IN THE MUNICIPAL COURT OF KENNESAW, COBB COUNTY

STATE OF GEORGIA

IN RE: Declaration of Judicial Emergency and

Adoption of Guidelines for Municipal Court Operation

Date: August 11, 2020

ORDER EXTENDING JUDICIAL EMERGENCY AND ADOPTION OF COUNCIL OF MUNICIPAL COURT JUDGES OF GEORGIA BEST PRACTICES AND GUIDELINES FOR OPERATION OF MUNICIPAL COURTS DURING THE COVID-19 RECOVERY

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a "judicial emergency" pursuant to O.C.G.A. § 38-3-60 et seq., see O.C.G.A. § 38-3-60 (2).

WHEREAS, pursuant to O.C.G.A. § 38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has ORDERED AND DECLARED a Statewide Judicial Emergency in the State of Georgia. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in our courts.

WHEREAS, the Honorable Chief Justice Harold D. Melton, Georgia Supreme Court has on August 11, 2020 ordered and declared an extension of the Statewide Judicial Emergency until Thursday, September 10, 2020 at 11:59PM;

WHEREAS, it is necessary and proper to adopt guidelines to ensure public safety and protect the health of the general public, litigants, court personnel, lawyers, and all others with whom the court comes in contact, in keeping with general public health guidelines and the Order of Chief Justice Melton;

NOW THEREFORE, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge H. Luke Mayes IV of the Municipal Court of Kennesaw, Cobb County Georgia, DOES HEREBY EXTEND this Court's previous order and declaration of a Judicial Emergency in the City of Kennesaw until Thursday, September 10, 2020 at 11:59PM. This Court shall continue to operate under the restrictions set forth in the initial Georgia Supreme Court Chief Justice's Order Declaring Judicial Emergency of March 14, 2020 as extended on

April 6, 2020, as extended on May 11, 2020, as extended on June 12, 2020, as extended on July 10, 2020, and as extended August 11, 2020.

This Court shall continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of such matters when the judicial emergency is terminated. The Court may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, including civil non-jury trials and other non-jury adjudicative proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules.

In civil, criminal, and juvenile proceedings, parties may expressly consent on the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements. The Court shall ensure the public's right of access to judicial proceedings and, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and open courtrooms.

This court may conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

The Court hereby adopts and includes as part of this Order by reference the Best Practices and Guidelines for Operating Municipal Courts During the COVID-19 Recovery. These guidelines address how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. These guidelines were adopted and published by the Council of Municipal Court Judges of Georgia and are attached hereto as Exhibit "A". The Court further references and shall meet all requirements adopted by the Georgia Supreme Court, specifically, the Georgia Court Reopening Guide, dated June 11, 2020 attached hereto as Exhibit "B". This Order and the adopted guidelines

shall be prominently posted at courthouse entrances and on court and government websites of the City of Kennesaw, Georgia to provide advance notice to litigants, lawyers, and the public.

This Judicial Emergency shall terminate on September 10, 2020, at 11:59 p.m., unless otherwise amended.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63: **IT IS ORDERED** that the Sheriff of Cobb County and Chief of Police for the City of Kennesaw shall post this Order on his public notification site and in the courthouse;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Therese Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us and the Administrative Office of the Courts.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and,

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public. Notice of the issuance of this Order and a copy thereof shall be published upon the City of Kennesaw Municipal Court website, and shall be posted prominently upon all entrances to the City of Kennesaw Court building and the City of Kennesaw Court Services Office.

IT IS SO ORDERED this 12th day of August, 2020.

H. Luke Mayes IV, Chief Judge
City of Kennesaw Municipal Court