

Filed this 16<sup>th</sup> day  
of March, 2020  
at 12:30 pm

IN THE SUPERIOR COURTS  
NORTHERN JUDICIAL CIRCUIT  
STATE OF GEORGIA

*Jeff S. Malcom*  
Chief Judge,  
Northern Judicial  
Circuit

IN RE: Declaration of \*  
Judicial Emergency \* Standing Order of the Courts  
Date: March 16, 2020 \*  
\*

**ORDER DECLARING JUDICIAL EMERGENCY**

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Elbert, Franklin, Hart, Madison and Oglethorpe County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. 38-3-60(2)(D). The Governor of Georgia having on March 13, 2020 declared a Public Health State of Emergency pursuant to O.C.G.A. § 38-3-51 and the Chief Justice of the Georgia Supreme Court having on March 14, 2020 issued an Order Declaring a Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-60, et. seq., as amended issued that same day, a copy of which is attached as Exhibit "A".

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, Chief Judge Jeffery S. Malcom, Judge R. Chris Phelps, and Judge Lauren A. Watson of the Northern Judicial Circuit, Superior Courts of Elbert, Franklin, Hart, Madison and Oglethorpe Counties, DO HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in Elbert, Franklin, Hart, Madison and Oglethorpe Counties. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State of Georgia 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. This Order is entered following the declaration of a public health emergency by the President of the United States and the Governor of the State of Georgia, and The Chief Justice of the Georgia Supreme Court.

Thus, the undersigned hereby make this declaration of a judicial emergency affecting all courts and clerk's offices in Elbert County, Franklin County, Hart County, Madison County and Oglethorpe 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. This Order is applicable to all Superior, State, Juvenile, Magistrate, Probate and Municipal Courts within the Northern Judicial Circuit counties of Elbert, Franklin, Hart, Madison and Oglethorpe.

Accordingly, IT IS THE ORDER of the Court that all jury trials are CONTINUED, and no jurors or grand jurors shall report, and no jury trials shall be held through April 13, 2020. Furthermore, no civil or non-essential criminal matters shall be heard by the courts during this time period, unless they can be conducted via video or teleconferencing, with the exception of cases: 1) where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available; (2) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (3) domestic abuse temporary protective orders and restraining orders; (4) juvenile court delinquency detention hearings and emergency removal matters; and (5) mental health commitment hearings.

Parties or attorneys in any non-emergency matters should 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. In all civil cases it shall be the duty of the Party or their attorney to reschedule the matter and serve notice on the opposing party in the case.

Furthermore, all mediations and depositions shall be rescheduled for a date occurring after the expiration of this Order unless leave to continue with the proceeding is obtained from the assigned judge.

The Declaration of the Chief Justice of the Georgia Supreme Court sets forth specific periods (e.g. statutes of limitations) which are tolled, extended, and otherwise relieved for the period of the Declaration. Additionally relief, tolling or extension may be granted as to any such other legal proceedings as ordered sua sponte by the assigned judge or following motion for relief filed by a party to the proceeding.

The Clerk's offices are instructed not to accept further Rule Nisis for court dates between the date of this Order and 11:59 p.m. **April 13, 2020**, without first presenting the same to the assigned judge. If a party desires that a hearing proceed that would have been cancelled by this Order, the party shall send the reasons, via e-mail, to the assigned judge, and opposing Party/Attorney, and await a decision.


**IT IS FURTHER ORDERED** that the Clerks of the Courts of the Northern Judicial Circuit shall, during the effective period of this Order, accept for filing orders (for example, warrants, consent bond orders, probation waivers, and the like) which are emailed to them by the Judge or the Judge's staff, as though the document were an original. Once the document is executed by the assigned judge, he/she shall return the document, via e-mail, to the party who presented the document.


**IT IS FURTHER ORDERED** that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court of Georgia with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at [barnest@gasupreme.us](mailto:barnest@gasupreme.us);

**IT IS FURTHER ORDERED** that the undersigned shall notify and serve a copy of this 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. Each Sheriff shall post a copy of this Order on the public notification site in their Courthouse.

**IT IS SO ORDERED** this 16<sup>th</sup> day of March, 2020 at 12:30 p.m. in Hartwell, Hart County, Georgia. This Judicial Emergency Order shall terminate on April 13, 2020, at 11:59 p.m., unless otherwise modified, amended, or extended.

  
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Jeffery S. Malcom, Chief Judge  
Superior Courts  
Northern Judicial Circuit

  
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R. Chris Phelps, Judge  
Superior Courts  
Northern Judicial Circuit  
Signed by Jeffery S. Malcom with express permission

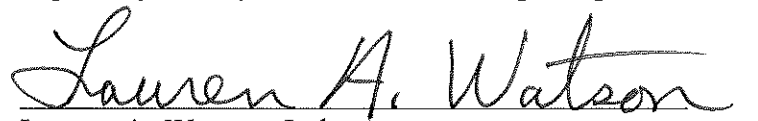
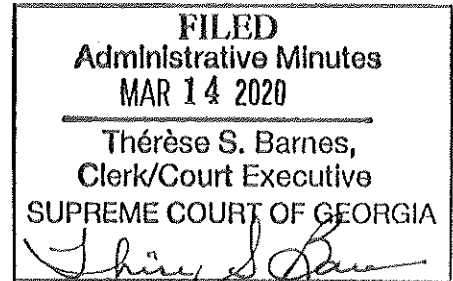
  
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Lauren A. Watson, Judge  
Superior Courts  
Northern Judicial Circuit  
Signed by Jeffery S. Malcom with express permission

EXHIBIT "A"



SUPREME COURT OF GEORGIA



March 14, 2020  
(Amended)

**ORDER DECLARING STATEWIDE JUDICIAL EMERGENCY**

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 OCGA § 38-3-60 et seq., see OCGA § 38-3-60 (2).

Now therefore, pursuant to OCGA § 38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, DOES HEREBY ORDER AND DECLARE 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.

Thus, in order to protect the health, safety, and liberty of all citizens in this State, the undersigned hereby declares a Statewide Judicial Emergency affecting all courts and clerk's offices in the State as it relates to all judicial proceedings.

To the extent feasible, courts should remain open to address essential functions, and in particular courts should give priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions are subject to interpretation; however, some matters that fall into the essential function category are: (1) where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available; (2) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (3) domestic abuse temporary protective orders and restraining orders; (4) juvenile court delinquency detention hearings and emergency removal matters; and (5) mental health commitment hearings.

In addition, trials in any criminal case for which a jury has been empaneled and the trial has commenced as of the date of this order shall continue to conclusion, unless good cause exists to suspend the trial or declare a mistrial. The decision whether to suspend a criminal trial or declare a mistrial rests with the judge presiding over the case.

To the extent court proceedings are held, they should be done in a manner to limit the risk of exposure, such as by videoconferencing, where possible.

Pursuant to OCGA § 38-3-62, during the period of this Order, the undersigned hereby suspends, tolls, extends, and otherwise grants relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to any: (1) statute of limitation; (2) time within which to issue a warrant; (3) time within which to try a case for which a demand for speedy trial has been filed; (4) time within which to hold a commitment hearing; (5) deadline or other schedule regarding the detention of a juvenile; (6) time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; (7) time within which to file a writ of habeas corpus; (8) time within which discovery or any aspect thereof is to be completed; (9) time within which to serve a party; (10) time within which to appeal or to seek the right to appeal any order, ruling, or other determination; and (11) such other legal proceedings as determined to be necessary by the authorized judicial official.

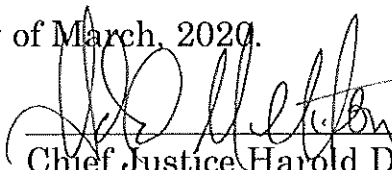
**This Statewide Judicial Emergency shall terminate on April 13, 2020, at 11:59 p.m., unless otherwise extended.**

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.

IT IS FURTHER ORDERED, pursuant to OCGA § 38-3-63, that notice and service of a copy of this Order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Georgia Court of Appeals, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

IT IS FURTHER ORDERED that notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 14<sup>th</sup> day of March, 2020.

  
Chief Justice Harold D. Melton  
Supreme Court of Georgia

cc:

Governor Brian P. Kemp  
Lt. Governor Geoff Duncan  
Speaker David Ralston  
State Bar of Georgia  
Administrative Office of the Courts  
Judicial Council of Georgia  
Council of Superior Court Clerks of Georgia  
Department of Juvenile Justice  
Criminal Justice Coordinating Council  
Council of Accountability Court Judges  
Georgia Commission on Dispute Resolution  
Institute of Continuing Judicial Education of Georgia  
Georgia Council of Court Administrators  
Chief Justice's Commission on Professionalism  
Judicial Qualifications Commission  
Association County Commissioners of Georgia  
Georgia Municipal Association  
Georgia Sheriffs' Association  
Georgia Association of Chiefs of Police  
Georgia Public Defender Council

Prosecuting Attorneys' Council of Georgia  
Department of Corrections  
Department of Community Supervision  
Georgia Court Reporters Association  
Board of Court Reporting  
State Board of Pardons and Paroles

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the  
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

 , Clerk