

**IN THE MUNICIPAL COURT OF FOREST PARK
STATE OF GEORGIA**

**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 PANDEMIC**

WHEREAS, it has been determined that a judicial emergency exists in this city having been so declared by the Governor, Chief Justice of the Georgia Supreme Court and the Chief Judge of the Clayton County Superior Court;

WHEREAS, this Court adopts the various Orders of the Chief Justice of the Georgia Supreme Court and the Chief Judge of the Clayton County Superior Court regarding the Statewide Judicial Emergency and Best Court Practices during the COVID-19 Pandemic

WHEREAS, the sudden passing of the Honorable Horace J. Johnson, Jr. of the Superior Courts of the Alcovy Circuit on the morning of July 1, 2020 has left this state with the loss of a true public servant resulting in a need to further assess judicial resources and court operations in all jurisdictions.

WHEREAS, the Uniform Municipal Court Rule 15.2 (C) was waived by The Honorable Supreme Court on March 30, 2020 to the extent that it imposes notice requirements beyond those ordinarily required by law or rule for proceedings conducted in-person.

WHEREAS, the Uniform Municipal Court Rule 15.2 (E) was waived by The Honorable Supreme Court on March 30, 2020 to the extent that it requires that the public have access to the location at which a judge is presiding over a video conference, provided that: (a) Notice shall be given to the parties and the public that a proceeding will occur wholly by remote video conference; 1. Such notice may be given by a website posting or similar means. 2. In the event a court provides public access to a livestream of all the proceedings to which the right of open courts applies, the livestream may constitute such notice, provided that notice of the livestream itself is provided through the websites of one or more of the following: the Court; the Clerk of Court; the Council of Municipal Court Judges; and the local bar association(s), if any. (b) if a party or a member of the public objects to the remote proceedings, the court shall sustain or overrule such objection prior to conducting the proceedings; and (c) the public shall be given an opportunity to view the remote video conference, such as by joining the video conference (although unable to participate), through a livestream, or through substantially similar means. Uniform Municipal Court Rule 15.1 should not be understood to authorize video conferences in criminal matters without following those requirements.

IT IS THEREFORE ORDERED that the courts shall remain minimally open to address essential functions, and in particular to give priority to matters necessary to protect health, safety, and liberty of individuals as outlined in the Supreme Court of Georgia's March 14, 2020 Order and the Clayton County Superior Court dated July 10, 2020 Declaring Statewide Judicial Emergency and subsequent orders. During this period, one or more police officers will be situated inside the front door of the courthouse and available to handle and direct any interested person to the appropriate authority or city officer for any emergency or any need which would otherwise be handled in the courthouse; and

IT IS FURTHER ORDERED that pursuant to the Supreme Court of Georgia's March 14, 2020 Order Declaring Statewide Judicial Emergency and the Clayton County Superior Court dated July 10, 2020 and subsequent orders to the extent court proceedings are held, they should be done in a manner to limit the risk of exposure, such as by video conferencing, where possible. 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 of Georgia constitutions or applicable statutes or Court rules.

IT IS FURTHER ORDERED that pursuant to Uniform Municipal Court Rule 15.0, which provides for the use of telephone conferences in pre-trial and post-trial proceedings in civil cases, also provides for the use of video conferences to the extent it provides for telephone conferences. All such conferences shall comply with applicable constitutional requirements.

IT IS FURTHER ORDERED that pursuant to O.C.G.A. § 38-3-62 as mandated by the Supreme Court of Georgia and the Clayton County Superior Court, all court deadlines, time schedules or filing requirements are hereby suspended, tolled, or extended for the duration of the judicial emergency as noted above; and

IT IS FURTHER ORDERED that the Police Chief or his designee, shall post a copy of this notice on the courthouse doors and or public safety building; and

IT IS FURTHER ORDERED that the Clerk of Forest Park Court or her designee, shall immediately notify the Chief Judge of the Clayton County Superior Court by sending her a copy of this notice; and

IT IS FURTHER ORDERED that the Clerk of Forest Park Court or her designee, shall immediately submit these operating guidelines to the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/>.

IT IS FURTHER ORDERED that the City Managers, or their designees, shall post a copy of this notice and any subsequent modification or extension in accordance with O.C.G.A. § 38-3-63 on the city website or other appropriate public address system.

SO ORDERED this 12th day of August, 2020.

DocuSigned by:

Ronald J. Freeman, Sr.

Ronald J. Freeman Sr
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Chief Judge
City of Forest Park

Copy: Geronda V. Carter, Chief Judge, Clayton County Superior Court