



Supreme Court of Georgia

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STATEWIDE JUDICIAL EMERGENCY EXTENDED

Atlanta, Nov. 9, 2020 – Chief Justice Harold D. Melton today signed his eighth order extending for one month the Statewide Judicial Emergency he first declared on March 14, 2020 due to COVID-19. The Chief Justice is authorized under state law to declare such an emergency for a period of 30 days. He has continued to do so every month since March.

Today’s order, which will expire Dec. 9, is largely unchanged from the previous one, which he signed in October. That order lifted the suspension on jury trials across the state. The order he signed in September lifted the suspension on grand jury proceedings.

Today’s order reiterates that jury trials may resume only after the Chief Judge of each superior court in the state has convened a local committee of judicial system participants, who subsequently develop and publish a detailed plan for resuming in-person proceedings if they can be done safely and in compliance with public health guidance based on local conditions. “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 public health guidance,” the order states. “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." Also, Chief Judges have the discretion to declare more restrictive local judicial emergencies, if local conditions require, the order says.

Due to the substantial backlogs of unindicted and untried cases and because grand jury proceedings and jury trials will not proceed at the same rate as before the pandemic, "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," today's order says.

As in previous orders, courts are urged to increase their use of technology, such as teleconferencing, 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." Today's order also encourages lawyers to help keep cases moving by engaging in the discovery process in good faith and in a safe manner. Discovery is the pre-trial process in which parties are required to share documents and information about their case.

"Throughout this process, I have been impressed by, and am grateful for, how diligently judges across this state have worked to keep the wheels of justice going while protecting the public health of all involved," Chief Justice Melton said. "But this virus has not finished with us yet, and I encourage judges to use their discretion wisely when it comes to resuming jury trials and other in-person proceedings. We all must take the steps necessary to protect the health and safety of every individual who comes into our courthouses."