

***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, SC and TN Court announcements, which we will update once more information becomes available.

**Georgia Courts COVID updates as of 5/15/2020**

By [Jeffrey Hoffmeyer](#)

On May 11, 2020, Georgia Supreme Court Justice Harold Melton entered an order extending the statewide judicial emergency until at least June 12, 2020 at 11:59 p.m. (the “Order”) in response to the COVID-19 epidemic. The Order did not just extend the previous orders, but also provided guidance and additional powers to Georgia courts for managing their dockets to keep cases moving where possible and reduce any backlogs that may occur when the courts are reopened.

Perhaps most significantly, the Order permits courts to re-impose deadlines that had been tolled, suspended, or otherwise extended under the previous orders. Courts may only do so on a case-by-case basis by order specifically setting out which deadlines are re-imposed, and courts are prohibited from relying on standing orders applicable to multiple cases, or by re-imposing prior scheduling orders. Courts must give the parties affected by such orders a chance to seek reconsideration for good cause shown.

As with previous orders, jury trials are prohibited while the Order is in place, but courts are encouraged to use, or continue to use, remote technology to conduct other non-jury judicial proceedings. The Order authorizes courts to compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote, non-jury judicial proceedings, including non-jury trials. Parties can otherwise expressly consent on the record to remote proceedings not otherwise authorized and can waive applicable legal requirements.

The Order also explicitly allows courts to conduct in-person judicial proceedings—essential and non-essential—with the exception of jury trials, and only in

compliance with public health guidelines. Courts should work to establish written guidelines before conducting wide-scale, in-person, non-essential proceedings.

The Order further authorizes courts in areas heavily-impacted by the COVID-19 epidemic to impose more restrictive measures than the Order. The Order also establishes a task force to assist in conducting remote proceedings, and in advising and assisting in returning to in-court proceedings, including jury trials, in the future. The Order specifically solicits feedback on remote and in-court proceedings from judges, lawyers, and the public.

In interpreting the provisions of the original emergency order as extended by the Order, the Order specifically incorporates certain guidance documents as appendices to the Order. Of note are documents providing guidance on the tolling of response deadlines and statutes of limitation. In short, this guidance provides that the declaration of judicial emergency stops the counting on any deadline or statute of limitation; counting resumes upon the termination of the Order; and however much time remained when the judicial emergency was declared is how much time remains once the Order terminates. If a deadline arose during the course of the judicial emergency, the time to respond begins to run once the Order terminates. This guidance assumes that a court does not re-impose a deadline as otherwise allowed in the Order.

Finally, the Order reminds attorneys of their obligations of professionalism, and courts of their obligations to dispose of all judicial matters promptly. The Order provides that the judicial emergency could yet be extended again, but that Chief Justice Melton will provide at least one week's notice of the termination of the judicial emergency to allow courts to prepare for a transition to fuller operations.

While the Order has broad applicability, you are encouraged to seek legal counsel to determine how the Order affects your specific case.

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

### **South Carolina Courts COVID updates as of 5/15/2020**

By [Melissa Yates](#)

For the most current COVID information, visit: <https://www.scbar.org/bar-news/covid-19-information-and-resources/>

An order containing the most comprehensive information about COVID for South Carolina courts is available here:

<https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2484>

A full list of the local, judicial circuit-specific orders and memos is available here:

<https://www.sccourts.org/coronavirus/localorders/>.

A list of courthouse operations by county is available here:

<https://www.sccourts.org/coronavirus/court-availability/>

### Synopsis of Most Recent Statewide Orders and Memos:

- **Video/Audio Conference Hearings- 4/30/20**  
Circuit, Family, Probate and Summary Court judges statewide have been ordered to proceed with remote hearings regardless of whether parties have verbally consented or submitted a signed consent form to the Court. The order remains in effect until modified or rescinded by order of the Chief Justice.
- **Memo Regarding Court Operations May 4-June 12, 2020**  
This memo from April 24, 2020 outlines the preparation of dockets, status conferences, travel guidelines and pre-trial matters over the six-week period.

All status conferences, pre-trial hearings and pre-trial motions previously set, as well as newly scheduled hearings pursuant to the directives in this Memorandum, may be conducted using remote communication technology to avoid the need for a physical appearance of all or some of the parties, counsel or witnesses.

Videoconferencing should be hosted by the judge and not by a party to the case, and WebEx is the conferencing platform supported by the Judicial Branch. If an in-person hearing is conducted, only attorneys, the parties, necessary witnesses, and a limited number of members of the press will be allowed to appear. Hearings must be staggered to minimize the number of people appearing at the same time.

Notwithstanding any prior guidance, continuances on pre-trial matters are discouraged during this six weeks period and should be granted only in exceptional circumstances with good cause shown.

The full memo is available here:

<https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2486>

- **Amendment regarding Scheduling Orders-4/14/20**  
An order dated April 14, 2020 contains an amendment regarding scheduling orders. The amendment states that all deadlines under all existing scheduling

orders are stayed, retroactive to March 13, 2020. The stay will end **45 days** following the date on which the Governor lifts or rescinds the emergency orders relating to the coronavirus emergency.

#### Federal Court Order Synopsis:

- **US District Court of South Carolina**  
Pursuant an amended order dated April 10, 2020:

All civil and criminal jury selections, jury trials, and roster meetings scheduled to commence through July 5, 2020, are **continued** pending further order of the Court.

Unless otherwise ordered by the Presiding Judge, all civil matters scheduled for an in court appearance through July 5, 2020, are **continued**, unless the matter is resolved by the court without a hearing, or can be addressed via video or telephone conferencing where practical.

Existing deadlines in civil cases, whether set by the court or by the Federal Rules of Civil Procedure or Local Rules, are **not further extended** by the order.

The order does not affect the Court's consideration of civil or criminal motions that can be resolved without court appearance.

For continued updates, check [www.scd.uscourts.gov](http://www.scd.uscourts.gov) .

#### Fourth Circuit Court of Appeals

- Updates on COVID information available here  
<http://www.ca4.uscourts.gov/covid-19-announcements>

### **Tennessee Courts COVID updates as of 5/15/20**

By [Molly Simbeck](#)

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 and issued an Order as to certain functions of state courts. The Court issued a second Order on March 25, 2020 extending the deadlines set forth in the first Order. The Court issued a third order on April 24, 2020, again extending deadlines but also modifying previous guidelines.

In its most recent order, the Court states that all courts are to operate under the guidelines and restrictions set forth in the Court's March order until the Chief Justice has approved a written plan for the judicial district. As such, individual judicial districts are submitting their own written plans for proceeding, and procedures and rules will vary by district. The Supreme Court encouraged the districts to include guidelines regarding the utilization of social distancing, capacity limits, staggering hearing times, screening measures, and personal protective equipment. Alternatively, a written plan may consist of an election to continue to operate under the Court's March 25, 2020 Order.

Regardless of a district's election, all courts are encouraged to try to increase and continue to conduct business by means such as email, telephone, and video that do not require in-person appearances. Judges' and clerks' offices may limit in-person contact but must remain open for business.

Jury trials are suspended, absent extraordinary circumstances, through July 3, 2020. Any deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire between March 13 and May 31, 2020 are extended through June 5, 2020. This does not apply to deadlines set for in the Tennessee Rule of Appellate Procedure or Rules of the Tennessee Supreme Court with limited exceptions. This extension also does not apply to deadlines set forth in pre-trial scheduling orders, but such deadlines remain subject to extension by the trial courts in their discretion. Statutes of limitation and repose that would otherwise expire between March 13 and May 31, 2020 are also extended through June 5, 2020. Any deadlines not set to expire within that timeframe are not extended.

This Order also encourages the use of the "Online Notary Public Act" and allows declarations under penalty of perjury to be used as an alternative to a notarized document in court filings. Moreover, attorneys can utilize to use of electronic signatures while the state of emergency for the Judicial Branch remains in place.

Due to economic issues caused by this pandemic, no court official is to take any action to effectuate an eviction, ejection, or other displacement from a residence through May 31, 2020.

This Order does not apply to the Court of Workers' Compensation Claims, as it is an administrative court of the Executive Branch.

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 first Order can be seen here:

<https://www.tncourts.gov/press/2020/03/13/tennessee-supreme-court-issues-order-keeping-courts-open-limiting-person-court>

The second Order can be seen here:

[https://www.tncourts.gov/sites/default/files/docs/order\\_-\\_2020-03-25t120936.486.pdf](https://www.tncourts.gov/sites/default/files/docs/order_-_2020-03-25t120936.486.pdf)

The third Order can be seen here:

[http://www.tncourts.gov/sites/default/files/docs/sct\\_covid-19\\_order\\_4-24-2020\\_2.pdf](http://www.tncourts.gov/sites/default/files/docs/sct_covid-19_order_4-24-2020_2.pdf)