SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
May 21, 2020
Thérèse S. Barnes,
Clerk/Court Executive
SUPREME COURT OF GEORGIA

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

It is hereby ordered that the Rules of the Supreme Court of Georgia be amended by adding temporary Rule 11.1 (Filings Affected by Judicial Emergency Orders) to provide that in proceedings for which any filing deadlines have been suspended by any order declaring a statewide or local judicial emergency, when submitting the filing so affected, parties must attach a separate certificate showing that the filing is timely.

Temporary Rule 11.1 shall be effective May 28, 2020, and shall expire 180 days after the date of this order, unless further extended. The "Certificate of Timeliness" set out in this Rule will also be posted on the Supreme Court website. The new Rule shall read as follows:

II. FILINGS

. . .

Rule 11.1 FILINGS AFFECTED BY JUDICIAL EMERGENCY ORDERS. For appeals, petitions for certiorari, applications, motions, disciplinary proceedings, and other proceedings for which any filing deadlines have been suspended by any order declaring a statewide judicial emergency (such as Chief Justice Melton's March 14, 2020 Order), as extended by subsequent orders, or by a local judicial emergency order entered by the chief judge of a superior court, parties shall, when submitting any filing so affected, attach to the end of such filing a separate "Certificate of Timeliness." Such certificate shall not be counted toward the applicable page limitation, see Rule 20 (5), and shall state the following:

(a) the date the filing was due before the deadline for the filing was suspended (without regard to any non-emergency-related extensions previously granted, and without the application of OCGA § 1-3-1 (d) (3) where the filing deadline would have fallen on a weekend or legal holiday);

(b) the number of days that remained before the date specified in (a), as of suspension of the deadline; and

(c) that the filing being submitted is timely because it is being filed within the number of days calculated under (b), counting from the date the suspension is lifted (subject to OCGA § 1-3-1 (d) (3) if this new filing deadline falls on a weekend or legal holiday).

In the event a party's filing deadline has been affected by any local judicial emergency order entered by the chief judge of a superior court or by any case-specific trial court order, a copy of each such order shall be attached to the party's Certificate of Timeliness.

The Certificate of Timeliness should be in substantially this form:

CERTIFICATE OF TIMELINESS

Pursuant to Supreme Court Rule 11.1, **[Appellant/Appellee/Petitioner/etc.]** certifies that this filing is timely submitted, taking into account the suspension of filing deadlines as prescribed by the Order Declaring Statewide Judicial Emergency entered on **[Date]** [and as extended or otherwise prescribed by _____ (*list statewide and/or local judicial emergency and/or extension orders, as applicable*)]. Specifically:

(a) This filing was originally due on _____. (*This date is to be calculated without regard to any non-emergency-related extensions of time previously granted, and without the application of OCGA § 1-3-1 (d) (3) where the filing deadline would have fallen on a weekend or legal holiday.*)

(b) The number of days that remained before the date specified in (a), as of the suspension of the deadline on **[Date of Emergency Order]**, was _____.

(c) This filing is timely because it is being filed within the number of days specified in (b), counting from **[Date Suspension Lifted]**. (*If this new filing deadline falls on a weekend or legal holiday, the due date is to be calculated in accordance with OCGA § 1-3-1 (d) (3).*)

To the extent the deadline for this filing has been affected by a local judicial emergency order entered by the chief judge of a superior court or by any case-specific trial court order, a copy of such order(s) is attached hereto.

Respectfully submitted, this ____ day of _____, 20___.

_____
Signature of Party/Attorney

Illustrations: Assume a Statewide Judicial Emergency Order that tolled filing deadlines effective March 14, 2020, and a further Court order providing that tolling provisions of the March 14 Order would be lifted effective May 28, 2020.

1. If the 20 days for filing a principal brief was originally due to expire on Saturday, March 21, 2020, there would have been seven days remaining at the time the March 14 Order was

entered, and the brief would now be due on Thursday, June 4, 2020.

2. If the 20 days for filing a principal brief was originally due to expire on Monday, March 23, 2020, there would have been nine days remaining at the time the March 14 Order was entered, and the brief would now be due on Monday, June 8, 2020, due to the operation of OCGA § 1-3-1 (d) (3).

3. If the Court had previously granted a 10-day extension of time to file a principal brief with an original deadline of Tuesday, March 10, 2020, such that the extended deadline would have been Friday, March 20, 2020, there would have been zero days remaining at the time the March 14 Order was entered (disregarding the extension), and the brief would now be due on Thursday, May 28, 2020.

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