

**IN THE SUPERIOR COURTS
MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE:	Declaration of Judicial Emergency	* * *	Standing Order of the Courts
Date:	March 14, 2020	* *	

ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Habersham County, Rabun County, and Stephens 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 a Statewide Declaration of Judicial Emergency pursuant to O.C.G.A. § 38-3-60, et. seq.

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 Russell W. Smith and Judge B. Chan Caudell of the Mountain Judicial Circuit, Superior Courts of Habersham, Rabun, and Stephens Counties, DO HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in Habersham, Rabun, and Stephens 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, The Chief Justice of the Georgia Supreme Court and after consultation by the Chief Judge with the District Health Director.

Thus, the undersigned hereby make this declaration of a judicial emergency affecting all courts and clerk's offices in Habersham County, Rabun County, and Stephens 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 Mountain Judicial Circuit counties of Habersham, Rabun and Stephens.

Accordingly, IT IS THE ORDER of the Court that any jury trials are CONTINUED, and no jurors or grand jurors shall report, and no jury trials shall be held for a period of **thirty (30) days** from the date of the entry of this Order. Furthermore, no civil or non-essential criminal matters shall be heard by the courts during this 30-day 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.

Furthermore, court-annexed proceedings such as mediation 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 presiding 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 presiding judge or following motion for relief filed by a party to the proceeding.

The Clerk's offices are instructed not to accept further Rule Nisi's for court dates between the date of this order and **April 14, 2020**, without first presenting the same to the assigned judge. If a party requests that a hearing proceed that would have been cancelled by this order, the party shall contact the assigned judge, stating the reason therein.

The Judges of all courts shall supply the office of the appropriate Clerk of Court and the members of the bar with their contact information, including their email and cell-phone number (or the contact information of staff who has the ability to contact them directly) and they shall be available at all times during the pendency of this order to hear emergency matters and conference with the attorneys and parties with regard to the resolution of non-emergency disputes by conference call with counsel or email when possible and the rescheduling of matters that have been continued as a result of this order.


IT IS FURTHER ORDERED that the Clerks of the Courts of the Mountain Judicial Circuit shall, during the effective period of this order, accept for filing orders (for example, 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.

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 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 14th day of March, 2020 at 7:25 p.m. in
Toccoa, Stephens County, Georgia. This Judicial Emergency Order shall terminate
on April 13, 2020, at 11:59 p.m., unless otherwise extended.



Russell W. Smith, Chief Judge
Superior Courts
Mountain Judicial Circuit



B. Chan Caudell, Judge
Superior Courts
Mountain Judicial Circuit