

**SECOND ORDER EXTENDING EMERGENCY ORDER  
DECLARING A JUDICIAL EMERGENCY IN THE  
WAYCROSS JUDICIAL CIRCUIT**

On September 26, 2024, this Court declared a judicial emergency due to Hurricane Helene and the accompanying projected path as reported by various news and weather channels. Hurricane Helene came through the Waycross Judicial Circuit in the early morning of September 27, 2024. Helene caused damage to roads, homes, businesses and extensive power outages throughout the Circuit. Additionally, internet and cell services have been severely curtailed in many areas. In certain areas, travel is impeded due to downed trees.

Due to communication problems, the Court is unable to fully ascertain all of the impediments faced by lawyers, litigants, law enforcement, Clerks and staff and other courthouse personnel. Accordingly, the Court considers reports from Clerks with which it can communicate, courthouse closing decisions from County Commissions, decisions from the Board of Education regarding school closings, news reports and various other sources.

A substantial number of people in four of the six counties of the Waycross Judicial Circuit, Coffee, Ware, Pierce, and Bacon remain without power. The Court has been notified that some courthouses also remain without power, internet or phone services.

As of the 4<sup>th</sup> day of October, 2024, the information regarding the conditions which exist in the various counties comprising the Waycross Judicial Circuit due to Hurricane Helene, remain limited and at times contradictory. There appears to be a variety of reasons which affects the veracity of the information available to the Court. One significant impediment to the Court receiving reliable and timely information regarding the relevant conditions existing in the Circuit, appears to be the lack of any provision in law or procedure, which mandates the various local emergency management agencies to report such information to the Chief Judge of the circuit. The lack of any reliable communication equipment between the Court, Chief Law Enforcement heads, and Emergency Management Operations is another serious impediment to the receipt of reliable information. Additionally, as conditions improve in the recovery stage, i.e. restoration of power, internet and cellular services, and the clearing of roadways, the improvements do not occur on a county-wide basis or all at once. This gives rise to contradictory reports, in one area that has been through restoration, the report may indicate all is well and an area that has not been through a restoration, the report may be one of desperation.

At this time, the Court is aware that some courthouses have power restored and some county offices may be open. Some may consider that power restoration to the courthouse brings an end to the judicial emergency. Obviously, there are many other factors which must be considered in determining the status of the judicial emergency, i.e. internet services, cellular/phone services, roadway conditions, availability of fuel, state of county-wide power restoration (not merely to the courthouse), and the delivery of mail by the United States Postal Service, whereby official notices are provided to jurors and litigants.

However, another factor, which the court considers paramount is the humanitarian

condition of the persons who work in and comprise our legal system. These persons include, judges, lawyers, Clerks of Courts and their staff, the District Attorney and her staff, the Public Defender and his staff, Probation Officers, Bailiffs, security personnel, court reporters, judicial assistants, IT personnel, amongst others. Within these groups, some are in good shape and are ready and able to return to work, while others are desperate and still in survival mode. I recently received a report of one key person, who still has trees on his home, and was boiling water from a lake on an open fire. This may be an extreme example, however, it clearly illustrates that people are still in a desperate situation. Other factors people face are severe damage to homes, filing insurance claims and meeting with adjusters, sourcing child care for children that cannot return to school, securing repairs to homes and vehicles, arranging transportation where vehicles have been lost, finding fuel, obtaining and operating generators to provide light and to preserve food and drinks for family, and this list is not exhaustive.

In the exercise of its discretion, caution, and prudence and based on the limited information which is available, the Court extends the Order of September 26, 2024 declaring a Judicial Emergency in the Waycross Judicial Circuit for a period of thirty (30) days, ending at 11:59 p.m. on November 3, 2024 unless otherwise modified by the Court and the present order. The extension will cover all counties in the Waycross Judicial Circuit, except for Brantley and Charlton Counties.

The Court fully anticipates modifying this Order as reliable information becomes available on a county by county basis. Additionally, as conditions warrant and allow, all judges of all courts are authorized to conduct court on an emergency basis and otherwise as caution and prudence indicate.

Evident from the content of this order is the Court's concern for the many and varied court personnel who are still in the throws of a full on humanitarian crisis. This Court will not compel any court related personnel to choose between family and duty.

Nonetheless, duly elected officials and various sworn personnel have by, oath and duty, taken on the responsibility to maintain our system of justice. Therefore, the Court intends to balance the needs of those still in crisis against the need to keep our judicial system open and functioning on an emergency basis as our circuit continues on the path of recovery.

Therefore, the Court orders all judges, Clerks of Court, District Attorney, Public Defender, Chief Community Supervision Office, and each Sheriff to fully evaluate their respective present ability to hold open court and to notify this Court and each judge of a court of such evaluation. This evaluation process should continue on a regular basis until this order expires or is otherwise terminated. Each sheriff shall confer with their respective county EMA personnel in order to fully apprise the Court and the respective judges of the various courts of the recovery progress in their counties. As an example, as of this writing, the Court received a report that 85.45% of homes and businesses in Coffee County remain without power. This information is believed to be accurate, however, no official has apprised the Court of this information, which is absolutely crucial to the decisions which the Court must address. This order is an attempt to

bring timely and accurate information to judges and other stakeholders in order to make informed decisions throughout the Helene emergency.

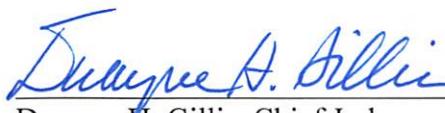
It is the Court's intent that enough staff in each office/agency, referenced above, be identified and available to allow respective judges in the various courts to hold court, or to, at a minimum, conduct court on an emergency basis. The court intends to create an informative and collaborative effort to insure the functioning of the various courts throughout the Waycross Judicial Circuit, on an emergency basis.

Each judge of each court in the circuit should evaluate the availability of necessary court personnel in order to hold court. This evaluation should be guided by the Court's intent to not compel court personnel to choose between family and duty, but to simultaneously balance the needs of public to have access to the courts.

All provisions and protections, rights, and privileges provided in the original order of September 26, 2024 shall remain in full force and effect in all counties except as modified by this order.

The distribution of the Order shall be via email, text, photograph and verbally, if necessary. The Georgia Supreme Court and Georgia Court of Appeals will be notified via email.

So ordered this the 4 day of October, 2024.

  
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Dwayne H. Gillis, Chief Judge  
Waycross Judicial Circuit