

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
ROCKDALE JUDICIAL CIRCUIT
STATE OF GEORGIA

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CLERK SUPERIOR COURT
ROCKDALE CO, GA
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Dennis M. Jones
CLERK

IN RE: Declaration of Judicial Emergency

Date: June 8, 2021

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**SEVENTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL
EMERGENCY**

Pursuant to O.C.G.A. § 38-3-61, and due to the continuing statewide emergency involving the transmission of Coronavirus/COVID 19, the Honorable Chief Judge Robert F. Mumford of the Superior Court of Rockdale County, Rockdale Judicial Circuit **DOES HEREBY EXTEND** the May 11, 2021 Order Declaring Judicial Emergency, which would have expired on June 7, 2021, at 11:59 p.m., until June 30, 2021, at 11:59 p.m. (unless further modified or extended) with the following clarifications, modifications and directions). However, if the Public Health State of Emergency declared by the Governor before June 30, 2021, this Order will expire at the same time by operation of law.

Accordingly, **IT IS THE ORDER** of the Court that as to non-jury matters, hearings/trials on such matters may continue to be held either in-person at the Rockdale County Courthouse or via video or teleconferencing. In determining which method is appropriate for a particular hearing or non-jury trial, the Court shall take into consideration the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments, including any health or other concerns of the parties or attorneys. All proceedings, whether remotely or in-person, must be conducted 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. Case calendars shall be managed so as to minimize the number of participants gathering both in the courtroom and in the common areas outside the courtroom.

All courts shall continue to use and increase the use of technology to conduct remote judicial proceedings when doing so is a safer alternative to in-person proceedings, unless the proceeding is 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.

Courts should understand and utilize the authority provided and clarified 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, 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, juvenile, and administrative proceedings, litigants 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 in all criminal cases, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and an open courtroom.

The pandemic has required courts to greatly expand the use of remote proceedings, which have been found to have both advantages (including significant saving in time and travel for participants) and disadvantage (including loss of in-person interactions and technical concerns, particularly in areas with poor internet service and for participants with limited access to or familiarity with the technology used). Each courts should evaluate which of their proceedings of their proceedings should continue to be conducted remotely after the judicial emergency ends and, to the extent permanent amendments to court rules or statutes are need to allow or improve such remote proceedings.

Each court has the discretion to conduct in-person judicial proceedings under the court's operating guidelines and taking into consideration the most recent findings of the CDC, public health guidelines, the most recent Order Extending Declaration of the Statewide Judicial Emergency issued by the Chief Justice of the Supreme Court, and 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. No court may compel the attendance of any person for a court proceeding if the court proceeding or the court facility in which it is held is not in compliance with this Order. Courts should be particularly aware of scheduling proceedings that require numerous people to be in the courtroom or courthouse common areas, including large Court calendars.

The blanket suspension of jury trials that has been in place since the December 23, 2020 Supreme Court Order has been lifted. The number of new COVID-19 cases has decreased in Rockdale County. Criminal jury trials resumed effective April 19, 2021. Grand Jury proceedings resumed effective April 5, 2021. Civil jury trials may recommence August 1, 2021, at the discretion of the trial judge, with the stipulation that priority must be given to pending criminal matters.

Further, during this period inmates may be transported from the jail to the Rockdale County Courthouse as needed, but shall have their temperature taken prior to transport, shall always wear a mask and shall follow all social distancing protocol; and

IT IS FURTHER ORDERED that the following plan is entered to reimpose all deadlines and other time schedules and filing requirements (referred to collectively herein as “deadlines”) that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that have been suspended, tolled, extended, or otherwise relieved by the prior Orders entered by this Court declaring a judicial emergency on the following schedule and with the following exceptions and conditions:

(A) (1) Deadlines for **jury trial proceedings** (including **statutory speedy trial demands**), **deadlines for grand jury proceedings (with the exception of the statutory deadlines to indict detained individuals in O.C.G.A. §§ 17-7-50 and 17-7-50.1)**, and **deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding** shall remain suspended and tolled. This provision does not apply to deadlines calculated by reference to the date of non-jury (bench trials). Statute of limitations in criminal cases shall also remain tolled until further order. **However, while the deadlines in O.C.G.A. §§ 17-7-50 and 17-7-50.1 for presenting cases involving detained individuals to the grand jury were reimposed effective May 14, 2021, when the statewide judicial emergency order expires, all deadlines not already reimposed will immediately be reimposed (unless tolled by an applicable local judicial emergency order).**

(2) **All other deadlines** imposed on litigants **were reimposed effective as of July 14, 2020**, as further explained below.

(3) This will mean that for cases **that were pending before the March 14, 2020 Order**, litigants will have the same amount of time to file or act after July 14 that they had as of March 14. For example, if an answer in a civil case was due on March 18, that answer will now be due on July 18, and if a criminal defendant's pretrial motions were due on March 23, they will now be due on July 23.

(4) This will mean that for **cases filed between March 14 and July 13, 2020**, the time for deadlines will begin running on July 14. For example, if a civil complaint was filed in June and the answer would have been due 30 days later, that 30-day period will begin on July 14 and the answer will be due on August 13.

(5) In cases **filed on or after July 14, 2020**, litigants will have the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a **weekend or legal holiday**, the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any **extension of time** for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020, shall also extend the time for that filing or action after July 14, 2020. For example, if a litigant's filing was initially due on March 10, 2020 but she was granted a 10-day extension of that deadline (to March 20), the filing will be due on July 24, 2020 (10 days after July 14, 2020).

(8) The tolling and suspension of **deadlines imposed on litigants in civil and criminal cases that are calculated by reference to terms of court** shall be lifted as of July 14, 2020, and any regular term of court beginning on or after July 14, 2020 shall count toward such deadlines.

(9) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(10) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of childcare.

(B) Recognizing the substantial backlog of pending cases, **deadlines imposed on courts shall remain suspended and tolled**. All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14, 2020, a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension orders, **the case specific order reimposing deadlines shall control over the deadlines for the same filings or actions reimposed by this order**.

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14th Order as extended.

IT IS FURTHER ORDERED that Non-Judicial Foreclosures **that resumed in July 2020 may continue**. All participants are expected to follow appropriate Social Distancing Protocol.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Parties or attorneys shall 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.

Pursuant to O.C.G.A. § 38-3-63:

IT IS ORDERED that the Sheriff of Rockdale County shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court 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 immediately 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 8th day of June, 2021.

A handwritten signature in black ink, appearing to read "Robert F. Mumford". The signature is written in a cursive style with a large, sweeping flourish at the end.

Robert F. Mumford, Chief Judge
Rockdale County Superior Court
Rockdale Judicial Circuit