



Supreme Court of Georgia

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CHIEF JUSTICE AGAIN EXTENDS JUDICIAL EMERGENCY

Atlanta, August 11, 2020 – For the fifth time since mid-March, Chief Justice Harold D. Melton has extended for another month the Statewide Judicial Emergency that he first announced March 14, 2020 in response to the COVID-19 pandemic.

“[R]ecognizing 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,” today’s order says.

As previously, jury trial and most grand jury proceedings are still prohibited. However, the order issued by the Chief Justice makes clear that, “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 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.”

Under state law, the Chief Justice is authorized to extend the emergency in 30-day increments, and this time it is extended until Thursday, Sept. 10, at 11:59 p.m. The provisions of today's order are identical to the July 10 extension order that expires later today, with a few minor revisions.

“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,” today's order says. “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.”

As the order points out, Georgia courts 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.”