FILED 08/12/2020 8:10:58 AM Clerk of Superior Court DeKalb County

IN THE SUPERIOR COURT OF DEKALB COUNTY
STONE MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Declaration of Judicial Emergency *

Date: August 11, 2020 *

20AP1178

ORDER DECLARING JUDICIAL EMERGENCY
(EXTENDED THROUGH SEPT. 10, 2020 AT 11:59 PM)

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in DeKalb County, Georgia affecting **ALL COURTS,** including courts located in cities and municipalities within DeKalb County, such that there is a serious health emergency pursuant to O.C.G.A. § 38- 3-60(2)(D). *See* O.C.G.A. § 38-3-60(2)(D) (providing that "Judicial Emergency" means "[s]uch other serious emergency").

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Therefore, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Asha F. Jackson of the Superior Court of DeKalb County, Stone Mountain Judicial Circuit **DOES HEREBY ORDER AND DECLARE** the existence of a Judicial Emergency in the Stone Mountain Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout DeKalb County; several instances of persons in the courthouse testing positive for COVID-19; the need to clean, sanitize and safely allow for the public and employees to enter the building; and the potential infection of those who are

required to appear in our courts and interact with large groups due to jury service, including grand jury service, or other large, non-essential calendars.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in DeKalb County as it relates to jury service, including grand jury service, and any non-essential matters unless they can be conducted via video or teleconferencing.

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. That Order has been extended multiple times, with modifications, with the last extension in July of 2020.

After consulting with the Judicial Council of Georgia, the Judicial COVID-19 Task Force, and other judicial partners, recognizing again that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, and further recognizing that the novel coronavirus continues to spread in Georgia, it is hereby determined that the Order should be extended again.

Courts in Georgia have continued to perform essential functions despite the pandemic. In an effort to return to more robust court operations, many of the deadlines imposed by law on litigants in civil and criminal cases that had been suspended, tolled, or extended since the initial March 14 Order were reimposed as of July 14, allowing more pending and newly filed cases to move forward in the judicial process. **However, given the current levels of COVID-19 around the state, this order continues the prohibition on all jury proceedings.** This broad prohibition cannot last too much longer, even if the pandemic continues, because the judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by indictment and trial. Accordingly, the Judicial

COVID-19 Task Force is focusing on how grand jury and jury trial proceedings could safely be conducted even where levels of COVID-19 are high, including the possibility of conducting grand jury proceedings and jury selection remotely.

As has been the direction since the original Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom. **All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.** This order again delineates the health precautions required for all in-person judicial proceedings and requires courts to adopt and maintain operating guidelines consistent with the Georgia Court Reopening Guide and any more specific local public health guidance.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Tuesday, August 11, 2020, at 11:59 p.m., **is further extended until Thursday, September 10, 2020, at 11:59 p.m**. All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended; **the provisions of this order below are identical to the July 10 extension order except for minor revisions to the language of Sections I (C), II (A), and IV (C) (2)** and the deletion of Section IV (C) (4). Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

Accordingly, IT IS THE ORDER of this Court that:

THERE WILL BE NO IN PERSON COURT HEARINGS FROM THIS DATE THROUGH AND INCLUDING SEPTEMBER 10, 2020 AT 11:59 PM.

ALL PERSONS SEEKING ENTRY TO THE COURTHOUSE **SHALL WEAR A FACE MASK** OR FACE COVERING.

WHILE INSIDE THE COURTHOUSE, IF POSSIBLE, PERSONS ARE ASKED TO **MAINTAIN SIX (6) FEET OF DISTANCE** BETWEEN THEMSELVES AND THE PUBLIC AND/OR COURT EMPLOYEES.

ADDITIONALLY, CHILDREN UNDER THE AGE OF EIGHTEEN (18), UNLESS THEY ARE PARTIES TO OR ARE NECESSARY FOR A CASE, ARE EXPRESSLY PROHIBITED FROM ENTERING THE COURTHOUSE.

NO JURORS OR GRAND JURORS SHALL REPORT AND NO JURY TRIALS SHALL OCCUR FROM THIS DATE THROUGH SEPTEMBER 11, 2020 AT 11:59 PM; AND FURTHERMORE, NO NON-ESSENTIAL MATTERS SHALL BE HEARD BY THE COURTS FROM THIS DATE THROUGH SEPTEMBER 11, 2020 AT 11:59 PM, UNLESS THEY CAN BE CONDUCTED VIA VIDEO OR TELECONFERENCING. PARTIES AND/OR ATTORNEYS IN ANY NON-ESSENTIAL MATTERS SHOULD DIRECTLY CONTACT THE CHAMBERS OF THE JUDGE ASSIGNED TO THEIR CASE IF THEY HAVE ANY QUESTIONS AND/OR NEED TO ENSURE THEIR COMPLIANCE WITH THIS ORDER.

THIS ORDER DOES NOT PRECLUDE THE IN-PERSON OPENING AND OPERATIONS OF MUNICIPAL COURTS IN DEKALB COUNTY AS LONG AS

INDIVIDUALS IN THOSE COURTS PRACTICE SOCIAL DISTANCING, ADHERE TO CDC AND HEALTH DEPARTMENT SAFETY RECOMMENDATIONS AND MANDATES AS WELL AS CAPACITY RECOMMENDATIONS LIMITING THE NUMBER OF INDIVIDUALS IN A SPACE GATHERING INCLUDING COURTROOMS, AND FOR THE HEALTH, SAFETY AND WELFARE OF OTHERS, REQUIRING A FACE MASK OR OTHER FACE COVERING FOR ANYONE ENTERING THE COURTHOUSE.

Licensure Applications: It is further ordered that ALL licensure applicants are by appointment only and persons may obtain an appointment by first contacting that specific licensure office.

Probate Court Services: ALL persons who wish to review and/or research Probate Court records or obtain copies of Probate Court records shall do so **by appointment only.** Persons shall first contact the Probate Court to make an appointment to do so.

Clerk of Court Services: ALL applications or services related to Trade-names, Notary Commissions, Notary Renewals, Emergency Passports, Title Examiners, etc. shall be **by appointment only.** Persons shall contact the Clerk's Office to make an appointment.

Further, IT IS THE ORDER of the Court that:

I. Continued Prohibition on Jury Trial Proceedings and Most Grand Jury Proceedings

(A) Current public health guidance recommends social distancing and other measures that make it impracticable for courts to protect the health of the large groups of people who are normally assembled for jury proceedings, including jury selection. Accordingly, the suspension of jury trials shall remain in effect and until further order, all courts are prohibited from summoning new trial jurors and grand jurors

and from conducting criminal or civil jury trials.

(B) Grand juries that are already impaneled or are recalled from a previous term of court may meet to attend to time-sensitive essential matters, but these grand juries shall not be assembled except when necessary and only under circumstances in which social distancing and other public health guidance can be followed. A guidance document about the continued authority of grand juries impaneled prior to the issuance of the Order is included in the Appendix to this order. Courts and counsel are reminded that many criminal cases may proceed on accusation and do not require a grand jury indictment.

(C) The Judicial COVID-19 Task Force continues to develop policies, procedures, and templates to allow the safe resumption of jury trials and grand jury proceedings. These materials will be publicized when ready.

II. Reimposition of Deadlines on Litigants

(A) The July 10 extension order reimposed all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed **on litigants** by statues, rules, regulations, or court orders in civil and criminal cases and administrative actions and that have been suspended, tolled and extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended, on the following schedule and with the following exceptions and conditions:

(1) Consistent with Section I above, **deadlines for jury trial proceedings (including statutory speedy trial demands), deadlines for grand jury proceedings, and deadlines calculated by reference to the date of a civil or**

criminal jury trial or grand jury proceeding shall remain suspended and tolled. This provision does not apply to deadlines calculated by reference to the date of non-jury (bench) trials. Until grand jury proceedings are generally authorized, statutes of limitation in criminal cases shall also remain tolled.

(2) **All other deadlines imposed on litigants shall be reimposed effective July 14, 2020,** as further explained below.

(3) In **cases that were pending before the March 14 Order,** litigants will have the same amount of time to file or act after July 14 that they had as of March 14. For example, if an answer in a civil case was due on March 20, that answer will now be due on July 20, and if a criminal defendant's pretrial motions were due on March 23, they will now be due on July 23.

(4) In **cases filed between March 14 and July 13, 2020,** the time for deadlines will begin running on July 14. For example, if a civil complaint was filed in June and the answer would have been due 30 days later, that 30-day period will begin on July 14 and the answer will be due on August 13.

(5) In **cases filed on or after July 14, 2020,** litigants shall comply with the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a **weekend or legal holiday,** the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any **extension of time** for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020 shall also extend the time for that filing or action after July 14. For example, if a litigant's filing was initially due on March 10 but she was

granted a IO-day extension of that deadline (to March 20), the filing will be due on July 24 (10 days after July 14).

(8) Litigants may be entitled to additional time based on the provisions of a local judicial emergency order applicable to their case if such an order tolled applicable deadlines before the March 14, 2020 Order Declaring Statewide Judicial Emergency or tolls applicable deadlines after July 14, 2020.

(9) The tolling and suspension of deadlines imposed **on litigants** in civil and criminal cases that are **calculated by reference to terms of court** shall be lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 shall count toward such deadlines. See also the May 4, 2020 Guidance on Deadlines and Time Limits Defined by Reference to Terms of Court included in the Appendix.

(10) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(11) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and **courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of child care**.

(B) Recognizing the substantial backlog of pending cases, **deadlines imposed on courts shall remain suspended and tolled.** All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14 a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension orders, **the case-specific order reimposing deadlines shall control over the deadlines for the same filings or actions reimposed by this statewide order**.

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14 Order as extended.

III. Proceedings Conducted Remotely Using Technology

(A) All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on videoconferences and teleconferences.

(C) Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial 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.

(D) In civil, criminal, juvenile, and administrative proceedings, litigants may

expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

(E) Courts must ensure the public's right of access to judicial proceedings and in all criminal cases, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and an open courtroom

IV. In-Person Proceedings Under Guidelines for Safe Operations

(A) **Courts have discretion to conduct 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 an open courtroom.

(B) **No court may compel the attendance of any person for a court proceeding if the court proceeding or the court facility in which it is to be held is not in compliance with this order**, including in particular large calendar calls. **Courts are also prohibited from compelling in-person participation in any court-imposed alternative dispute resolution session that is to be conducted in a manner inconsistent with applicable public health guidelines.**

(C) **Each court shall develop and implement operating guidelines** as to 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.

(1) The Judicial Council Strategic Planning Committee and the Judicial COVID-19 Task Force have issued a bench card entitled "Georgia Court Reopening Guide," which is included in the Appendix and should be used as the template

for such operating guidelines, which at a minimum should include all subject matters contained therein. Courts should also consider guidance from local health departments and guidance provided by CDC and DPH; if local public health guidance is more restrictive than the bench card, the local public health guidance should be followed instead.

(2) With regard to everyone who works in a court facility, the operating guidelines shall require **isolation** of any person with known or suspected COVID-19 and **quarantine** of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Eighth Amended Administrative Order for Public Health Control Measures, a link to which may be found in the Appendix, or any subsequent version thereof.

(3) When there is reason to believe that anyone who works or has visited a court facility has been exposed to COVID-19, DPH or the local health department shall be notified and **notification** of persons who may have been exposed shall occur as directed by DPH or the local health department.

(D) Courts of different classes that share courthouse facilities or operate in the same county should coordinate their operating guidelines, and should seek to coordinate operating guidelines with non-judicial entities sharing courthouse facilities.

(E) Each court must submit its operating guidelines to the Administrative Office of the Courts at https://georgiacourts.gov/covid-19- court-operating-guidelines-form/ to be posted at https://georgiacourts.gov/covid-19-court-operating-guidelines/ as a centralized website available to litigants, lawyers, and the public. Operating

guidelines also should be prominently posted at courthouse entrances and on court and local government websites to provide advance notice to litigants, lawyers, and the public.

(F) Operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

V. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

(A) Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and 38- 3-62 to add to the restrictions imposed by the statewide judicial emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions. A Chief Judge may impose such additional restrictions only by a properly entered order.

(B) No court may disregard the restrictions imposed by the Order as extended and modified.

VI. Guidance on Application of the Order

Included in the Appendix are several guidance documents that clarify the application of the Order in particular contexts. Additional guidance documents may be posted on the AOC's website at https://georgiacourts.gov /judicial-council/aoc/. Guidance related to the tolling of deadlines should be read in light of the reimposition of deadlines by this order and by orders in specific cases.

VII. Professionalism

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

VIII. Notice Provisions

(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(C) The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts should make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic. Recognizing that not all courts have a social media presence or website, the Administrative Office of the Courts will continue to post court-specific information as it becomes available on the AOC website at https://georgiacourts.gov/covid-19-preparedness/.

This Court hereby adopts and incorporates the *Fifth Order Extending Declaration of Statewide Judicial Emergency* entered by Chief Justice Harold D. Melton of the Supreme Court of Georgia on August 11, 2020 into this Order as if fully written herein.

Pursuant to O.C.G.A. § 38-3-63:

IT IS ORDERED that the Sheriff of DeKalb County shall post this Order on her public notification site and in the courthouses;

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 through reasonable means to assure expeditious receipt;

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.

IT IS SO ORDERED this 11th day of August 2020.

Asha Jackson (Aug 11, 2020 15:42 EDT)

ASHA F. JACKSON
Chief and Administrative Judge
DeKalb County Superior Court
Stone Mountain Judicial Circuit

FILED 06/12/2020 5:00:37 PM Clerk of Superior Court DeKalb County

IN THE SUPERIOR COURT OF DEKALB COUNTY
STONE MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA

20AP1159

IN RE: Declaration of Judicial Emergency *
*
Date: June 12, 2020 *
*

ORDER DECLARING JUDICIAL EMERGENCY
(EXTENDED THROUGH JULY 12, 2020 AT 11:59 PM)

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in DeKalb County, Georgia affecting **ALL COURTS**, including courts located in cities and municipalities within DeKalb County, such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D). *See* O.C.G.A. § 38-3-60(2)(D) (providing that "Judicial Emergency" means "[s]uch other serious emergency").

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Therefore, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Asha F. Jackson of the Superior Court of DeKalb County, Stone Mountain Judicial Circuit **DOES HEREBY ORDER AND DECLARE** the existence of a Judicial Emergency in the Stone Mountain Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout DeKalb County and the potential infection of

those who are required to appear in our courts and interact with large groups due to jury service, including grand jury service, or other large, non-essential calendars.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in DeKalb County as it relates to jury service, including grand jury service, and any non-essential matters unless they can be conducted via video or teleconferencing.

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to OCGA § 38-3-61. That Order has been extended twice, with modifications, by orders dated April 6 and May 11, 2020. After consulting with the Judicial Council of Georgia, the Judicial COVID-19 Task Force, and other judicial partners, and recognizing again that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia determined that the Order should be extended again, but with significant modifications.

The work of the courts in Georgia has diligently gone forward on essential and critical matters, and most courts have continued some nonessential court operations by using technology to conduct proceedings remotely, but more must be done. Therefore, as detailed below, **with the exception of jury trial proceedings and most grand jury proceedings, this extension order announces a plan to reimpose as of July 14, 2020,**

many of the deadlines imposed by law on litigants in civil and criminal cases that have been suspended, tolled, or extended since the initial Order on March 14, in order to allow more pending cases and newly filed cases to move forward in the judicial process again.

All Georgia courts must continue, however, to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom.

Accordingly, the Order Declaring Judicial Emergency, which would have expired on Friday, June 12, 2020, at 11:59 p.m., is further extended until Sunday, July 12, 2020, at 11:59 p.m. This Court shall continue to operate under the restrictions set forth in that Order as extended, with the following clarifications, modifications, and directions. Where this order refers to "public health guidance," courts should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments.

Accordingly, IT IS THE ORDER of the Court that:

ALL PERSONS SEEKING ENTRY TO THE COURTHOUSE MUST WEAR A FACE MASK OR FACE COVERING.

WHILE INSIDE THE COURTHOUSE, IF POSSIBLE, PERSONS ARE ASKED TO MAINTAIN SIX (6) FEET OF DISTANCE BETWEEN THEMSELVES AND THE PUBLIC AND/OR COURT EMPLOYEES.

ADDITIONALLY, CHILDREN UNDER THE AGE OF EIGHTEEN (18), UNLESS THEY ARE PARTIES TO OR ARE NECESSARY FOR A CASE, ARE EXPRESSLY PROHIBITED FROM ENTERING THE COURTHOUSE.

THERE WILL BE NO IN-PERSON HEARINGS AT THE COURTHOUSE EXCEPT FOR THOSE CONSTITUTIONALLY OR STATUTORILY REQUIRED OR HEARINGS REQUIRED FOR THE SAFETY OF ACCOUNTABILITY COURT PARTICIPANTS.

NO JURORS OR GRAND JURORS SHALL REPORT AND NO JURY TRIALS SHALL OCCUR FROM THIS DATE THROUGH JULY 12 AT 11:59 PM; AND

FURTHERMORE, NO NON-ESSENTIAL MATTERS SHALL BE HEARD BY THE COURTS FROM THIS DATE THROUGH JULY 12, 2020 AT 11:59 PM, UNLESS THEY CAN BE CONDUCTED VIA VIDEO OR TELECONFERENCING. PARTIES AND/OR ATTORNEYS IN ANY NON-ESSENTIAL MATTERS SHOULD DIRECTLY CONTACT THE CHAMBERS OF THE JUDGE ASSIGNED TO THEIR CASE IF THEY HAVE ANY QUESTIONS AND/OR NEED TO ENSURE THEIR COMPLIANCE WITH THIS ORDER.

THIS ORDER DOES NOT PRECLUDE THE IN-PERSON OPENING AND OPERATIONS OF MUNICIPAL COURTS IN DEKALB COUNTY AS LONG AS INDIVIDUALS IN THOSE COURTS PRACTICE SOCIAL DISTANCING, ADHERE TO CDC AND HEALTH DEPARTMENT SAFETY RECOMMENDATIONS AND MANDATES AS WELL AS CAPACITY RECOMMENDATIONS LIMITING THE NUMBER OF INDIVIDUALS IN A SPACE GATHERING INCLUDING COURTROOMS, AND FOR THE HEALTH, SAFETY AND WELFARE OF OTHERS, REQUIRING A FACE MASK OR OTHER FACE COVERING FOR ANYONE ENTERING THE COURTHOUSE.

Licensure Applications: It is further ordered that ALL licensure applicants are **by appointment only** and persons may obtain an appointment by first contacting that specific licensure office.

Probate Court Services: ALL persons who wish to review and/or research Probate Court records or obtain copies of Probate Court records shall do so **by appointment only**. Persons shall first contact the Probate Court to make an appointment to do so.

Clerk of Court Services: ALL applications or services related to Trade-names, Notary Commissions, Notary Renewals, Emergency Passports, Title Examiners, etc. shall be **by appointment only**. Persons shall contact the Clerk's Office to make an appointment.

Further, IT IS THE ORDER of the Court that:

I. CONTINUED PROHIBITION ON JURY TRIAL PROCEEDINGS AND MOST GRAND JURY PROCEEDINGS

(A) Current public health guidance recommends social distancing and other measures that make it impracticable for courts to protect the health of the large groups of people who are normally assembled for jury proceedings, including jury selection. Accordingly, the suspension of jury trials shall remain in effect and until further order, all courts are prohibited from summoning new trial jurors and grand jurors and from conducting criminal or civil jury trials.

(B) Grand juries that are already impaneled or are recalled from a previous term of court may meet to attend to time-sensitive essential matters, but these grand juries should not be assembled except when necessary and only under circumstances in which social distancing and other public health guidance can be followed. A guidance document about the continued authority of grand juries impaneled prior to the issuance of the Order is included in the Appendix to this order.

(C) As directed by the Supreme Court of Georgia's May 11 extension order, the Judicial Covid19 Task Force is developing policies, procedures, and templates to allow the safe resumption of jury trials and grand jury proceedings. These materials should be available in July 2020, but it is unlikely that any jury proceedings will begin until August or later.

II. PLAN FOR THE REIMPOSITION OF DEADLINES

(A) This order announces a plan to reimpose all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed ***on litigants*** by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that have been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, and this Court's prior Order Declaring Judicial Emergency, as extended, on the following schedule and with the following exceptions and conditions:

(1) Consistent with Section I above, **deadlines for jury trial proceedings (including statutory speedy trial demands), deadlines for grand jury proceedings, and deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding shall remain suspended and tolled.**

(2) **All other deadlines imposed on litigants shall be reimposed effective as of July 14, 2020,** as further explained below.

(3) This will mean **that for cases that were pending before the March 14 Order**, litigants will have the same amount of time to file or act after July 14 that they had as of March 14. For example, if an answer in a civil case was due on March 18, that answer will now be due on July 18, and if a criminal defendant's pretrial motions were due on March 23, they will now be due on July 23.

(4) This will mean that **for cases filed between March 14 and July 13, 2020, the time for deadlines will begin running on July 14**. For example, if a

civil complaint was filed in June and the answer would have been due 30 days later, that 30-day period will begin on July 14 and the answer will be due on August 13.

(5) This will mean that **for cases filed on or after July 14, 2020, litigants will have the normal deadlines applicable to the case**.

(6) If the reimposed deadline falls on a **weekend or legal holiday**, the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any **extension of time** for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020 shall also extend the time for that filing or action after July 14. For example, if a litigant's filing was initially due on March 10 but she was granted a 10-day extension of that deadline (to March 20), the filing will be due on July 24 (10 days after July 14).

(8) Litigants may be entitled to additional time based on the provisions of a local judicial emergency order applicable to their case if such an order tolled applicable deadlines before the March 14, 2020 Order Declaring Statewide Judicial Emergency or tolls applicable deadlines after July 14, 2020.

(9) **The tolling and suspension of deadlines imposed on litigants in civil and criminal cases that are calculated by reference to terms of court shall be lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 shall count toward such deadlines.** See also the May 4, 2020 Guidance on

Deadlines and Time Limits Defined by Reference to Terms of Court included in the Appendix.

(10) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(11) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of childcare.

(B) Recognizing the substantial backlog of pending cases, **deadlines imposed on courts shall remain suspended and tolled.** All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) To address the backlog of cases before deadlines on litigants are reimposed more generally as of July 14, 2020, **judges should utilize the authorization provided to them in the May 11 extension order to reimpose deadlines on a case-by-case basis** after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a **written order in the record** for the case identifying the filing deadlines that are being established. **A case-specific order reimposing deadlines shall**

control over the deadlines for the same filings or actions that will be reimposed by statewide order.

(D) To assist in evaluating this plan to reimpose deadlines, comments are solicited from judges, lawyers, and the general public. Comments should be delivered in Word or PDF format by email to JCTFcomments@gasupreme.us.

III. PROCEEDINGS CONDUCTED REMOTELY USING TECHNOLOGY

(A) All courts are encouraged to continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on videoconferences and teleconferences.

(C) Courts 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.

(D) In civil, criminal, juvenile, and administrative proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

(E) Courts must ensure the public's right of access to judicial proceedings and in all criminal cases, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and an open courtroom.

IV. IN-PERSON PROCEEDINGS UNDER GUIDELINES FOR SAFE OPERATIONS

(A) Except for jury and grand jury proceedings, courts have discretion to conduct 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 an open courtroom.

(B) Each court should develop and implement operating guidelines as to 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. The Judicial Covid-19 Task Force has issued a bench card entitled "Georgia Court Reopening Guide," which is included in the Appendix and may be used as the template for such operating guidelines.

(C) Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their operating guidelines.

(D) Each court must submit its operating guidelines to the Administrative Office of the Courts at [AOC email] to be posted at link to specific place on website as a centralized website available to litigants, lawyers, and the public. Operating guidelines also should be prominently posted at courthouse entrances and on court and local government websites to provide advance notice to litigants, lawyers, and the public.

(E) Operating guidelines should be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

V. Discretion of Chief Judges to Declare More Restrictive Local Judicial Emergencies

(A) Nothing in the Order Declaring Statewide Judicial Emergency as extended and modified limits the authority of the Chief Judge of a superior court judicial circuit under OCGA §§ 38-3-61 and 383-62 to add to the restrictions imposed by the statewide judicial emergency, if such additional restrictions are constitutional, necessitated by local conditions, and to the extent possible ensure that courthouses or properly designated alternative facilities remain accessible to carry out essential judicial functions.

(B) No court may disregard the restrictions imposed by the Order as extended and modified.

VI. GUIDANCE ON APPLICATION OF THE ORDER

Included in the Appendix are several guidance documents that clarify the application of the Order in particular contexts. Additional guidance documents may be posted on the AOC's website at https://georgiacourts.gov/judicial-council/aoc/. Guidance related to the tolling of deadlines should be read in light of the reimposition of deadlines planned for by this order and by orders in specific cases.

VII. PROFESSIONALISM

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism. Judges are also reminded of their obligation to dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the court to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their lawyers, witnesses, and others.

VIII. NOTICE PROVISIONS

(A) Notice from the Supreme Court of Georgia will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury

proceedings to allow the complicated process of summoning potential jurors to be completed.

(C) The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts should make available to the public the steps they are taking to safely increase operations while responding to the COVID-19 pandemic. Recognizing that not all courts have a social media presence or website, the Administrative Office of the Courts will continue to post court-specific information as it becomes available on the AOC website at https://georgiacourts.gov/covid-19-preparedness/.

This Court hereby adopts and incorporates the *Third Order Extending Declaration of Statewide Judicial Emergency* and entered by Chief Justice Harold D. Melton of the Supreme Court of Georgia into this Order as if fully written herein.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, 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 DeKalb County shall post this Order on her public notification site and in the courthouses;

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 through reasonable means to assure expeditious receipt;

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.

IT IS SO ORDERED this 12th day of June 2020.

Asha Jackson (Jun 12, 2020 16:25 EDT)

HON. ASHA F. JACKSON
Chief and Administrative Judge
DeKalb County Superior Court
Stone Mountain Judicial Circuit