

**Judicial Council of Georgia
Emergency Session**

By Conference Call

Monday, April 13, 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 April 6, 2020**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. 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
- 5. 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

6. 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**

7. Old/New Business

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

8. 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
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
April 6, 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 T.J. Hudson
Judge Lisa C. Jones
Judge Jeffrey 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
Judge Willie C. Weaver
Chief Judge Kelli Wolk

Members Absent

Judge Asha Jackson

Staff Present

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

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 shared news of condolences for three judges: Judge Nancy Stephenson, Probate Court of Dougherty County; Judge Brandon Bryson, Magistrate Court of Bartown County, as his father has passed; and Judge Gary Andrews, formerly of the 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 30, 2020

Chief Justice Melton directed the Council’s attention to the minutes of the Emergency Session on March 30, 2020. A motion to approve the minutes was offered by Judge Brasher, followed by a second from Presiding Justice Nahmias. No discussion was offered, and the motion was approved without opposition.

Update from the Georgia Department of Public Health

Ms. Emily Jones, Deputy Director of Government Relations with the Georgia Department of Public Health, provided updates from the Georgia Department of Public Health (DPH).

Ms. Jones reported, as of noon, there are 7,300 confirmed COVID-19 cases and 229 deaths in the state of Georgia, further noting the figures provided are cumulative and available by county.

Ms. Jones advised that attendees use the Centers for Disease Control resources as they are updated often and always dated. The Georgia DPH is working on expanding testing by partnering with the University System of Georgia. All testing is being prioritized; a referral is required to be tested and you must be either symptomatic and a healthcare worker or high-risk and symptomatic.

Ms. Jones noted the shelter-in-place order enforcement is to be enforced by the Georgia State Patrol, noting the first infraction will result in a warning with each subsequent violation subject to citation. The DPH is also advising the use of facial masks, reduced physical contact, and social distancing. In response to an inquiry regarding cleaning an infected area, Ms. Jones advised following the guidelines available on the Centers for Disease Control website. Additionally, she advised educating employees when symptoms are detected in coworkers; the Georgia Department of Labor has guidance on how to address worker shortages.

Ms. Jones also noted projections show a lull in cases during the summer with a reemergence in October, noting COVID-19 may be an annual seasonal occurrence.

Ms. Jones advised members with additional questions or concerns to contact the DPH epidemiology team at 1-866-782-4584.

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

Chief Justice Melton reported the Governor issued an Executive Order over the weekend, clarifying enforcement provisions in the original Executive Order instituting the shelter-in-place directive. The order was in response to inquiries regarding domestic relations court orders. Chief

Justice Melton directed attendees to the draft Order Extending Declaration of Statewide Judicial Emergency, noting the order serves to address three areas: 1) judicial agents will be provided at least one week of notice prior to the termination or expiration of the declaration period; 2) encourages the use of technology to continue the flow of judicial work; 3) reminding attorneys of professionalism requirements. No opposition to the draft order was voiced by members. Chief Judge Bagley requested clarification if the consent of both parties is required if non-essential matters are handled via videoconference. Chief Justice Melton noted consent is encouraged but not required.

Chief Justice Melton noted terms of court issues are being addressed by a group led by Justice Keith Blackwell, acknowledging Mr. Robert Smith with the Prosecuting Attorneys' Council for raising those concerns to be addressed.

Chief Justice Melton also recognized Justice Blackwell for assisting with the Guidance on Tolling Statutes of Limitation Under the Chief Justice's Order Declaring Statewide Judicial Emergency. Chief Justice Melton noted the running of all statute of limitations timelines are tolled and will resume when the declaration period expires or is terminated. No opposition to these guidelines was voiced by members.

Chief Justice Melton reported several courthouse closures throughout the state; however, they were as a last resort in response to the illness of critical court personnel and the sanitation of the facility. Chief Justice Melton advised the posting of alternative locations for court business when courts must close.

Chief Justice Melton reminded members of the limitations of authority for judicial leaders, noting that substantive changes in the law are not permitted by judges or any judicial agent. Presiding Justice Nahmias noted there are ways to address substantive changes, advising judges to work with their respective councils to address those changes.

Reports from Courts, Councils & State Bar

Court of Appeals. Chief Judge McFadden expressed condolences for the passing of Judge Andrews.

Business Court. Judge Walter Davis recognized the Administrative Office of the Courts and the Court of Appeals for their support of the Business Court.

Council of Superior Court Judges. Judge LaGrúa reported she is working with a small group on grand jury issues and providing guidance for how to navigate this declaration period.

Judge LaGrua also recognized a memo from Judge Brasher regarding non-judicial foreclosures. Judge LaGrua recognized the work of Judge Carter.

Council of State Court Judges. Judge McClelland reported cases are being handled remotely. He also expressed condolences for Judge Stephenson. He also reported the Council of State Court Judges canceled its spring conference.

Council of Juvenile Court Judges. Judge Scales reported most judges are using Zoom to continue court operations via video conference. The Council is working with the Division of Family and Children Services and other respective agencies to address outstanding issues. She also reported the Spring conference for the Council of Juvenile Court Judges is canceled.

Council of Probate Court Judges. Judge Hudson expressed condolences for Judge Margaret Deadwyler and Judge Nancy Stephenson. Judge Hudson reported Ms. Leisa Green Johnson to fill the seat of Judge Stephenson. Judge Hudson shared news of the hesitancy of probate court staff to process marriage licenses for individuals who have tested positive for COVID-19, noting the process is continuing but concern exists. Chief Justice Melton requested clarification on the modified process; in response, Judge Hudson noted the request for appointments for the processing of marriage license applications

Council of Magistrate Court Judges. Judge Barker reported the completion of the deadline calculator for use by the council; the council is also working on a digest for judges based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

State Bar of Georgia. Mr. Sutton recognized the Commission on Continuing Lawyer Competency for providing a grant, which has resulted in flat bar fees for the upcoming Bar year. The State Bar will not increase bar fees for the 2020-2021 Bar year, which will eliminate the concern over increased expenses for Bar members.

Administrative Office of the Courts. Director Clanton reported the AOC continues to be fully functional, with updates made to the COVID-19 website daily. The AOC staffed a Court Reporting Matters Committee meeting, which will result in matters to be discussed at the April 24 Judicial Council Meeting. The April 24 meeting will be held remotely. Ms. Clanton invited groups supported by the AOC to reach out to Ms. Maleia Wilson for assistance with budget white papers. Notification letters to request judicial workload studies have been delivered to the Governor and legislators.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. Ms. Taylor Jones reported the Council has had to be creative in how to address the drug testing and other accountability tools during the declaration period. Judge Kathlene Gosselin expressed thanks for the access to Ms. Emily Jones and the DPH epidemiology team.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson reported the Office of Dispute Resolution (ODR) is updating the website often and promoting the use of video conferencing technology to continue to address disputes, specifically, domestic relations matters.

Council of Superior Court Clerks. Mr. Mike Holiman reported the superior court clerks offices are still functional.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the Commission on Professionalism had its first scheduled pop-up professionalism continuing legal education (CLE) seminar on April 6, 2020. Ms. Grier recognized all moderators and planning committee members for assisting. The Commission on Professionalism will offer a second pop up CLE on transactional matters, April 16, 2020. The remote program, on April 28, 2020, is still being developed. Ms. Grier also noted a decrease in the cost of professionalism credit from \$15 to \$11.

Georgia Council of Court Administrators. Ms. Stephanie Hines reported the Georgia Council of Court Administrators developed a COVID-19 resource page on its website, which includes best practices, orders, and other resources.

Institute of Continuing Judicial Education. Ms. Cynthia Clanton reported on behalf of Doug Ashworth; ICJE remains in constant contact with all constituent groups.

Old/New Business

No old or new business was offered.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:54 p.m.

Signatures on the next page

Respectfully submitted:

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

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
April 6, 2020 • 2 p.m.**

Guests Present

Mr. Douglas Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Ms. Therese Barnes, Supreme Court of Georgia
Ms. Tracy BeMent, Tenth Judicial Administrative District
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Chuck Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Judge Jonathon K. Chason, Southern Georgia Judicial Circuit
Mr. Richard F. Denney, Fifth Judicial Administrative District
Judge David Emerson, Douglas Judicial Circuit
Mr. Steve Ferrell, Ninth Judicial Administrative District
Judge Kathlene Gosselin, Council of Accountability Court Judges
Chief Judge Reuben Green, Cobb Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Ms. Jane Hansen, Supreme Court of Georgia
Judge James E. Hardy, Southern Judicial Circuit
Ms. Christine Hayes, State Bar of Georgia
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Commission on Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Ms. Natasha MacDonald, Council of Superior Court Judges
Ms. Cathy McCumber, Fourth Judicial Administrative District
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 Judicial Circuit
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Jimmonique Rodgers, Georgia Public Defender Council
Chief Judge Michael Jon Rogerson, Seminole County, Georgia
Mr. Robert Smith, Prosecuting Attorneys' Council
Mr. Jason Stephenson, Northeastern Judicial Circuit
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Ms. Emily Youngo, Council of Superior Court Judges