

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

IN RE:)
) DIVISION 2 CASES
JUDGE DAVID L. DICKINSON'S)
PENDING CIVIL CASES)
)

ORDER REGARDING DIVISION 2 CIVIL HEARING PROCEDURES DURING
STATEWIDE JUDICIAL EMERGENCY

The Governor of Georgia having entered and renewed an Executive Order declaring a Public Health State of Emergency in Georgia due to the impact of COVID 19; and Chief Justice Harold Melton of the Supreme Court of Georgia having entered an Order Declaring Statewide Judicial Emergency, followed by an Order Extending Declaration of Statewide Judicial Emergency; this Court is compelled to revise its civil court procedures to comply with those Orders.

WHEREFORE, the Court has continued all pre-existing civil calendars previously scheduled for hearing during the time of the Statewide Judicial Emergency. Thus, any party requesting a hearing during the Statewide Judicial Emergency shall be required to submit a new hearing request form to the Court's Judicial Assistant, Ms. Ashley Anderson.¹ This hearing request form is a modified version of the Court's usual form, and the requesting party shall complete all requested information.² The Court shall also continue to review emergency motions filed by the parties to determine when hearings are necessary.

Upon reviewing emergency motions or receiving hearing request forms from litigants, the Court shall review the provided information to determine whether the request

¹ Ms. Anderson's email address is aaanderson@forsythco.com.

² The modified hearing request form may be obtained at <https://forsythcourts.com/coronavirus>. The form may also be found at www.forsythclerk.com.

shall or shall not be deemed essential, and the extent to which the Court and litigants are able to proceed with a hearing consistent with public health guidance.³ If the Court needs additional information to make a determination, teleconferences and/or videoconferences may be scheduled. The Court shall prioritize the health and safety of everyone involved in the process. If the Court determines it is appropriate to conduct a hearing, the parties shall be notified. If the parties do not receive notification of a hearing date and time, the Court has reserved hearing the matter until after the conclusion of the Statewide Judicial Emergency.

To best comply with the mandates that Georgia courts act consistently with public health guidance, such as social distancing recommendations, any granted hearings or conferences shall be conducted entirely remotely. Videoconferences shall be conducted using Microsoft Teams.⁴ Should a member of the public desire to observe a public hearing, he or she shall contact Ms. Ashley Anderson for details on how to do so.⁵

Some hearings are more difficult than others to conduct remotely and shall weigh into the Court's consideration on whether to conduct a hearing. For example, hearings which require the introduction of voluminous amounts of physical evidence or testimony from numerous witnesses create more challenges than hearings with little physical evidence and few witnesses. Thus, the matters which may be heard with the fewest complications are motions that require only legal argument. For those parties who request it, the Court is also willing to consider matters submitted with evidentiary proffers or with

³ To be clear, the Court shall consider conducting hearings on non-essential matters when it is able to do so while complying with the mandates referenced in this Order.

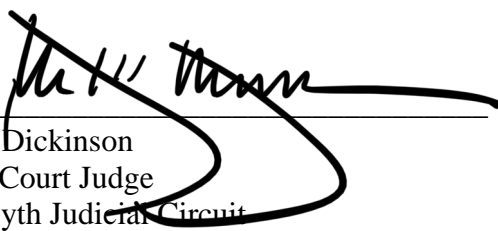
⁴ Further requirements and guidance for videoconference procedures are posted at <https://forsythcourts.com/coronavirus> and www.forsythclerk.com. Please see footnote 2 for additional information.

⁵ See footnote 1 for email address.

supporting affidavits in lieu of live testimony. Finally, when requesting a hearing, parties may consider agreeing to limitations on the amount of physical evidence and the number of witnesses they will present.⁶

Finally, while entry into the Courthouse is currently restricted, Court personnel continue to work behind the scenes. The Court welcomes input on creative solutions for resolving litigation. Additionally, for those parties actively engaged in settlement discussions, the Court is available for remote pre-trial conferences with counsel who believe such a conference would assist in reaching resolution of their cases.

SO ORDERED, this 15th day of April, 2020.



David L. Dickinson
Superior Court Judge
Bell-Forsyth Judicial Circuit

Original: Clerk of Court
Copies: Court Administrator

⁶ The Court is not requesting that any party waive any rights but is simply attempting to illustrate that some parties may be creative in crafting a procedure to better permit resolution of their issues during the Statewide Judicial Emergency.