

Filed this 16th 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 *
*
Date: March 16, 2020 *
*

Standing Order of the Courts Circuit

Recorded in Minutes & Final Record
No. 108 Pages 12-19

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 Nisiis 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;

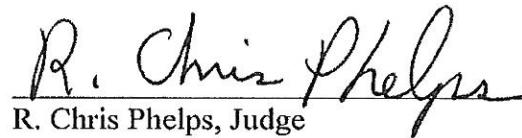
IT IS FURTHER ORDERED that the undersigned shall notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means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

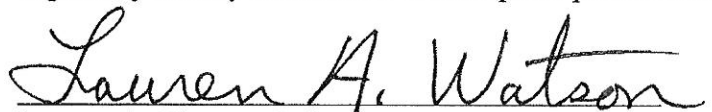
IT IS SO ORDERED this 16th day of March, 2020 at 12:30 p.m. in Hartwell, Hart County, Georgia. This Judicial Emergency Order shall terminate on April 13, 2020, at 11:59 p.m., unless otherwise modified, amended, or extended.



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



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

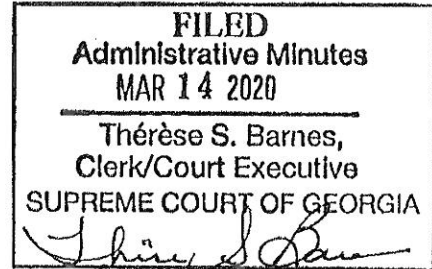


Lauren A. Watson, Judge
Superior Courts
Northern Judicial Circuit
Signed by Jeffery S. Malcom with express permission

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.

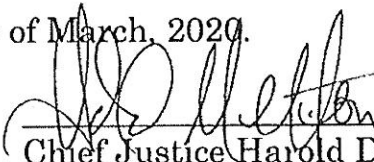
This Statewide Judicial Emergency shall terminate on April 13, 2020, at 11:59 p.m., unless otherwise extended.

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 14th 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

Gray, Frankie

From: Mike Holiman <Mike.Holiman@politics.org>
Sent: Monday, March 16, 2020 3:09 PM
To: All Clerks
Cc: State Court Clerks; Evan Gross; Earle, John; Yates, Gary; Wightwick, Andy - Office; Rice, Rachel; Smith, Mike
Subject: Judicial Council emergency meeting
Importance: High

The Judicial Council held a teleconference today to answer questions regarding the recent order by Chief Justice Melton. Here are some of the most relevant points raised during that call.

1. Case Count is tolled until May 1, 2020 or unless otherwise changed by a subsequent order.
2. Courts (and court rooms) may NOT be closed but precautions can be taken and video conferencing can be used in lieu of 'in person' attendance.
3. The order does not supersede statute, it is deadline oriented only.
4. Justice Melton urged all to use their best judgement and to not to get "over legalistic".
5. Justice Nahmias stated that courts may not refuse to file motions/orders.
6. Accountability courts do have functions that are considered critical (essential).
7. Courts, using their own judgement, may perform non-critical functions.
8. There was a discussion regarding county governments that have issued orders closing all county buildings including courthouses. There was a consensus that this is not allowed, this consensus included Justice Melton.

These conference calls will be held every Monday for the next 30 days.

More information will follow as available.

MRH

Recorded in Minutes & Final Record
No. 108 Pages 25

FILED IN OFFICE
HART SUPERIOR COURT
2020 MAR 16 PM 3:35
Suboral Seal
FRANKIE H. GRAY, CLERK

Gray, Frankie

From: rcp@elberton.net
Sent: Tuesday, March 17, 2020 10:30 AM
To: Starrett, Leigh; Holbrook, Melissa; Gray, Frankie; Cross, Katie; Smith, Kelli
Cc: jmalcom@franklincountyga.gov; lwatson@franklincountyga.gov; llw@elberton.net
Subject: Emergency Declaration

As you are well aware, we are in "unchartered" waters. You have received a copy of the Emergency Declaration for the Northern Judicial Circuit. It will require all of our energy and cooperation for the next 30 days, and beyond. So I want to thank you in advance for your commitment and assuming what will certainly be a voluminous task, because once we get to April 14 we will need to "catch up the mess."

In the meantime, as the Emergency Declaration provides, no Rule Nisi's are to be signed in civil cases which seek to set hearings on or prior to April 13. This is important: There are a few attorneys who are scheduling/setting hearings by a "Notice of Hearing" signed by the attorney instead of Rule Nisi signed by the Clerk. Should you receive any of these for the "banned" dates, please forward such a document to the assigned Judge and DO NOT place the case on a calendar unless authorized to do so by the assigned Judge. The same applies to criminal cases. Most of those Rule Nisi's are sent directly to the Judge, but there are some that are routinely sent to the Clerks.

It has been made very clear to the Judges that the Chief Justice intends for his Order to be strictly adhered to, and we intend to do so.

Finally, if you would put the Order on your Website that would be appreciated. We issued a press release yesterday which will hopefully be published in the legal organs, but I am going to have Lafreda send each of you a copy of that as well. You can use your own discretion as to whether to put the Press Release on your Website.

Again, thank you for all you do.

R. Chris Phelps
Judge of Superior Courts
Northern Judicial Circuit

Recorded in Minutes & Final Record
No. 108 Pages 26

FILED IN OFFICE
HART SUPERIOR COURT
2020 MAR 17 PM 12:27
FRANKIE H. GRAY, CLERK

FILED IN: Northern Judicial Circuit
THIS 17 DAY OF March 2020
AT 10:55 AM/PM
JEFFERY S. MALCOM
JUDGE, SUPERIOR COURTS
NORTHERN JUDICIAL CIRCUIT

IN THE SUPERIOR COURTS
NORTHERN JUDICIAL CIRCUIT
STATE OF GEORGIA

STANDING ORDER OF THE COURT

A Judicial Emergency Order was issued by the Chief Justice of the Supreme Court for the State of Georgia on March 14, 2020;

A Judicial Emergency Order was issued by this Court on March 16, 2020, which incorporated the Chief Justice's emergency order;

IT IS HEREBY ORDERED that all Child Support Recovery cases are continued until a date after 11:59 p.m. April 13, 2020. Child Support Recovery shall be responsible for resetting any hearing;

IT IS HEREBY FURTHER ORDERED that ALL previously issued bench warrants and orders to incarcerate **FOR CHILD SUPPORT CASES ONLY** are hereby rescinded;

IT IS HEREBY FURTHER ORDERED that anyone who is currently incarcerated on a bench warrant, order to incarcerate, or order of contempt regarding **CHILD SUPPORT CASES ONLY** shall be released from custody of the local jail, until further Order of Court.

The Clerk of Superior Court for each county shall provide a copy of this Order to the Sheriff of said county.

A copy of this Order is being sent via e-mail to all Clerks and the Office of Child Support Recovery.

SO ORDERED this 17 day of March, 2020, at 10:55 a.m.

Recorded in Minutes & Final Record
No. 108 Pages 27

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

R. Chris Phelps
Judge, Superior Courts
Northern Judicial Circuit

Signed by Jeffery S. Malcom with express permission

Lauren A. Watson
Judge, Superior Courts
Northern Judicial Circuit

Signed by Jeffery S. Malcom with express permission

FILED IN OFFICE
HART SUPERIOR COURT
2020 MAR 17 PM 12:27
FRANKIE H. GRAY, CLERK

PRESS RELEASE - MARCH 16, 2020

NORTHERN JUDICIAL CIRCUIT DECLARES JUDICIAL EMERGENCY

The Chief Justice of the Georgia Supreme Court, Harold D. Melton, has declared a Statewide Judicial Emergency as a result of 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 the Courts of Georgia.

In furtherance of Chief Justice Melton's Order, the Northern Judicial Circuit has likewise entered an Order Declaring a Judicial Emergency. The Northern Judicial Circuit is comprised of Elbert, Franklin, Hart, Madison and Oglethorpe Counties. The Order is effective immediately and extends to April 13, 2020 at 11:59 P.M. Pursuant to the terms of the Order all civil and criminal juries, and grand juries, are continued. All scheduled civil and criminal jury trials are continued. All civil and criminal hearings are continued, with limited exceptions. Exceptions include hearings for Temporary Protective Orders, initial bond hearings, and other emergencies as deemed such by the assigned Judge. Trials, hearings and grand jury sessions affected by the Order shall be rescheduled and heard at a later date.

It is further recommended that communications with the Courts be by phone or e-mail in order to keep personal contact and interaction to a minimum. The Superior Court Judges will be available to consider emergency matters and to conduct hearings on same. Parties who may have questions should contact their attorneys for further guidance. Parties who are self-represented may contact the respective Clerks of the respective Courts with questions.

The Order is applicable to the Superior Courts, State Courts, Magistrate Courts, Probate Courts, Juvenile Courts and Municipal Courts of the five (5) counties of the Northern Judicial Circuit.

2020 MAR 17 11:12:27
FRANKLIN COUNTY CLERK
HART SUPERIOR COURT
Hart
Hart

While this will cause a temporary inconvenience and disruption to the Courts, attorneys and parties, this temporary imposition is secondary to protecting the health of our citizens.

A copy of the Order will be posted at the Courthouses of all counties in the Northern Judicial Circuit, and a copy of the Order may also be viewed on the respective websites of the Clerks of Superior Courts of all counties in the Northern Judicial Circuit.

Chief Judge Jeffery S. Malcom
Judge R. Chris Phelps
Judge Lauren A. Watson
Judges of the Superior Courts
Northern Judicial Circuit

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