



Courts Across the Southeast Take Unprecedented Steps in Response to COVID-19 Pandemic

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In recent days many courts across the Southeast have taken steps to protect their respective communities from the spread of Coronavirus, the disease known as Covid-19. Through scaled back operations, alternative arrangements, remote appearance options and temporary suspension of non-essential matters they are working with their local and state health agencies to respond and reduce the risks within their communities. Below we have summarized and included some of the GA, NC, SC and TN Court announcements, which we will update once more information becomes available.

Georgia Courts

By [Jeffrey C. Hoffmeyer](#)

In light of the COVID-19 pandemic, Chief Justice of the Georgia Supreme Court Harold Melton declared a statewide judicial emergency applicable to all courts and clerk's offices in the state of Georgia.

The Chief Justice ordered that, to the extent feasible, the courts should remain open to address essential functions, including situations where "an immediate liberty or safety concern is present;" criminal court warrants, initial appearances, and bond reviews; domestic abuse protective orders; juvenile court delinquency detention hearings; and mental health commitment hearings. The Chief Justice also declared that criminal trials where a jury had been empaneled and the trial commenced prior to the declaration of judicial emergency should proceed to conclusion, unless good cause, in the trial court's discretion, exists to suspend the trial or declare a mistrial.

Without saying so explicitly, it appears that all other non-essential functions, such as hearings and trials in civil matters, are suspended until April 13, 2020, at 11:59 p.m., unless otherwise extended. The Chief Justice also suspended, tolled, extended, or otherwise granted relief "from any deadlines or other time schedules or filing requirements imposed by statutes, rules, regulations, or court orders in all civil, criminal, and administrative matters" during the emergency period. As relates to civil matters, this includes statutes of limitation, the discovery period, time to serve a party, or the time period for seeking an appeal.

Previously, in an emergency conference call with judges throughout the state, the Chief Justice had advised that the Georgia Supreme Court was not yet ready to declare a judicial emergency, but told the judges that the chief judge of each judicial district could declare a local judicial emergency. The chief judges of numerous judicial circuits throughout the state entered orders declaring local judicial emergencies on Friday, March 13, 2020. The relief provided in

these orders varied from court to court. It appears that the Georgia Supreme Court's declaration of a statewide judicial emergency, and all the relief provided in the declaration, supersedes the orders and relief provided in the judicial circuit orders.

Also worth noting, the federal courts in Georgia have changed some procedures as well. The United States District Court for the Northern District of Georgia and the Bankruptcy Court for the Middle District of Georgia have restricted certain high-risk people from entering the courthouse, but otherwise will continue normal operations. The Bankruptcy Court for the Northern District of Georgia has ordered that, effective Monday, March 16, 2020, all hearings are to be held by telephone unless other arrangements have been made with the appropriate judge, and all meetings of creditors scheduled for March 16 through April 10, 2020 are reset to a date to be provided by the court.

Click [here](#) for Supreme Court of Georgia updates. For Georgia Bar dedicated update page, click [here](#).

North Carolina and South Carolina Courts

by [Melissa M. Yates](#)

North Carolina Supreme Court Order, dated 3/10/2020: The North Carolina Chief Justice has determined and declared under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the public health threat posed by COVID-19 exist in all counties of North Carolina. The Chief Justice has directed that while North Carolina courts will remain open, all superior court and district court proceedings must be scheduled or rescheduled for a date no sooner than 30 days from the issuance the order. The order contains several exceptions, which include remote proceedings, proceedings necessary to preserve the right to due process of law, and proceedings for the purpose of obtaining emergency relief. The order does not apply to any proceeding in which a jury has already been empaneled or to any grand juries already empaneled. Additionally, the superior courts and district courts are encouraged to liberally grant additional accommodations to parties, witnesses, attorneys, and others with business before the courts who are at high risk of severe illness from COVID-19. The full order, including its two emergency derivatives, can be read here: [https://www.nccourts.gov/assets/news-uploads/COVID-19-13-March-2020-7A-39%28b%29%282%29-Order 0.pdf?sCe0Me.YaLJBPjYl4doVvi4r 4Sm1Zbn](https://www.nccourts.gov/assets/news-uploads/COVID-19-13-March-2020-7A-39%28b%29%282%29-Order%20.pdf?sCe0Me.YaLJBPjYl4doVvi4r%204Sm1Zbn)

South Carolina Supreme Court Memorandum, dated 3/16/20: As the number of coronavirus cases has increased in South Carolina, and a state of emergency has been declared, the South Carolina Judicial Branch has adopted new statewide directives. All jury trials are postponed. Non-jury trials and other hearings may continue at the trial judge's discretion, but only attorneys, their clients, and necessary witnesses will be allowed to appear. If possible, litigants should be excused from routine hearings such as status conferences. To the extent that hearings can be held by video, they may be held remotely; telephonic hearings may be held remotely as a last resort. All roll calls and any other large gatherings are cancelled until further

notice. All courthouses shall remain available critical functions, including the acceptance of filings and payments and emergency hears. Court dates may be rescheduled as necessary and prudent. The full memorandum from Chief Justice Beatty is available here:

<https://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2460arolina>

The South Carolina Bar has developed a dedicated COVID update page on their website, www.scbar.org/covid19.

Order from Chief U.S. District Judge Harwell, dated 3/16/20: The United States District Court for the District of South Carolina has issued an order in response to COVID-19 effective immediately. All civil and criminal jury selections, jury trials, and roster meetings scheduled to commence through May 8, 2020, are CONTINUED (i.e., postponed) pending further order of the Court. In all civil cases, all deadlines, whether set by court or by the Rules of Civil Procedure or Local Rules, are extended by 21 days from the current deadline set. The Order does not toll any applicable statutes of limitation. Unless otherwise ordered by the Presiding Judge, all other civil and criminal matters scheduled for an in-court appearance through May 8, 2020, including any associated deadlines, are CONTINUED, unless all parties and the Presiding Judge agree to resolve the matters without court appearance via telephone or video conferencing where practical. Case-by-case exceptions to the continuances may be ordered for non-jury matters by the Presiding Judge after consultation with counsel, such as emergency civil and criminal matters. The Order does not affect the Court's consideration of civil or criminal motions that can be resolved without court appearance. The District Clerk's Office will remain open unless otherwise ordered by the Court. Staff in the Clerk's Office will be available by telephone, mail will be received, and Court Services counters will remain open. Electronic filing in CM/ECF remains mandatory. The full order can be read here:

https://mcusercontent.com/e3c454f3f6a74470e715dad3d/files/53063a56-8881-4b1d-a257-035b053edc0c/Standing_Order_Regarding_Court_Operations_in_Response_to_COVID_19.pdf

Tennessee Courts

by [Molly Simbeck](#)

Supreme Court of Tennessee, dated 3/13/2020 *: In light of the COVID-19 pandemic, the Supreme Court of Tennessee declared a state of emergency as to the judicial branch of the state on March 13, 2020. The Court suspended all in-court proceedings in state and local courts through March 31, 2020. There are limited exceptions for ongoing trials and certain criminal and domestic proceedings. The Order does not prohibit hearings by telephone, video, or other means that do not involve in-person contact. Judges' and court clerks' offices are to remain open and operational at this time.

*Notably, the Court's Order declared that any deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire between March 13 and March 31, 2020 are extended through April 6, 2020. Statutes of limitation and repose that would otherwise expire between March 13 and April 6, 2020 are also extended through April 6, 2020. Any deadlines not set to expire within that timeframe are not extended.

Beyond the specific extensions above, it is unclear how this Order may affect expiring time limits in specific legal matters, and any case-specific questions should be directed to your attorneys so they can be more carefully researched. The Court's Order can be seen here: <https://www.tncourts.gov/press/2020/03/13/tennessee-supreme-court-issues-order-keeping-courts-open-limiting-person-court>