



SUPREME COURT OF GEORGIA

September 30, 2024

IN RE: STATEWIDE JUDICIAL EMERGENCY DUE TO TROPICAL CYCLONE HELENE.

WHEREAS, the Governor has determined that a State of Emergency exists in the State of Georgia due to the effects of tropical cyclone Helene (“Helene”), and whereas that state of emergency constitutes a “judicial emergency” pursuant to OCGA § 38-3-60 et seq., under both OCGA § 38-3-60 (2) (A) and (D); and

WHEREAS, the scope of the judicial emergency extends across the lines of individual judicial circuits such that relief is warranted beyond the scope of local judicial emergency orders issued in the most affected judicial circuits, but that scope also does not affect all areas and judicial proceedings equally, making statewide, automatic relief overly broad.

Now therefore, pursuant to OCGA § 38-3-61, the Honorable Michael P. Boggs, Chief Justice of the Supreme Court of Georgia, **DOES HEREBY ORDER AND DECLARE** a Statewide Judicial Emergency in the State of Georgia. The nature of this emergency is the continued effects of Helene throughout many parts of the State on those who work in or are required to practice or appear in our courts.

Thus, the undersigned hereby declares a Statewide Judicial Emergency affecting all courts in the State as it relates to all judicial proceedings, but with relief limited to those cases in which a party

or interested person has been affected by Helene and satisfies the condition precedent as provided below.

Pursuant to OCGA § 38-3-62, during the period of this Order, the undersigned hereby suspends, tolls, extends, and otherwise grants relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to any: (1) statute of limitation; (2) time within which to issue a warrant; (3) time within which to try a case for which a demand for speedy trial has been filed; (4) time within which to hold a commitment hearing; (5) deadline or other schedule regarding the detention of a juvenile; (6) time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; (7) time within which to file a writ of habeas corpus; (8) time within which discovery or any aspect thereof is to be completed; (9) time within which to serve a party; (10) time within which to appeal or to seek the right to appeal any order, ruling, or other determination; and (11) such other legal proceedings of similar nature.

This suspension, tolling, extension, and relief (the “Relief”) shall be effective only upon the satisfaction of the following condition precedent. The party or interested person seeking to avail themselves of the Relief shall certify in the relevant judicial proceeding that the effects of Helene have prevented the party or interested person from timely taking the action for which the Relief is sought (the “Certificate”). To be effective, this Certificate must include all of the following information:

1. An identification of what deadline, time schedule, and/or filing requirement as to which the Relief is sought;

2. An explanation of how the action taken by the party or interested person is now timely upon application of the Relief;
3. A statement that the effects of Helene have prevented the party or interested person from timely compliance with that deadline, time schedule, and/or filing requirement and also prevented belated compliance materially earlier than the time of certification;
4. A brief explanation of what those effects were and how they prevented earlier compliance (not to exceed 100 words);
5. A statement that the Certification is made with the knowledge that the statements contained within it are made subject to the provisions of OCGA § 16-10-20, 16-10-20.1, and other provisions of state law and rules of professional conduct prohibiting false statements.

For convenience, a model Certificate is attached as Appendix A.

To each filing for which relief is sought, the filing party or interested person shall attach a Certificate to the filing in the judicial proceeding. For each non-filing event for which the Relief is sought (such as, for example, a hearing or trial), the party or interested person seeking such Relief shall file a Certificate in the judicial proceeding within the period of Relief imposed by this order. The filing of a Certificate complying with the requirements above within the period of Relief imposed by this order shall conclusively establish the effectiveness of the Relief in the judicial proceeding in which the Certificate is filed.

False statements made in a Certificate may constitute a violation of various criminal laws and, if a member of the State Bar

of Georgia, Georgia Rules of Professional Conduct (“GRPC”). These laws and Rules may include, but are not limited to, OCGA § 16-10-20 (felony punishable with five years in prison and fine of \$1000), 16-10-20.1 (felony punishable with ten years in prison and fine of \$10,000), and GRPC 8.4 (bar discipline punishable with disbarment).

In any judicial proceeding in which a party or interested person anticipates filing a Certificate, the party or interested person should inform all other parties to the proceeding as soon as reasonably practicable, including by telephone, email, or text message. All lawyers are reminded of their obligations of professionalism.

The Relief imposed by this order shall not displace, extend, or shorten broader relief imposed by local judicial emergency orders. The Relief imposed by this order is solely supplemental to such local orders.

This Statewide Judicial Emergency shall terminate on October 30, 2024, at 11:59 p.m., unless otherwise extended.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification, a determination of available alternative remedies will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

IT IS FURTHER ORDERED, pursuant to OCGA § 38-3-63, that notice and service of a copy of this Order shall immediately be sent to the judges and clerks of all courts in this State, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

IT IS FURTHER ORDERED that notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities

listed below and shall constitute sufficient notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 30th day of September, 2024.

Michael P. Boggs

Chief Justice Michael P. Boggs
Supreme Court of Georgia

cc:

Governor Brian P. Kemp

Lt. Governor Burt Jones

Speaker Jon Burns

State Bar of Georgia

Administrative Office of the Courts Judicial Council of Georgia

Council of Superior Court Clerks of Georgia

Department of Juvenile Justice

Criminal Justice Coordinating Council

Council of Accountability Court Judges

Georgia Commission on Dispute Resolution

Institute of Continuing Judicial Education of Georgia

Georgia Council of Court Administrators

Chief Justice's Commission on Professionalism

Judicial Qualifications Commission

Association County Commissioners of Georgia

Georgia Municipal Association

Georgia Sheriffs' Association

Georgia Association of Chiefs of Police

Georgia Public Defender Council

Prosecuting Attorneys' Council of Georgia

Department of Corrections

Department of Community Supervision

Georgia Court Reporters Association

Board of Court Reporting

State Board of Pardons and Paroles
Constitutional Officers Association of Georgia
Council of Magistrate Court Clerks
Council of Municipal Court Clerks

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk