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State of Georgia
Superior Courts
Southern Judicial Circuit

**BROOKS, COLQUITT, ECHOLS,
LOWNDES & THOMAS COUNTIES**

MEMORANDUM

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TO: All Attorneys Practicing in the Southern Judicial Circuit
Moultrie Bar Association
Thomasville Bar Association
Valdosta Bar Association

CC: Clerks of Superior Court of Brooks, Colquitt, Echols, Lowndes, and Thomas Counties

FROM: Chief Judge Richard M. Cowart
Judge James E. Hardy
Judge Brian A. McDaniel
Judge James L. Prine

DATE: July 20, 2020 (updated from original memo dated May 6, 2020)

RE: Procedures for the Southern Judicial Circuit
Supreme Court Emergency Judicial Order due to COVID-19

As many of you may be aware, the Supreme Court Emergency Judicial Order has been extended until August 11, 2020 with some modifications. The following guidelines are given to all practicing attorneys and pro se parties. These are very uncertain times and new guidelines for the safety of the public are developing and changing daily, meaning that the Court and Justice system are having to adapt quickly as well. With that being said, please note that this memo may be amended to ensure compliance with the any future Supreme Court Order or any future CDC guidelines.

SOUTHERN JUDICIAL CIRCUIT POLICY

- ◆ **Jury Trials:** Due to the uncertainty of the virus and in order to protect prospective jurors, parties, and counsel; **NO JURY TRIALS** shall be held during the months of May, June or July. In the fall, Criminal Jury Trials will resume first, then at a later date to be determined, Civil Jury Trials will resume.
- ◆ **Grand Juries:** The Supreme Court Emergency Judicial Order states that courts will be barred from summoning and impaneling new grand juries.
- ◆ **Civil Hearings:** Civil hearings (temporary domestic, TPO, adoptions, contempt cases, summary judgement, etc) resumed on May 14, 2020, with the following guidelines:
 - ◆ The assistant for the Judge holding the hearing will create “time blocks” for each case on the calendar, similar to how civil pre-trials are conducted.
 - ◆ Once the calendar is made, the clerk of court will disseminate the new calendar in their normal fashion. This calendar will state the time blocks for each hearing. This is the time that you will need to summon witnesses and advise your clients to attend Court.
 - ◆ **IF YOUR HEARING SETTLES please let the Judge’s office know at the earliest time possible.**
 - ◆ **Time Limits: Time Limits will be strictly enforced.** If the attorney setting the hearing stated that the hearing will take 1.5 hours, then that is all the time that BOTH parties will be allotted. A total of 1.5 hours for BOTH sides. The presiding Judge will keep the parties constrained to the time limits set on each hearing. Again, that time amount is for both sides, not just one. **This will be strictly enforced. No temporary hearings will be heard for more than 1.5 - 2 hours TOTAL (not per side), even if the parties are the last ones on the calendar.**
 - ◆ **ALL PARTIES INCLUDING ATTORNEYS** will be required to wear a mask when entering the Courtroom. Please ensure your staff, clients, and witnesses are aware of this. If your client/witness/staff does not have a mask, please bring extras as **NO** one will be allowed into the Courtroom without a mask. Please let your client and witnesses know that upon entering the Courthouse, the security team in each Courthouse will ask questions regarding their health and ensure the parties are wearing a mask before they are let into the

Courtroom. Please allow time for this when telling your clients/witnesses what time to attend Court.

- ◆ **Witness Subpoena:** All witness subpoenas need to state that if the witness has been running a fever, experiencing any of the COVID-19 symptoms, anyone in their home has been running a fever, or if they have come into contact with a COVID-19 patient then they must notify the clerk immediately. The Court will not hold anyone in contempt or force the attendance of any sick or exposed witness or client.

- ◆ **Non-Contested Divorces/Name Changes/Legitimations:** The Courts will continue to grant non-contested divorces, name changes, and legitimations by affidavit at this time. When sending the documents to the Judge's staff, please include a signed and notarized affidavit from the Plaintiff, the complaint, settlement agreement, and Final Order in one email, not separate e-mails. Also, make sure that the appropriate amount of time has passed before sending to the Judge for his signature.

- ◆ **Final Hearings:** Each Judge is setting their own bench trial schedule. Please contact the Judge regarding setting a final non jury hearing.

- ◆ **Past Calendars:** If you had a hearing on a calendar during March through May 13 that was not handled by a conference call or otherwise resolved then it is the responsibility of the ATTORNEY to reschedule those cases. The Clerk's office **will not be responsible for rescheduling** any past hearings.

- ◆ **Adoptions:** Adoptions will be placed on a calendar. Please contact the Judge granting the adoption for clarification on the amount of people allowed to be present for the adoption. Adoptions with surrenders and/or terminations may be held over teleconference or in person. Please contact Brooklyn Key at brooklynvkey@gmail.com or Niki Brooks at nbrooks@lowndescounty.com during this time with any questions regarding adoptions.

Additionally, all court personnel shall follow all safety guidelines provided by the CDC, Georgia Department of Health and Local Health Departments.

Thank you for your continued cooperation with these procedures. This is a trying time for everyone and we understand that this is a new way of holding Court. Please let us know if you have any questions.