2 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Chief Judge Brian Amero
Chief Judge Berryl Anderson
Chief Judge Jeffrey Bagley
Judge Michael Barker
Chief Judge Chris Brasher
Chief Judge Carl C. Brown
Chief Judge Geronda Carter
Judge Walter Davis
Chief Judge Donald W. Gillis
Chief Judge TJ Hudson
Chief Judge Asha Jackson
Judge Lisa Jones
Judge Jeffrey H. Kight
Judge Shawn LaGrua
Chief Judge T. Russell McClelland
Chief Judge Christopher T. McFadden
Vice Chief Judge Carla McMillian
Judge Dale “Bubba” Samuels
Chief Judge Juliette Scales
Judge Arthur Lee Smith
Mr. Darrell Sutton
Judge Wesley B. Tailor
Judge James G. Tunison, Jr.
Judge Ralph Van Pelt
Chief Judge Willie C. Weaver
Chief Judge Kelli Wolk

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Ms. Jessica Farah
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Ms. Maleia Wilson

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Harold Melton. Chief Justice Melton recognized Vice Chief Judge Carla McMillian on her appointment to the Georgia Supreme Court. He also recognized Judge Verda M. Colvin and Judge John A. “Trea” Pipkin, III, for their appointments to the Georgia Court of Appeals. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance to Ms. Robinson for the purposes of the minutes.

Adoption of Minutes – March 23, 2020

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session on March 23, 2020. A motion to approve the minutes was offered by Judge Samuels, followed by a second from Presiding Justice Nahmias. No discussion was offered, and the motion was approved without opposition.

COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members

Chief Justice Melton invited all meeting attendees to submit any solutions identified locally to the body to be circulated to others. He then directed meeting attendees to the Guidelines for Screening Visitors at the Entrance to a Courthouse draft proposal, noting that the guidelines were provided in consultation with Georgia Department of Public Health and information provided by the Centers for Disease Control and Prevention. Chief Justice Melton reminded attendees that screening is an action taken after the following actions have already been implemented: (1) eliminate all non-critical functions; (2) impose social distancing among employees and visitors; and (3) urge anyone not feeling well to self-isolate at home. He further noted if a screening is conducted, it should include a verbal assessment to identify the presence of known symptoms and travel history, a temperature reading with a no-touch (temporal) thermometer, and protective gear for the assessor. The guidelines will be posted on the Judicial Council website.

Chief Justice Melton directed meeting attendees to the Guidance on Tolling Filing Deadlines Under the Chief Justice's Order Declaring Statewide Judicial Emergency. He noted, whatever amount of time remained before the filing was due prior to the date of the statewide declaration, or prior to any applicable local or circuit-wide order, will remain after the March 14, 2020, declaration has expired or is otherwise terminated. This guidance will be posted on the Judicial Council website. Judge Jackson requested clarification on whether the tolling is applicable to all filing deadlines, including filing answers to existing civil cases filed. Chief Justice Melton advised legal counsel to file if possible, but the tolling period should be applicable to all filings. Judge McClelland requested clarification of deadlines for filings outside of the declaration window. Presiding Justice Nahmias clarified that all deadlines are tolled, therefore paused, during this period.

Chief Justice Melton reminded attendees of the discussion regarding video conferencing guidelines, per Uniform Superior Court Rule 9.1. He recognized Justice Peterson and Judge

Stephen Schuster with Cobb County Superior Court, for working on a solution to address the issue. The Chief Justice noted that Justice Peterson drafted an order to waive Uniform Superior Court Rule 9.2 (C) and 9.2 (E) (4), to allow for video conferencing of hearings during the emergency declaration period. The order requires courts to provide advance notice of video conference hearings; the order is applicable to superior courts, however, similar orders are being drafted for magistrate and municipal courts.

Chief Justice Melton shared feedback from the Public Defender Standards Council regarding some courts requiring employees to be physically present at jail facilities to complete paperwork to have clients released or cases processed, and requiring some public defenders to be in detention facilities for bond hearings. Chief Justice Melton requested an accommodation for not requiring defense lawyers to be physically present at bond hearings or in detention centers in the interest of distancing and safety. Judge Smith requested clarification, asking if that accommodation includes remote access to the bond hearing. Justice Nahmias noted the rules require access to the attorney for the benefit of the client, which may include remote access. Judge McClelland shared a practice or alternate solution currently in use by the Forsyth State Court.

Court Reporting Matters Committee and Board of Court Reporting – New Advisory Opinion 47

Chief Justice Melton recognized Vice Chief Judge McMillian and Chief State Court Judge Edwards on their work to address an inquiry regarding whether a certified court reporter can remotely administer an oath to a witness during a deposition. Chief Judge Edwards provided confirmation that certified court reporters may administer an oath to a witness during a deposition remotely.

Reports from Courts, Councils & State Bar

Court of Appeals. Chief Judge McFadden provided an update noting the Court of Appeals is fully functional with a skeleton staff on site. He noted the court is looking forward to welcoming the newest members of the court.

Council of Superior Court Judges. Judge LaGrua has requested information on foot traffic in superior courts and has heard there is very little. The Dougherty County Courthouse is closed and the Council is working with Judge Marshall to seek an alternative location for court. Judge LaGrua recognized two judges, Judge Sarah Wall and Judge George Hutchinson, for their efforts during the declaration period.

Council of State Court Judges. Judge McClelland reported the Council of State Court Judges is scheduled to meet tomorrow about the canceling of the spring conference in May. Judge McClelland requested clarification on the extension of the deadline for Rule 3.15; Presiding Justice Nahmias offered to work on the extension for the rule. Judge McClelland recognized Judge McMillan for her recent appointment to the Supreme Court and her judicial career. He also requested that the Council keep a state court judge that tested positive in their thoughts and prayers.

Council of Juvenile Court Judges. Judge Scales reported limited foot traffic in juvenile courts. She noted most judges are using Zoom to video conference. She thanked Justice Peterson for his work on Uniform Superior Court rule 9.1. She also reported the May conference for the Council of Juvenile Court Judges is canceled.

Council of Probate Court Judges. Judge Hudson reported limited foot traffic in South Georgia. He also reported the spring Council of Probate Court Judges conference is canceled. Judge Wolk reported an increase in judges and court personnel falling ill and the need to stress succession planning. Probate courts are working on solutions to administer oaths remotely. Chief Justice Melton reiterated the importance of social distancing and succession planning.

Council of Magistrate Court Judges. Judge Barker reported a judge is preparing a deadline calculation sheet to help with calculating deadlines after the end of the emergency declaration. He further noted foot traffic has reduced by 75 to 80 percent. Judge Barker reported when people are physically present in court, it is mostly for dispossessory filings and answers.

Council of Municipal Court Judges. Judge Samuels reported foot traffic in the municipal courts is low. He further noted judges eliminated large arraignment calendars. The Council of Municipal Court Judges held a lunch and learn via Zoom regarding best practices. The Council has met and is exploring hosting the June conference as a remote seminar instead of in person.

State Bar of Georgia. Mr. Sutton reported the State Bar offices are closed through April 7. The Bar has dedicated space on the website for notices dedicated to court notices, and he urged courts to continue to share notices to ensure Bar members are knowledgeable of the court closures.

Administrative Office of the Courts. Director Clanton reported the AOC continues to be fully functional. She reported the AOC staff continues to host remote meetings, including the Judicial Council, Cybersecurity Insurance Committee, Council of Municipal Court Judges, Judicial Workload Assessment Committee, Magistrate Courts Training Council, and the

Technology Committee. The AOC has updated the COVID-19 page on the website to include orders from the Supreme Court and courts with limited jurisdiction.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. Ms. Taylor Jones reported the Council communicates updates via email each Monday. Council of Accountability Court Judges (CACJ) has also released a small grant to help courts continue operations during the declaration period. She reported the April funding committee meeting will be held remotely. Judge Kathlene Gosselin recognized Ms. Taylor Jones and CACJ staff for their continued efforts and creativity during this period of social distancing.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson reported the Office of Dispute Resolution (ODR) is working remotely. The ODR has added a page on its website dedicated to COVID-19 resources. She reported that some court programs are proceeding with video conferences. The Commission is continuing its efforts in maintaining communication with all programs, neutrals, and trainers.

Council of Superior Court Clerks. Mr. Mike Holiman reported the Council of Superior Court Clerks is exploring the administration of oaths to notaries. He further reported there are 17 superior court offices with one employee and 23 counties with only two employees in the office. In response, Mr. Holiman sent a disaster preparedness notice to all clerks, urging preparation for in-office staffing in case of clerk disability. Mr. Holiman reported an increase in criminal and civil e-filing registration and activation. The spring conference for superior court clerks has been canceled and the Council is identifying alternative training plans.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier congratulated Vice Chief Judge McMillian on her appointment to the Supreme Court. Ms. Grier reported the Commission on Professionalism has scheduled a pop-up professionalism continuing legal education (CLE) on April 6, 2020. Ms. Grier recognized all moderators and planning committee members for agreeing to assist. Regarding the Suicide Awareness Program, the planning committee has created a proposal to offer a remote program on April 28, 2020, with a focus on resources and assistance during social isolation, as the original programming is best suited for in-person programming. The Commission will have a meeting of the law school orientation subcommittee on April 14.

Institute of Continuing Judicial Education. Mr. Doug Ashworth reported all ICJE employees are currently teleworking and working with all constituent groups. The ICJE board met Friday, March 27, and voted unanimously to offer any assistance, upon request, in drafting the language of continuing judicial education compliance deadlines and conditions as needed.

Old/New Business

Chief Justice Melton thanked all meeting participants for fostering a spirit of collaboration and cooperation during this time. Chief Justice Melton requested feedback on any outstanding issues.

Judge Amero requested clarification on when to consider closing the courthouse to the public; additionally, whether the Georgia Department of Public Health (DPH) is consulting local courts when a determination must be made regarding closures. Chief Justice Melton advised that the DPH is actively involved when a court must be closed for sanitation purposes. Chief Justice Melton also stressed the importance of maximum distancing. Judge Amero requested a protocol for closing a courthouse. Judge LaGrua offered to receive all consultations and work with the Supreme Court to assist in the proper temporary closure of the courthouse. Judge Wolk requested communication regarding court closures, to which Director Clanton reported court orders are currently being posted on the Judicial Council website.

Concluding Remarks

The next Council meeting would be Monday, April 6, 2020, via teleconference.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:48 p.m.

Respectfully submitted:

Tynesha Manuel
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

Signature on the next page

The above and foregoing minutes
were approved on the ____ day of
_____, 2020.

Harold D. Melton
Chief Justice

DRAFT

**Judicial Council of Georgia
Emergency Session
Conference Call
March 30, 2020 • 2 p.m.**

Guest Present

Mr. Douglas Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Ms. Therese Barnes, Supreme Court of Georgia
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Chuck Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of Superior Court Judges
Judge Jonathon K. Chason, Southern Georgia Judicial Circuit
Mr. Richard F. Denney, Fifth Judicial Administrative District
Judge David Emerson, Douglas Superior Court
Mr. Craig Ernest, Pataula District Circuit
Mr. Steve Ferrell, Ninth Judicial Administrative District
Judge Kathy Gosselin, Northeastern Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professional
Ms. Jane Hansen, Supreme Court of Georgia
Judge James E. Hardy, Southern Circuit
Mr. Michael Holliman, Council of Superior Court Clerks
Ms. Tracy Johnson, Georgia Dispute of Resolution
Ms. Taylor Jones, Council of Accountability Courts Judges
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Ms. Heather Lanier, Southern Georgia Judicial Circuit
Ms. Cathy McCumber, Fourth Judicial Administrative District
Ms. Tia Milton, Supreme Court of Georgia
Ms. Jody Overcash, Seventh Judicial Administrative District
Judge W. Wade Padgett, Council of Superior Court Judges
Chief Judge Kathy Palmer, Middle Judicial Circuit
Judge James L. Prine, Southern Circuit
Judge Sarah F. Wall, Oconee Judicial Circuit
Ms. Kristen Wallace, Council of Juvenile Court Judges
Ms. Shannon Weathers, Council of Superior Court Judges
Ms. Courtney Veal, Judicial Qualifications Commission



April 6, 2020

**ORDER EXTENDING DECLARATION OF STATEWIDE
JUDICIAL EMERGENCY**

Pursuant to OCGA § 38-3-61, and due to the continuing statewide emergency involving the transmission of Coronavirus/COVID-19, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, does hereby extend the March 14, 2020 (amended) Order Declaring Statewide Judicial Emergency, which would have expired on April 13, 2020 at 11:59 p.m., until Wednesday, May 13, 2020, at 11:59 p.m., unless otherwise further modified or extended. The Chief Justice will provide notice as to the expected termination of the Order at least one week in advance to allow courts to plan the transition to fuller operations.

With regard to matters not deemed essential functions under the Statewide Judicial Emergency Order, courts and litigants are encouraged to proceed to the extent feasible and consistent with public health guidance, for example through the use of teleconferences and videoconferences, to reduce backlogs when the judicial emergency ends.

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism.

It is ordered, pursuant to OCGA § 38-3-63, that notice and service of a copy of this Order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Georgia Court of Appeals, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

It is further ordered that notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 6th day of April, 2020.

Chief Justice Harold D. Melton
Supreme Court of Georgia

cc:

Governor Brian P. Kemp
Lt. Governor Geoff Duncan
Speaker David Ralston
State Bar of Georgia
Administrative Office of the Courts
Judicial Council of Georgia
Council of Superior Court Clerks of Georgia
Department of Juvenile Justice
Criminal Justice Coordinating Council
Council of Accountability Court Judges
Georgia Commission on Dispute Resolution
Institute of Continuing Judicial Education of Georgia
Georgia Council of Court Administrators
Chief Justice's Commission on Professionalism
Judicial Qualifications Commission
Association County Commissioners of Georgia
Georgia Municipal Association
Georgia Sheriffs' Association
Georgia Association of Chiefs of Police
Georgia Public Defender Council
Prosecuting Attorneys' Council of Georgia
Department of Corrections
Department of Community Supervision
Georgia Court Reporters Association
Board of Court Reporting
State Board of Pardons and Paroles
Constitutional Officers Association of Georgia
Council of Magistrate Court Clerks
Council of Municipal Court Clerks

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 , Clerk

Guidance on Tolling Statutes of Limitation Under the Chief Justice’s Order Declaring Statewide Judicial Emergency

Questions have arisen about how the tolling provision in the Chief Justice’s Order of March 14, 2020, Declaring Statewide Judicial Emergency applies to statutes of limitation. Simply put, the tolling of a statute of limitation suspends the running of the period of limitation, but it does not reset the period of limitation. If the period of limitation for a particular cause of action commenced prior to March 14, 2020—that is, if the “clock” had started to run before the entry of the Chief Justice’s order—the running of the period of limitation was suspended on March 14, and the running of the period will resume when the tolling provision of the March 14 declaration has expired or is otherwise terminated. If the event that triggers the running of a period of limitation occurred on or after March 14—that is, if the “clock” had not started to run before a statewide judicial emergency was declared—the period of limitation will not begin to run until the tolling provision of the March 14 declaration has expired or is otherwise terminated. In either circumstance, whatever time remained in the period of limitation as of March 14 will still remain when the tolling provision of the March 14 declaration has expired or is otherwise terminated.

April 6, 2020