

**Judicial Council of Georgia**  
**Emergency Session**

**By Conference Call**

**Monday, May 11, 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 May 4, 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.)
- 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 – General Session**

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

**Judicial 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.	The Classic Center/Athens, GA
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](http://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**  
**May 4, 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 Asha Jackson  
Judge Lisa C. Jones  
Judge Jeffrey Knight  
Chief Judge T. Russell McClelland  
Chief Judge Christopher T. McFadden  
Judge Wade Padgett  
Vice Chief Judge Brian K. Rickman  
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**

**Staff Present**

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

**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. 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. The Chief Justice administered the oath to Judge Wade Padgett as the newest Council member. Chief Justice Melton also congratulated Judge Amero as the new president of the Council of Superior Court Judges.

### **Adoption of Minutes – April 24, 2020**

Chief Justice Melton directed the Council's attention to the minutes of the General Session on April 24, 2020. A motion to approve the minutes was offered by Presiding Justice Nahmias, with a second from Judge Barker. 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 reported there are currently three town hall meetings scheduled. The landlord-tenant summit has been canceled and Chief Justice Melton recognized Judge Barker and Ms. Karounos for their contributions in planning the summit. The Council of Municipal Court Judges and the Council of State Courts Judge town hall meetings are scheduled for Tuesday, May 5, 2020. A town hall meeting is scheduled with the Council of Superior Court Clerks for Thursday, May 7, 2020.

The National Center for State Courts has identified a vendor for courts to order 3-ply and KN95 masks. Members should contact Drew Townsend at the AOC for details.

The Supreme Court issued a press release announcing the extension of the Statewide Judicial Emergency. The order will include reference to the guidance previously issued. Justice Blackwell reported on the inclusion of guidance on the tolling of terms of court; specifically, deadlines for trying a defendant under a speedy trial demand, motions for reconsideration, and motions to withdraw a guilty plea. The guidance notes any term of court interrupted by the judicial emergency would not count toward any deadline. Justice Blackwell also reported that a working group of superior court judges provided guidance to consider in grand jury management during the tolling period. The guidance given includes the recognition that there is essential and exceptional business that may require the convening of a grand jury to take up an issue. There needs to be a mechanism by which to convene a grand jury in those instances. There exists local law in some counties that allows for holdover of grand juries from the prior regular term, so a court should first check to see if there is local authorization in their particular county. If that is not the case in a particular county, the recommendation is that the superior court consider ending a regular term early and calling a special term, which allows for superior court judges to compel the attendance of grand jurors of a previous term or to draw new jurors (see OCGA § 15-6-20). Chief

Justice Melton thanked Justice Blackwell and noted that, in absence of opposition, this guidance would be posted online after the meeting.

Chief Justice Melton reported the declaration extension will include an emphasis on video conferences; a draft rule has been circulated and issued for public comment and feedback. The order will also emphasize that jury trials are suspended, as are grand juries. The order explicitly notes that judges have the authority to compel attendance in video conferences. When in-court proceedings are conducted they must be in accordance with strict compliance with local, state, and CDC guidelines. Because of the variance in effect COVID-19 has on different areas, compliance must be met at each level. Local chief judges are authorized to impose greater restrictions if needed. Chief Justice Melton reported the draft order includes express language for courts to impose new scheduling orders and to restart scheduling orders to continue the movement of cases.

To identify a way to move forward, a judicial task force will be created to include representatives from each class of court, prosecutors, public defenders, sheriffs, and clerks to have a collaborative conversation about these nuanced issues. Council members discussed solutions to address the lack of available technology to participate in video conferencing, the lift on the prohibition of in-person hearings, the possibility of an additional extension to the judicial order, courthouse logistics concerning in-person proceedings, and how to proceed with probates.

Chairman Andy Welch of the Georgia House of Representatives provided a report on the state of the Fiscal Year 2021 budget. The House and Senate Appropriations leadership, along with the Governor's Office of Planning and Budget, have agreed on a 14 percent reduction to be requested from all state agencies. The 14 percent reduction will be based on the adopted Fiscal Year 2020 base budget; the judiciary is asked to review the submitted Fiscal Year 2021 budget and adjust it to get as close to the fourteen percent reduction as possible.

#### **Reports from Courts, Councils & State Bar**

Supreme Court. No report was provided.

Court of Appeals. No report was provided.

Business Court. No report was provided.

Council of Superior Court Judges. No report was provided.

Council of State Court Judges. No report was provided.

Council of Juvenile Court Judges. No report was provided.

Council of Probate Court Judges. No report was provided.

Council of Magistrate Court Judges. Judge Barker thanked the Council for the swift consideration and comments of the Magistrate Court rules recently passed.

Council of Municipal Court Judges. Judge Samuels reported the Council issued a guidelines memo last week. The Council is looking forward to the virtual town hall meeting tomorrow and thanked the Chief Justice and the AOC for organizing the event.

State Bar of Georgia. No report was provided.

Administrative Office of the Courts. Director Clanton reported that the preliminary results of the superior court workload assessment were released this morning. The requests for new judgeships are due June 1, 2020. The Judicial Workload Assessment Committee is scheduled to meet on July 10, 2020. The AOC continues to be fully functional.

### **Reports from additional Judicial Branch Agencies**

Council of Accountability Court Judges. No report was provided.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier thanked the Chief Justice for participating in the CLE last week which included over 1,800 participants. She reported a request from a judge for the Commission to consider a judicial version with judges only.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. No report was provided.

### **Old Business**

No old business was offered.

### **New Business**

No new business was offered.

### **Concluding Remarks**

Chief Justice Melton announced that the next Emergency Session is scheduled for Monday, May 11, 2020.

### **Adjournment**

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:44 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.

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Harold D. Melton  
Chief Justice

**Judicial Council of Georgia**  
**Emergency Session**  
**Conference Call**  
**May 4, 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  
Ms. Amy Bell, Office of the Circuit Public Defender, Macon Judicial Circuit  
Mr. Tracy J. BeMent, Tenth Judicial Administrative District  
Judge Violet R. Bennett, State Court Wayne County  
Justice Keith R. Blackwell, Supreme Court of Georgia  
Mr. Chuck Boring, Judicial Qualifications Commission  
Mr. Bob Bray, Council of State Court Judges  
Judge Robert Cowan, Municipal Court of Dalton  
Mr. Richard F. Denney, First Judicial Administrative District  
Judge Lori Duff, Municipal Court of Loganville  
Mr. Steve Ferrell, Ninth Judicial Administrative District  
Ms. Amanda Grantham, Georgia Public Defender Council  
Chief Judge Reuben Green, Superior Court, Cobb Judicial Circuit  
Ms. Karlise Grier, Chief Justice's Commission on Professional  
Mr. Kevin Holder, Council of Probate Court Judges  
Mr. Michael Holiman, Council of Superior Court Clerks  
Judge Gary Jackson, Atlanta Municipal Court  
Ms. Tracy Johnson, Georgia Dispute of Resolution  
Ms. Taylor Jones, Council of Accountability Courts Judges  
Ms. Anne Kirkhope, Council of Juvenile Court Judges  
Judge Kristi Lovelace, Municipal Court of Monroe  
Ms. Cathy McCumber, Fourth Judicial Administrative District  
Ms. Kendra Mitchell, Kendra Mitchell Law Office  
Mr. David Mixon, Second District Court Administrator  
Ms. Sharon Reiss, Council of Magistrate Court Judges  
Ms. Jimmonique Rodgers, Georgia Public Defender Council  
Judge James Stephen Schuster, Superior Court Cobb Judicial Circuit  
Ms. Christina Cooley Smith, Court of Appeals  
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia  
Mr. Jason Stephenson, Northeastern Judicial Circuit  
Ms. Courtney Veal, Judicial Qualifications Commission  
Ms. Kirsten Wallace, Council of Juvenile Court Judges  
Ms. Cindy Wang, Department of Juvenile Justice  
Rep. Andrew J. Welch, Chairman, Appropriations: Public Safety