

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

MAY 12, 2020 01:00 PM

IN RE: Declaration of Judicial Emergency
Date: May 12, 2020

20-1-0005

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Rebecca Keaton, Clerk of Superior Court
Cobb County, Georgia

SECOND ORDER DECLARING JUDICIAL EMERGENCY

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-61. Due to the continuing statewide emergency, the Order has now been extended until June 12, 2020.

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Cobb County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D).

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 any large groups of people in or around the Cobb Judicial Complex.

Therefore, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Reuben Green of the Superior Court of Cobb County, Cobb Judicial Circuit, DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Cobb Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout Cobb County 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.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in Cobb 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 or 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 right to confrontation and open courtrooms.

Accordingly, IT IS THE ORDER of this Court that the Cobb Judicial Circuit will continue to follow the SECOND ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY in all respects. The Superior Court is issuing a Memorandum to provide comprehensive, written guidelines as to how in-court proceedings generally, and particular types of proceedings, will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. This Memorandum is incorporated herein and made a part of this ORDER by reference.

Pursuant to O.C.G.A. § 38-3-63:

IT IS ORDERED that the Sheriff of Cobb 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 by public notice and other reasonable means.

IT IS SO ORDERED this 12th day of May, 2020 at 1:00 p.m.

A handwritten signature in black ink, appearing to read 'R. Green', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Reuben M. Green
Chief Superior Court Judge
Cobb Judicial Circuit

CHIEF JUDGE REUBEN M. GREEN

SUPERIOR COURT OF COBB COUNTY

COBB JUDICIAL CIRCUIT



SUPERIOR COURT OF COBB COUNTY
70 HAYNES STREET
MARIETTA, GEORGIA 30090
(770) 528-1860

MEMORANDUM

TO: All litigants, attorneys and members of the public
FROM: Chief Judge Reuben M. Green, Superior Court, Cobb Judicial Circuit
DATE: May 12, 2020

In accordance with the Chief Justice's SECOND ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, the Cobb Superior Court will handle matters to the extent feasible and consistent with this Declaration, public health guidance and 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 right to confrontation and open courtrooms. These procedures shall remain in effect while the Judicial Emergency is in place or until further Order of the Chief Judge of the Cobb Judicial Circuit.

Updated court information is posted on the Cobb County website at <https://www.cobbcounty.org/communications/info-center/covid-19-updates>

GENERAL SAFETY GUIDELINES FOR ALL COURTS IN COBB COUNTY

1. To the extent possible all parties, attorneys, and witnesses should appear via teleconference or videoconference.
2. The courthouse will remain open for the public, but they are encouraged to stay home. Only parties, attorneys and necessary witnesses should appear and only if the hearing cannot be handled via teleconferencing or videoconferencing.
3. Please leave all non-essential people at home. Avoid bringing children or family members, especially the elderly, to court.
4. No one should come to court if they are not feeling well or have a temperature above 100 degrees. Contact the Assigned Judge's office to be excused and to have your case rescheduled.
5. Before you come to the courthouse please answer the four questions below. If your answer to any of the four questions is YES, then you should not come to the courthouse. Instead, contact the Assigned Judge's office to be excused and to have your case rescheduled.
 - A. Have you had a recent onset of coughing?
 - B. Have you had any recent difficulty breathing?
 - C. Have you been around anyone who has been outside of the country in the last 14 days, or
 - D. Have you been around anyone who has been diagnosed with or is under investigation for potential COVID-19 infection?
6. Prior to entering the courthouse, you should answer the above questions again, and if your answer to any of the above questions is YES, then contact the Assigned Judge's office to be excused and to have your case rescheduled.

7. **Mask or face covering required.** Everyone coming to the courthouses shall have a mask or face covering on to enter the building. The mask or face covering shall remain on while in the courthouse, unless you are given permission to remove the mask or face covering by the judge or other court staff member.
8. Entering the courthouses. If you are entering the courthouse and there is a line, maintain social distance. Where there are markings on the ground establishing safe spacing, they are to be followed.
9. **The social distancing rules are in effect in and around all Cobb County courthouses.** Everyone shall maintain at least six feet distance from anyone else.
10. Elevators and stairs. People entering the courthouses are encouraged to use the stairs. The elevators have the number of people that can safely use them marked, they are limited to 1 or 2 people at a time based on their size.
11. Hand sanitizer stations are on every floor by the restrooms. Everyone is encouraged to use it frequently.
12. Restrooms are located on every floor and everyone is encouraged to wash hands frequently.
13. Courtrooms. There are limits on the number of people who may safely enter a courtroom to comply with the social distancing requirements. If you anticipate that your case will require more people in attendance at your hearing than can safely fit into the courtroom, then notify the Assigned Judge's office sufficiently in advance of the hearing so that accommodations can be made for overflow.
14. In the courtrooms, observers may sit in the gallery on the marked "X" only. No one may pass the bar without the permission of the Assigned Judge. People are encouraged to remain outside the courtroom until their case is called. Witnesses are encouraged to remain outside the courtroom until they are called. The witness will testify from the marked witness seat in the jury box.
15. Exhibits should be made available in electronic format in advance of the hearing so that they are not passed back and forth between multiple people in the courtroom. Contact the Assigned Judge's office for instructions on exhibits.

As long as there is a Judicial Emergency, the following will occur in Cobb Superior Court:

1. **NOTICE TO THE SHERIFF'S DEPARTMENT:** Inmates will not be transported unless specifically requested by the Assigned Judge's office. If matters can be handled via videoconference, then the inmate should not be transported to court unless directed to do so by the Court.
2. **JURY WEEKS** — Jury weeks for the rest of the Judicial Emergency are hereby cancelled.
3. **GENERAL CIVIL & DOMESTIC CALENDARS** – General Civil and Domestic Calendars that were scheduled prior to the Judicial Emergency are cancelled during the Judicial Emergency. Contact the Assigned Judge's office to schedule a pretrial or a hearing. It is encouraged that all hearings be handled via teleconference or videoconference, however, in person hearings shall be done at the discretion of the Assigned Judge. For all in person hearings, there shall be strict compliance with public health guidance and social distancing requirements outlined above.

4. **CRIMINAL CALENDARS** – Criminal calendars that were scheduled prior to the Judicial Emergency are cancelled during the Judicial Emergency.

- a. Through the remainder of May – The Superior Court will continue to hear negotiated criminal cases involving in-custody defendants before the Duty Superior Court Judge. If the resolution gets your client out of jail it should be scheduled before the Duty Superior Court Judge at the next available day. To make the next calendar day, all parties must be notified by 1 p.m. The assigned ADA or Duty ADA will contact the Assigned Judge to schedule and ensure the defendant is present. Defendants who are in custody will appear via videoconference unless the Assigned Judge Orders their physical presence. If you want your in-custody client to be present in court then you must contact the Assigned Judge’s office sufficiently in advance of the hearing to request his or her physical presence. If you have non-negotiated or non-essential matters that you believe need to be heard during the Judicial Emergency, then contact the Assigned Judge’s office to schedule. The Duty Judge schedule through May is as follows:

May 12	Schuster
May 13	Flournoy
May 14	Childs
May 15	Staley Clark
May 18	Poole
May 19	Harris
May 20	Leonard
May 21	Green
May 22	Kell
May 25	HOLIDAY
May 26	Schuster
May 27	Flournoy
May 28	Childs
May 29	Staley Clark

- b. **On June 1, 2020**, the Superior Court will begin to increase the in-court schedule. **Contact the Assigned Judge’s office for criminal and civil court dates after June 1, 2020.**

5. Senior Judges shall continue to hear:

- a. Extradition hearings
- b. Ex-parte Temporary Protective Orders
- c. Temporary Restraining Orders
- d. Search Warrant Applications
- e. Jail Revocations (via video conference)
- f. Emergency Hearings
- g. The Senior Judges may hear the following types of cases if in compliance with the above General Safety Guidelines. If you are interested in scheduling one of the following types of cases, then you should contact the Senior Judges’ Office at (770) 528-1880 to schedule the hearing.

- i. Uncontested Divorces, however, parties are encouraged to file a Motion for Judgement on the Pleadings so these matters can be handled without a hearing.
 - ii. Adoptions
 - iii. Child Support
 - iv. Poverty Affidavits
- 6. SUPERIOR COURT ACCOUNTABILITY COURTS shall be at the discretion of the Presiding Judge of each Accountability Court. They will be conducted from an open courtroom via videoconference. Participants are excused from reporting in person to the courtroom proceedings during the Judicial Emergency, but will attend via videoconference. Please contact the Accountability Court's Coordinator or Case Manager if you have questions.

As long as there is a Judicial Emergency, the following will occur in Cobb Juvenile Court:

- 1. The Juvenile Court Clerk's Office is open during regular business hours for emergency filings
- 2. If any party requests that a matter be heard on an emergency basis, a request must be sent to the Judicial Assistant for the assigned Judge.
 - a. Judge A. Patterson or Judge K. West – contact Star Simmons at gayle.simmons@cobbcounty.org (770) 528-2224.
 - b. Judge J. Hamby or Judge W. Grannis – contact Donelle Keaton at donelle.keaton@cobbcounty.org (770) 528-2428.
- 3. If all parties reach a consent and agree to forgo a hearing, please email the consent order to the appropriate Judicial Assistant listed above.
- 4. **NOTICE TO THE SHERIFF'S DEPARTMENT:** Adult inmates and juveniles held at youth detention centers will continue to be transported by the Sheriff's Department for essential hearings during this time unless the Sheriff's Department has received prior notice from the Juvenile Court that videoconferencing has been prearranged.
- 5. **DEPENDENCY CASES**
 - a. EMERGENCY HEARINGS, ADJUDICATION HEARINGS AND DISPOSITIONAL HEARINGS FOR DEPENDENCY CASES will be heard on regularly scheduled calendars for children in custody unless otherwise agreed to by the parties.
 - b. Other cases such as PERMANENCY HEARINGS, TERMINATION OF PARENTAL RIGHTS and any REVIEW HEARINGS shall be continued to a date after the Judicial Emergency.
 - c. PRELIMINARY PROTECTIVE HEARINGS will be heard by the Designated Duty Judge on Monday, Wednesday, and Friday afternoons at 2:00 p.m.
- 6. **DELINQUENCY CASES**
 - a. ARRAIGNMENT HEARINGS, ADJUDICATION HEARINGS AND DISPOSITIONAL HEARINGS will be heard by the Designated Duty Judge for that week on regularly scheduled calendars for children in custody unless otherwise agreed to by the parties.

- b. DELINQUENCY DETENTION HEARINGS will be heard by the Designated Duty Judge for that week on Monday, Wednesday and Friday afternoons at 2:00 p.m.
7. ACCOUNTABILITY COURTS, PROGRAMS AND ON-SITE SERVICES
- a. All group programs that are scheduled to be conducted on-site at the Juvenile Court are suspended until after the Judicial Emergency.
 - b. If there are any questions regarding individual services, contact the Accountability Court Coordinator or Probation Supervisor.
8. DUTY JUDGE
- a. Each week there will be a designated Duty Juvenile Court Judge assigned to preside over all emergency and time limited hearings. The schedule through Monday, June 15, 2020 at 9:00 a.m. is as follows:

May 11 – May 18 at 9:00 a.m.	Hamby
May 18 – May 25 at 9:00 a.m.	West
May 25- June 1 at 9:00 a.m.	Grannis
June 1- June 8 at 9:00 a.m.	Patterson
June 8- June 15 at 9:00 a.m.	Hamby



Reuben M. Green
 Chief Judge, Superior Court
 Cobb Judicial Circuit