

IN THE SUPERIOR COURTS OF THE COWETA CIRCUIT  
STATE OF GEORGIA

**THIRD ORDER ADDRESSING JUDICIAL EMERGENCY**

On March 14, 2020, to combat the severe public health emergency posed by Covid 19, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of the State of Georgia issued an Order Declaring a Judicial Emergency in all Georgia Counties under the provisions of O.C.G.A § 38 3 61. This original Order, set to expire on April 13, 2020, limited Court proceedings to only essential functions and tolled filing and timing requirements in civil, criminal and administrative matters. In response to the Chief Justice's Order, the Honorable John Simpson, Chief Judge of the Superior Court of the Coweta Judicial Circuit, issued an order declaring a Judicial Emergency on the local level, pursuant to O.C.G.A. § 38 3 61 and O.C.G.A. § 38 3 62.

Prior to the expiration of the original Emergency Order, on April 6, 200, Chief Justice Melton issued a second order extending the Judicial Emergency until May 13, 2020; in this extension order, the Chief Justice encouraged use of teleconferencing and videoconferencing technologies to manage cases remotely.

On May 12, 2020, Chief Justice Harold D. Melton issued a third emergency order, extending the judicial emergency through June 13, 2020. In this order, Justice Melton encourages the use of video conference hearings as follows:

All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in person proceedings, both to ensure that essential court functions are continued and to conduct non essential proceedings to limit the backlog of such matters when the judicial emergency is terminated. Courts should understand and utilize the authority provided by the emergency amendments made to court rules on video conferences and teleconferences. Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, including civil non jury trials and other non jury adjudicative proceedings,

where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules. In civil, criminal, and juvenile proceedings, parties may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements. Courts must ensure the public's right of access to judicial proceedings and, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and open courtrooms.

Under the powers of O.C.G.A. §§ 38-3-60 to 62, and to carry out the Order of the Honorable Chief Justice, starting June 1, 2020, the following shall apply:

I. The 2020 Calendar for the Superior Courts of Carroll, Heard, and Troup is hereby revoked and replaced by the attached Exhibit A. The Coweta Superior Court Calendar as it applies to Judges Simpson, Hamrick, Hightower, Blackmon, and Baker is revoked and replaced by the calendar in Exhibit A. Judge Emory Palmer and Judge Travis Sakrison are presenting a scheduling order for the remaining cases in Coweta and Meriwether counties. All changes to the calendars are endorsed by all of the superior court judges of the Coweta Circuit.

II. There will be a preference for conducting cases online whenever possible. Anyone objecting to the hearing going forward by video conference shall make the objection known to the judge prior to the start of the hearing and the judge shall rule upon the objection.

III. The Clerk of the Superior Court shall create and post calendars on the Clerk's website. The public shall be given instructions on viewing hearings using online platforms.

IV. Parties and attorneys shall wear appropriate clothing for court during online hearings.

V. Unless otherwise ordered by a superior court judge, all individuals entering the Courthouse will follow the recommendations issued by the CDC and Georgia DPH about social distancing, including but not limited to, wearing a mask or cloth face covering over the nose and mouth at all times on Courthouse property, frequent handwashing, and maintaining a minimum of six feet of space between (people or individuals not of the same household). For more information for best practice in social distancing, see the CDC's online recommendations at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

#### VI. Criminal Guilty Pleas:

In Carroll County, criminal pleas, bonds, and probation revocations shall be conducted by video conferencing. Cases will be placed on calendars by the assigned judge or the assigned judge's assistant. The following must occur prior to a plea hearing:

1. The Plea Proceeding Record and the Indictment shall be signed;
2. The Plea Agreement between the state and the defense shall be filed with the Clerk.

In Troup County and Heard County, cases will be heard using online platforms whenever possible.

#### VII. Civil Cases:

In Carroll County, civil cases will be heard by video conferencing. All exhibits shall be submitted to the Clerk's Office prior to hearing, and the exhibits will be presented to the court in electronic format. All video conference hearings will be presented in accordance with USCR 9.1.

In Troup County and Heard County, civil cases will be heard using online platforms whenever possible.

## VIII. Civil Domestic Violence

Carroll County civil domestic violence calendars shall be heard by Judge John Simpson.

## IX. Conclusion

Going forward superior court judges will be giving instructions on expanding services and following all guidelines provided by the Centers For Disease Control (CDC), the Georgia Department of Public Health (DPH), and local health departments.

It is So Ordered,  
This 21st day of May 2020.



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Judge John Simpson  
Chief Judge of Superior Court  
Coweta Judicial Circuit

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3	4	5	6
	JDB HEARD CV NJ JDH Carroll CR NJ JMB TROUP CV NJ	JDB Carroll CR NJ JJS Troup Civil NJ	JDH Troup Civil NJ JJS Carroll CR NJ JMB TROUP MHC	JDB CARROLL MHC JMB COWETA DC 1pm - JJS Coweta	JDH CARROLL DC	
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	JDH Carroll Civ NJ	JJS Troup Crim NJ JMB Carroll Civ NJ	JBH HEARD CR NJ JDH Troup Crim NJ JJS Carroll Civ NJ JMB COWETA CV NJ	JBH Carroll Civ NJ JJS Coweta Civ NJ		
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Sun	Mon	Tue	Wed	Thu	Fri	Sat
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9	10 JDB Coweta Civ NJ JDH Carroll CR NJ JMB Troup Civil NJ	11 JDB Carroll CR NJ JJS Troup Civil NJ	12 JBH HEARD CR NJ JDH Troup Civil NJ JJS Carroll CR NJ	13 JBH Carroll CR NJ JJS Coweta Civ NJ	14	15
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Sun	Mon	Tue	Wed	Thu	Fri	Sat
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