

**IN THE SUPERIOR COURT OF**  
**THE SOUTHERN JUDICIAL CIRCUIT OF GEORGIA**  
**INTERNAL OPERATING PROCEDURES**

Note: Effective December 31, 1994, the term "local rules" are no longer used. See Uniform Superior Court Rule 1.2 (a).

These Procedures supplement the Uniform Superior Court Rules and apply only in the Southern Judicial Circuit.

**SUPERIOR COURT JUDGES OF  
THE SOUTHERN JUDICIAL CIRCUIT**

Chief Judge H. Arthur McLane

Judge Harry Jay Altman, II

Judge Frank D. Horkan

Judge Richard M. Cowart

The following Procedures for the Superior Courts of the Southern Judicial Circuit of Georgia are hereby adopted pursuant to Sections 1.2 (c) of the Uniform Superior Court Rules and shall become effective on the **1st** day of **May, 2004**.

These Procedures shall be in pari materia with the Uniform Superior Court Rules, shall govern all proceedings now pending which are hereafter filed in the Superior Court of the Southern Judicial Circuit and shall constitute notice to and be binding upon all parties, attorneys, court personnel and officers of the Court.

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## 1. **OFFICERS OF THE COURT**

All Clerks, Deputy Clerks, Law Enforcement Officers, Magistrates, Attorneys and others who serve in any official capacity in the Courts of this circuit are deemed to be Officers of this Court, familiar with these procedures and the Uniform Superior Court Rules and shall comply with same. The willful failure to comply will subject the offender to sanctions of contempt.

## 2. **GENERAL CALENDAR SYSTEM**

Pursuant to U.S.C.R. 3.1, there is hereby adopted for the Superior Courts of the Southern Judicial Circuit a General Calendaring System that shall be administered by the Chief Judge of said circuit. Assignments of Judges shall be made by the Chief Judge through the means of a monthly court schedule as hereinafter provided.

Notwithstanding U.S.C.R. 3.3, and to implement the General Calendaring System of this circuit, no Judge shall have exclusive jurisdiction over a particular case or action except as provided in these Procedures or unless otherwise directed by the affected Judge or the Chief Judge of the circuit. The Chief Judge of the circuit may transfer any action from one Judge to another.

## 3. **MONTHLY SCHEDULE OF THE COURT**

The Circuit Court Administrator shall be responsible for devising and mailing to the Clerks of the Superior Courts a monthly schedule assigning the Judges of the circuit to jury and non-jury sessions of the Court throughout the circuit for that particular month.

It shall be the duty of the Clerk of the Superior Court in each county of the circuit to post said monthly schedule in a conspicuous place in the Clerk's office and to provide copies thereof to court personnel, attorneys and others upon request.

#### 4. **JUDICIAL ASSIGNMENT**

The Chief Judge or the Circuit Court Administrator will designate the assigned Judge for each week of jury trials to be held in the circuit. Generally, the Judges of this circuit will alternate in presiding over jury trials in the respective counties of the circuit. A Judge assigned by the Chief Judge or by the monthly schedule of this circuit to conduct jury trials at a particular place during a particular week shall be the assigned Judge for all cases ready for trial or appearing on the trial calendar for and during that particular week of court.

Any Judge of this circuit not engaged in jury trials will be the assigned Judge to hear and deal with all actions and non-jury matters in each county of the circuit. At such places and dates as shown for a Judge on the said monthly schedule, such Judge shall be the assigned Judge for all actions and matters in the Court at such place on said date unless otherwise directed by the Chief Judge or said assigned Judge.

Jury trials and non-jury matters will be equitably divided between the Judges as nearly as possible.

The Judges of the circuit will each hear and determine both civil and criminal matters in accordance with the monthly schedules for the Judges, as amplified by the daily calendars prepared by the respective clerks' offices and without regard to which Judge may have heard earlier portions of any particular case. This policy is subject to the following limitation:

(a) No Judge shall, without the request or recusal of the Judge who made an initial ruling, rehear or reconsider any ruling made by another Judge.

Whenever there is a need for judicial assistance, i.e., emergency case activity, the attorneys requesting said assistance shall contact the Superior Court Judge's Offices. In the event the Superior Court Judges or their judicial secretaries are not immediately available that need shall be addressed to the Circuit Court Administrator.

## 5. **COURT REPORTER ASSIGNMENT**

If a party or counsel wishes to have a matter reported which is scheduled before any Superior Court Judge, Senior Superior Court Judge, visiting Judge or pro tempore Judge, it shall be the duty of such party or counsel to notify the Clerk of the Superior Court of such fact no later than forty-eight hours before the hearing. Immediately upon receipt of any such notice, the Clerk shall notify the active Superior Court Judge's Official Court Reporter before whom the matter is scheduled. If the Clerk is unable to locate the active Judge's Official Court Reporter, the Circuit Court Administrator shall be notified.

After the Official Court Reporter has been so notified, if the hearing is cancelled or it is determined that the Official Court Reporter will not be used, the party or counsel shall notify the scheduled Official Court Reporter at least twenty-four hours before the scheduled time of the hearing. If the Official Court Reporter is not so notified, then the party or counsel shall be liable for the expenses of said Official Court Reporter, although his or her services are not used.

The Circuit Court Administrator will be responsible for the assignment of Court Reporters in the Southern Judicial Circuit when

a Senior Superior Court Judge, visiting Judge or pro tempore Judge is scheduled to conduct Court in the Southern Judicial Circuit and the Court's proceedings require the services of a Court Reporter. Each Superior Court Clerk shall inform the Circuit Court Administrator of the need for a Court Reporter for such Judge, when he or she is aware of the need for same.

## 6. **CALENDAR CALL NOTICE**

Pursuant to U.S.C.R. 20, the Court will conduct a Call of the Calendar of pending civil actions in which the discovery period has expired. All counsel and pro se parties having cases appearing on the Calendar are required to attend said Calendar Call at the time and place noted on the Calendar, to announce whether the cases listed on the Calendar are ready for trial and if not ready, to state the reason(s) therefore. In lieu of making such appearance, counsel may make such announcement in writing to the Judge calling the Calendar. Counsel shall specify the County in which the Call of the Calendar is being held and the civil action case file number(s). Said written announcement shall be provided to the Judge calling the Calendar by two (2) business days before the date and time scheduled for the Calendar Call. Any written announcements received after this deadline will not be considered. Announcements via telephone will not be accepted.

Failure to appear at said Calendar Call or to make written announcement to the Judge calling the Calendar as and when provided, may, in the Court's discretion, subject the offending counsel or pro se party to the sanctions of dismissal without prejudice of plaintiff's action or defendant's answer, counterclaim or cross-claim.

Whether a case shall be placed on the Pre-Trial Calendar or Trial Calendar shall be solely within the discretion of the Court,

despite what announcement is made at Calendar Call. No action will be continued merely by agreement of counsel.

## 7. **PRE-TRIAL CALENDAR NOTICE**

Pursuant to U.S.C.R. 7.1, 7.2 and 14, the Court directs that counsel for both parties confer at their earliest to refine the issues, arrive at all possible stipulations, exchange documentary evidence and furnish each other a written statement of their contentions. After so conferring, counsel for the plaintiff shall prepare a pre-trial Order that shall be in compliance with U.S.C.R. 7.2 as is applicable to the particular type case. The proposed pre-trial Order shall also include the following:

(1a) The type of case (Personal Injury, Property Damage, Divorce, Counterclaim, etc.);

(4a) Whether counsel will agree to waive jury trial, agree to trial by a six (6) person jury, proceed with a lesser number of jurors than selected should any of them be unable to complete the trial for any reason;

(6a) Plaintiffs contentions of applicable law;

(7a) Defendant's contentions of applicable law;

(8a) Facts established by pleadings;

(14c) Documents to be admitted into evidence without objection;

(16a) A statement of other ordinances and statutes applicable.

Such pre-trial Order shall be presented to the Court, in

duplicate, at the pre-trial conference; or counsel for the parties may sign and deliver the original and one copy of same to the Judge scheduled to hold pre-trial conferences on or before five (5) business days before the date of the scheduled pre-trial conference. No case will be placed on the trial calendar without a pre-trial Order being filed therein in accordance with U.S.C.R. 7.2 and this procedure, unless otherwise Ordered by the Court.

Upon reviewing the proposed pre-trial Order, the Court may, in its discretion, notify counsel that same is approved and that counsel are excused from the scheduled pre-trial conference. Unless so notified by the Court, counsel for all parties shall attend the scheduled pre-trial conference.

A pre-trial Order will not be required for cases designated as non-jury matters, i.e., bench trials. However, counsel will need to confer with the Court as to what pre-trial submissions are needed and when. Notice shall also be given to the Court as to whether the presence of a court reporter is required.

Unless otherwise stated by the presiding Judge, civil trials for all cases listed on the pre-trial calendar notice shall be scheduled for trial for the week stated on said Notice, contingent upon all cases having completed mediation. Any cases not mediated or not having been previously exempted from mediation, will not be tried during the scheduled trial week, unless otherwise determined by the scheduled trial Judge. The Amended Rules of the Superior Courts of the Southern Judicial Circuit for Alternative Dispute Resolution is attached as "**Exhibit G**".

## 8. **JURY TRIALS**

Jury trials will be conducted in the counties comprising this circuit in accordance with the annual and monthly schedules published in and for this circuit and at such other times as the Court may, from time to time, specify.

## 9. CIVIL NON-JURY HEARINGS AND SCHEDULING MOTIONS

The Clerks of Superior Court in each county of this circuit shall have the duty and responsibility of setting and scheduling all non-jury hearings in cases filed in the Superior Court in that Clerk's respective county and shall publish a calendar for such hearings according to the monthly schedule of this Court. The said monthly schedule shall show the dates and places for hearings on non-jury matters. The Clerks of Superior Court in this circuit are hereby designated the "**Calendar Clerk**" for all civil hearings in their respective counties.

The Clerks shall use the following procedures when scheduling cases:

(a) All uncontested and contested hearings shall be set for 9:30 A.M., unless otherwise directed by the presiding Judge.

(b) When setting hearings, the clerk shall ask the attorneys or the attorney's secretary to give an accurate time for the hearing. This time should include any motions or arguments made by both attorneys.

(c) The clerk shall make certain that an accurate time is given, even if the attorney's secretary has to check with the attorney for verification.

(d) The clerk shall express to the attorney or secretary who is setting the hearing that if anytime after scheduling the hearing with the clerk, circumstances arise that may cause the hearing to last longer than the reported time, the attorney or secretary shall notify the clerk's office at once of the changes and the clerk's office will make any necessary scheduling changes to the calendar. All changes must be made by twenty-four hours before the scheduled hearing.

(e) The attorneys for both parties will be expected to stay as close to the scheduled time block as possible.

(f) The clerk shall inform all agencies, i.e., Maximus and Child Support Enforcement, that when setting hearings, if it becomes apparent that a particular case will be contested, i.e., an attorney files a notice of representation, the agency shall give the Clerk an accurate time block as well.

(g) For contested hearings, the Clerk shall not schedule more than six hours for a hearing day, unless otherwise directed by the presiding Judge.

(h) Attorneys seeking bench trials shall submit a written request to the Judge's office indicating the length of time estimated, the issues to be heard and whether the case will be reported. The Judge's secretary shall serve as "**calendar clerk**" for all bench trials and emergency hearings.

All uncontested hearings must be scheduled with the Clerk by seventy-two hours before the time scheduled for the hearings to begin, unless otherwise approved by the presiding Judge.

All contested hearings and rule nisi hearings shall be scheduled to be heard no sooner than five (5) days after the date upon which same is placed on the hearing calendar by the Clerk unless otherwise agreed by the parties, counsel and the presiding Judge. [See O.C.G.A. § 9-11-6(d), U.S.C.R. 24.4]

All Orders Nisi can be executed and signed by the Clerk or a Deputy Clerk if same only provides for and sets a date, time and place for the hearing. Any Order Nisi which provides for more than a date, time and place of the hearing and requiring a party to be present for such hearing must be signed by a Superior Court Judge. In the event the Order Nisi is one that requires a Judge's signature, same should be first presented to the Clerk for the setting and

scheduling of a date, time and place of hearing and then presented to the Judge for his signature.

The hearing calendar for a particular day shall be made up, a copy thereof posted in the Clerk's office and a copy mailed or handed to the Judge scheduled to preside over said hearings and to his Court Reporter, by forty-eight hours before the time scheduled for the hearings to begin. Nothing shall be added to said calendars after same is made and posted except that the presiding Judge, for good cause shown, may allow an additional action to be added later.

It shall be the duty of the Clerk to deliver all files in which hearings are scheduled to the place where such hearings are to be held not later than one-half hour before the time hearings are scheduled to begin and to return all such files to the Clerk's office immediately following the conclusion of such hearings.

Unless otherwise ordered by a Judge of this Court in a Rule Nisi Order signed by a Superior Court Judge, all motions filed before trial in any civil action shall be placed on the hearing calendar of the Judge first scheduled to hear non-jury matters after the expiration of thirty-five (35) days from the date of the filing of such motion.

If the case has been specifically assigned by written order filed in the case to a certain Judge, then the motion shall be scheduled before that Judge at least thirty-five (35) days from the date of the filing of the motion.

Upon the filing of any such motion or a reply or response thereto, the Calendar Clerk shall immediately furnish a copy thereof, provided by the attorney filing same, to the Judge upon whose calendar same is scheduled, (U.S.C.R. 6.1), and any request filed for oral argument on same and the date upon which the motion will appear on the hearing calendar.

## 10. CRIMINAL CASE SCHEDULING

The District Attorney shall have the duty and responsibility of scheduling and publishing a calendar for all criminal matters in accordance with the published monthly calendar. The monthly calendar shall show the dates and places for pending criminal matters. The duty and responsibility of the District Attorney shall include the following:

- (a) Grand Jury Calendar
- (b) True Bill Calendar
- (c) Arraignment Calendar
- (d) Pre-Trial Motion Calendar
- (e) Trial Calendar
- (f) Guilty Plea Calendar

Copies of the calendars published for a particular week or day shall be posted in the Clerk's office. The Clerk shall be responsible for mailing copies of the arraignment calendars, pre-trial motion calendars, trial calendars and guilty plea calendars to all parties listed on said calendars.

Nothing shall be added to said calendars after same are made and posted except that the presiding Judge, for good cause shown, may allow an additional action to be added later.

Notwithstanding the foregoing, Probation Revocation Calendars and Sentencing Calendars shall be published by the Clerks of Superior Court of each county of the circuit and the Clerk shall mail copies of same to all parties listed on said calendars.

The Clerk shall be responsible for mailing copies of all above criminal calendars to the Judge scheduled to preside over said calendars and to his Court Reporter by forty-eight hours before the scheduled time of Court.

## **11. COPIES OF ORDERS AND JUDGMENTS**

It shall be the duty and responsibility of the Clerk of Superior Court to serve upon each attorney of record in a case, by mailing to such attorney at his mailing address as shown in the record of the case, a copy of each and every order and judgment issued by the Court in such case upon filing of same in the office of said Clerk. The Clerk shall certify in writing that such has been done and the date thereof, upon the front or rear of the original of such order or judgment.

## **12. EX PARTE RELIEF AND TEMPORARY ORDERS**

Any Attorney requesting ex parte relief that changes status quo of either a party litigant or other affected person shall present evidence to the Court authorizing the entry of an order granting the relief requested.

If the attorney requesting ex parte relief knows or has reason to know or if the client knows or has reason to know, that the opposite party is or will be, represented by a specific attorney or firm, the specific attorney or firm will be notified of the relief sought, the Judge from whom the relief will be requested and the date, place and time the Judge will be contacted requesting the relief. Only in exceptional and compelling circumstances will the requirements for notification be waived and the attorney requesting the relief shall be prepared to show to the Court, at the time relief is sought, sufficient justification

for failure to give advance notice. A summary of justification for failure to notify opposing or potentially opposing attorneys, shall be submitted to the Judge in writing at the time relief is requested. Failure to comply with notification or appropriate disclosure to the Court shall subject the offending party or attorney to possible sanctions of contempt.

13. **MODIFICATION OR CONTEMPT ACTIONS - ATTACHED EXHIBIT REQUIRED**

All actions for Contempt of Court for failure to comply with a prior order of Court or for modification of a prior order of Court, shall have attached to the original pleading therefore a copy of the prior orders of Court sought to be enforced or modified.

14. **RESTRAINING ORDERS**

Mutual Restraining Orders shall be included in all domestic relations orders, both temporary and permanent, unless otherwise directed by the Court. Each order should contain language similar to the following:

**Each party is restrained and enjoined from molesting or harassing the other party.**

15. **DOMESTIC RELATIONS - ISSUES FORM, INTERLOCUTORY HEARING**

In all domestic relations cases in which temporary or interlocutory relief is sought, there shall be attached to the complaint

or counterclaim, in addition to the financial affidavit required by U.S.C.R. 24.2, an issue form in accordance with the attached "**Exhibit A**," which shall contain the proper caption, the names and ages of any minor children involved and the issues to be determined by the Court identified by placing a check mark in front of the issues listed on said "**Exhibit A**."

16. **CLERK - FILING DISCOVERY**

Depositions, interrogatories and answers thereto and other original discovery material in civil actions shall not be filed with the Clerk unless or until required by the provisions of O.C.G.A. § 9-11-29.1 (a) (1)-(5) or said action is scheduled for pretrial hearing before the Court, whichever such event first occurs.

17. **CLERKS - OATHS TO JURORS AND BAILIFFS**

The Clerk of the Superior Court or a Deputy Clerk, in each county of this circuit, shall have the authority to administer the usual oaths to the Grand Jurors, Grand Jury Bailiffs, Trial Jurors and Court Bailiffs. Nothing herein shall prevent the District Attorney or the Presiding Judge from administering said oaths. (O.C.G.A. § 15-12-139; 15-12-132; 15-6-61(12))

18. **CLERK - REMOVAL OF PAPERS FROM CLERK'S OFFICE**

Subject to U.S.C.R. 36.5, no Clerk shall allow any original paper or file to be taken from his or her office in term time or vacation, without an order from the Judge for that purpose, specifying the terms upon which it may be taken and the length of time it may be

kept, on pain of being considered in Contempt of Court. Where such paper is retained by any attorney without such order or without the consent of the Clerk, such attorney shall be considered in contempt. In no event shall a paper or file taken from the Clerk's office under order of the Court be kept from the Clerk's office for more than twenty-four (24) hours, unless otherwise authorized by a Superior Court Judge.

**19. CLERK - AUTHORIZED TO EXCUSE JURORS**

Pursuant to O.C.G.A. § 15-12-1(a)(1), the Clerks of the Superior Courts of this Circuit, in addition to the Judges of this Court, are authorized to excuse persons summoned for Grand Jury and Trial Jury service in the Superior Courts of their respective Counties subject to the following guidelines, to-wit:

(a) The Judge shall specify, at the time jurors are drawn for service, a particular number of such jurors the Clerk may excuse under the authority granted herein. In no event shall the Clerk excuse more jurors than the number so specified.

(b) Discretion by the Clerk of this Court should be exercised reluctantly, considering only the extent of hardship and the number of jurors expected versus the number of jurors needed and the promptness of the request within the juror's ability. It shall be the Clerk's responsibility to assure that sufficient jurors are present to conduct Court.

(c) No one, other than the Clerks of this Court pursuant to these guidelines and the Judges of this Court, shall be authorized to excuse any person from jury service.

(d) The Clerks of this Court shall not excuse any jurors summoned for a death penalty case. Only the presiding Judge shall

have the authority to excuse jurors summoned for a death penalty case.

## **PERMANENT EXCUSALS**

(a) Upon an affidavit by a physician that the juror is permanently physically or mentally disabled, such juror shall be excused and shall not be rescheduled for service. The Court hereby deems "permanent" physical or mental disability to be one for which there is no medically foreseeable or predictable improvement allowing jury service.

(b) Elected officials holding office in state or local government and individuals who have held elected positions within a period of two (2) years preceding the time of services as a grand juror shall be excused from grand jury service. (O.C.G.A. § 15-12-60)

(c) Any person convicted of a felony and who has not been pardoned or had his or her civil rights restored shall not be permitted to serve as a grand or trial juror. (O.C.G.A. § 15-12-60). It shall be the duty of the County Board of Registrars to provide the Board of Jury Commissioners with a copy of the lists of persons who have been convicted of felonies in State or Federal Courts or who have been declared mentally incompetent and whose voting rights have been removed, which lists are provided to the County Board of Registrars by the Secretary of State pursuant to O.C.G.A. § 21-2-231. Upon receipt of such lists, it shall be the duty of the Board of Jury Commissioners to remove such names from the grand and trial jury lists. The Clerk shall have authorization to mail a notice of and reason for such action to the last known address of such persons by first-class mail.

(d) Any person who is seventy (70) years of age or older shall be entitled to request the Board of Jury Commissioners to remove such person's name from the jury list of the County. Upon such

request the Board of Jury Commissioners shall be authorized and directed to remove the person's name from the jury list. The request shall be made to the Board or to the Clerk of Court in writing and shall be accompanied by an affidavit giving the person's name, age and other information as the Board may require. The Clerk of Court of each County of this Circuit shall make available said affidavit.

(e) Any nonresident of the county where the grand or trial jury list is selected shall be permanently excused

(f) Any active United States Military Personnel shall be permanently excused (28 USCA 1865).

## **DEFERRALS**

(a) Except permanent excusals listed above, all persons excused from jury service for a particular time shall be deferred for jury service at a time certain within that term or the next succeeding term.

(b) No person shall be excused by said Clerk due to illness or temporary physical or mental incapacity except upon the affidavit of a medical doctor stating that such person is physically or mentally unable to serve or that it would endanger the life or health of such person to serve as a juror.

(c) Any person who shows that he or she will be engaged in work necessary to the public health, safety or good order during the period summoned for jury service shall be entitled to one deferral if the request is made more than one week before scheduled service.

(d) Legislators, while the General Assembly is in session in accordance with O.C.G.A. § 15-12-2, shall be entitled to deferral upon request.

(e) The following shall be cause for deferral upon request:

- (1) Persons in the military reserves or national guard with orders for temporary active duty;
- (2) Receipt of a summons less than one week before jury service;
- (3) Any person who is a full-time student at a college, university, vocational school or other post secondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred for jury duty shall be excused or deferred from jury duty. (O.C.G.A. § 15-12-1 (2));
- (4) Persons with contagious or other temporary debilitating illness and;
- (5) Death or acute illness in immediate family.

(f) Any juror who has served as a grand juror or trial juror at any session of the Superior Courts or State Courts shall be ineligible for duty as a juror the next succeeding term of the Court in which he has previously served. Nothing shall prevent any trial juror from serving as a grand juror at the next term of the Superior Court. (O.C.G.A. § 15-12-4)

(g) Any person who is the primary care giver having active care and custody of a child under four (4) years of age, who executes an affidavit provided by the Clerk of Court stating that such person is the primary care giver having active care and custody of a child under four (4) years of age and stating that such person has no reasonably available alternative child care and who requests to be excused or deferred shall be excused or deferred from jury duty.

(h) The Clerk has discretion in deferring for the following reasons:

- (1) Extreme temporary business hardship or emergency;
- (2) Extreme temporary personal hardship or emergency; and
- (3) Subsequent deferrals for any of the previous categories.

Any exercise of this discretion that results in deferral of a juror for more than two consecutive terms of Court shall occur only with the approval of the Presiding Judge. After completion of a term of Court, the Clerk shall input the service record of each juror selected for that term of Court to the grand jury and trial jury databases.

## **20. ELECTRONIC SELECTION OF JURORS**

The Procedures of this Court previously promulgated and filed regarding and relating to the drawing of jurors by mechanical or electronic means shall and do remain of full force and effect. (See U.S.C.R. 1.2 (d))

## **21. SHERIFFS AND BAILIFFS - ATTENDANCE IN COURT AND SECURITY**

(a) Pursuant to O.C.G.A. § 15-16-10 (a) (2), the Sheriff or a Deputy Sheriff shall be in attendance at all hearings and trials, jury and non-jury, both civil and criminal, held by and in the Superior Court of the respective county of each Sheriff. At least two officers or one officer and one bailiff shall always remain in attendance while Court is in session or until excused by the Judge.

(b) When a hearing or a trial is to be conducted in the courtroom, the Sheriff, a Deputy Sheriff or Bailiff shall meet the Judge, at the time appointed for such proceedings to begin, at the place adjacent to the courtroom where entry is made by the Judge into the courtroom. Such officer shall immediately precede the Judge into the courtroom and announce:

**“ORDER IN THE COURT - EVERYONE RISE.”**

At anytime that the Judge declares a recess or leaves the courtroom, such officer shall make the same announcement and cause everyone in the courtroom to rise until the Judge has left the courtroom.

(c) No one other than court personnel, officers of the court, attorneys, and parties in a case shall be allowed inside the bar in the courtroom, nor in the adjacent conference rooms or chambers utilized by the Judge during sessions of Court, except by direction of the Judge. The Sheriff, Deputy Sheriffs and Bailiffs shall strictly enforce this rule.

(d) Courtroom security and security of prisoners brought to the courthouse, is the absolute responsibility of the Sheriff. The Sheriff shall, in all cases involving potentially high risk problems, advise the Judge of such situations and shall confer with the Judge and shall implement directives of the Judge, concerning specific security procedures. Adequate radio communications equipment shall be carried by law enforcement personnel during each Court session to enable them to communicate with the sheriff's office and/or dispatcher.

(e) The Sheriff, Deputy Sheriffs and Bailiffs shall maintain proper order and decorum in the courtroom that shall include, but not be limited to, the removal from the courtroom of all crying infants, children and their custodian, persons making disruptive, distracting and excessive noises and all other persons directed by the Judge to be so removed.

(f) It shall be the responsibility of the Sheriff to assure that each incarcerated defendant is properly dressed for trial commencement of Court each day of the jury trial week.

(g) All law enforcement officers who are parties in a case in Court, whether civil or criminal, will not be allowed to wear firearms or bring firearms into the courtroom. Law enforcement officers who are appearing as witnesses shall be governed by the presiding Judge hearing a particular case as to whether or not the law enforcement officer will be allowed to have possession of the firearm in the courtroom.

(h) During jury trials there shall be no less than two Bailiffs and one Sheriff or Deputy Sheriff on duty at all times. It shall be the duty of these officers to carry out all instructions given to them by the Court. Never shall the courtroom be without the presence of at least one Bailiff and one Sheriff or Deputy Sheriff during jury trial proceedings, unless otherwise expressly directed by the Judge.

(i) Bailiffs shall not answer any questions posed by the jurors, but must relay any questions asked by the jurors to the Judge without interpretation. Any answers to such questions must be given by the Judge in open Court with the parties and counsel present. All Bailiffs shall strictly adhere to the terms of the oath taken by them as Bailiff.

## **22. SHERIFFS - APPOINTMENT OF BAILIFFS**

The Sheriff shall have the right to select such Bailiffs, with the approval of the Court, as may be necessary to transact the business thereof properly. Whenever the public interests require it, the Judge shall have the power to appoint such additional Bailiffs and other security personnel as to him may seem necessary.

## **23. BOND CASES - NOTICE OF ARRAIGNMENT**

Except in cases in which the arrested person is charged with an offense bailable only by a Superior Court Judge (O.C.G.A. § 17-6-1) and unless otherwise directed by this Court, such person may be released upon his giving good and sufficient appearance bond with good security, returnable to the next arraignment day of this Court in said county.

Written notice signed by the Clerk of the Court, of the date, time and place of arraignment shall be served upon the accused by the Sheriff or his lawful Deputy at the time of his making such bond, to his bondsman and to his attorney if known. A copy of notice shall be filed with the warrant, indictment or accusation in said case and shall bear certification by the Sheriff or his lawful Deputy as to the persons upon whom notice was served by him and the date of service.

The Sheriff of each county within this circuit is hereby authorized to set the amount of bail bonds in such cases, within his respective county, unless same has previously been set by a magistrate.

Except in cases in which life imprisonment or the death penalty may be imposed, a Judge of the Superior Court by written order may delegate the authority as provided in O.C.G.A. § 17-6-1 (h) to any Judge of any Court of Inquiry within such Superior Court Judge's Circuit for all offenses provided in O.C.G.A. § 17-6-1 (a). Such authority may not be exercised outside the county in which said Judge of the Court of Inquiry was appointed or elected.

## **24. PROCEDURE FOR SETTING BAIL FOR OFFENSES BAILABLE ONLY BEFORE A SUPERIOR COURT JUDGE**

When a first appearance hearing is held in the Southern Judicial

Circuit pursuant to (U.S.C.R. 26.1), (O.C.G.A. § 17-4-26 or O.C.G.A. § 17-4-62), for a person charged with any offense that is bailable only before a Judge of the Superior Court as provided in (O.C.G.A. § 17-6-1 (a)), the Magistrate or other presiding judicial officer at such hearing shall determine whether such person:

(a) Poses a significant risk of fleeing from the jurisdiction of the Court or failing to appear in Court when required.

(b) Poses a significant threat or danger to any person or to the community or to any property in the community.

(c) Poses a significant risk of committing any felony pending trial and

(d) Poses a significant risk of intimidating witnesses or otherwise obstructing the administration of justice.

Upon making such determination and findings, the Magistrate or other presiding judicial officer conducting said hearing, shall recommend to a Judge of the Superior Courts that the accused be or not be, released on bail and the amount of bail recommended, if any. (O.C.G.A. § 17-6-1 (e))

A form for reporting findings and recommendations for a Bond is attached as "**Exhibit B**" and a form for a Bail Order is attached as "**Exhibit C**," allowing or disapproving the bail. The District Attorney shall be afforded the opportunity of consenting to or objecting to the recommendation.

## 25. **NOTICE OF TRIAL IN CRIMINAL CASES**

(See U.S.C.R. 30)

At arraignment in a criminal case and in accordance with

O.C.G.A. § 17-7-91(b), the Court shall inform the accused, his attorney and his bondsman of the date, time and place set for trial of the case. This shall constitute the "notice" as required by U.S.C.R. 32.1.

**26. IMPOSITION AND COLLECTION OF "ADDITIONAL PENALTY" UNDER O.C.G.A. § 15-21-73**

Pursuant to the "Peace Officer and Prosecutor Training Fund Act of 1983" (O.C.G.A. § 15-21-70 through § 15-21-77), unless otherwise specified in the sentence there shall be deemed to be included in the amount of any fine imposed by a Judge of this Court the additional sum of a penalty required by O.C.G.A. § 15-21-70 through § 15-21-77. Each Judge of this Court shall be deemed to have included in the total amount of any fine imposed by him in any criminal or traffic case the additional sum or penalty required to be imposed by the aforesaid act.

At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this state or political subdivision thereof, an additional sum equal to the lesser of \$50.00 or 10 percent of the original amount of bail or bond shall be posted. In every case in which the Superior Court shall order the forfeiture of bail or bond, the additional sum equal to the lesser of \$50.00 or 10 percent of the original bail or bond shall be paid over as provided in code section O.C.G.A. § 15-21-74.

**27. ATTORNEYS - INTERRUPTIONS BY**

No attorney shall be permitted to interrupt another, while addressing the Court or jury, except to correct him in a misstatement of evidence or misrepresentation of the position of counsel, upon

pain of being considered in contempt and such interruption, when made, shall always be addressed to the Court and never under any circumstances to the counsel.

**28. ATTORNEYS - ARGUMENT AFTER RULING BY COURT**

No attorney shall ever attempt to argue or explain a case, after having been fully heard and the opinion of the Court has been pronounced, on pain of being considered in contempt.

**29. ATTORNEYS - LETTERS NOT SIGNED**

When letters are received from attorneys indicating the letters were dictated but not signed by the attorney whose name appears on the letter, the attorney will be held responsible for its accuracy and content. The Judges shall hold that any inaccuracies, omissions or other errors in a letter are the responsibility of the attorney and any letter forwarded without the signature of the attorney was done at the specific direction of the attorney. The Judges will not accept any explanation that the attorney was unaware of the contents of the letter.

**30. ENTRY OF APPEARANCE - CRIMINAL MATTERS**

(See U.S.C.R. 4.2)

When an attorney files any documents or pleadings in the name of or on behalf of a retained criminal defendant, then that attorney shall become the attorney of record in the case through disposition of the case, including, if necessary, a first direct appeal. It is the responsibility of counsel to make adequate fee arrangements prior to

entry in the case. This applies to bond, bond reductions or any other filed documents except where prior approval has been given by the Court.

**31. SUBPOENAS TO APPEAR IN TWO OR MORE CRIMINAL COURTS AT THE SAME TIME**

The following procedure shall be followed when witness subpoenas are served requiring one to appear in two or more criminal Courts at the same time:

(a) Upon receipt of a subpoena requiring one to appear in a Court of this state at the same time for which such person has already received a subpoena to appear in another Court, such person shall immediately inform the District Attorney or an Assistant District Attorney of this circuit of such conflict.

(b) The District Attorney or Assistant District Attorney shall contact counsel representing the parties for whom the subpoenas were issued and attempt to resolve the conflict by agreement. Upon failure of such counsel to resolve such conflict, the District Attorney or his Assistant shall notify the Judges before whom the actions in which the witness has been subpoenaed are pending. The said Judges shall confer, undertaking to resolve the conflict by agreement.

(c) Absent agreement, the Judges shall resolve the conflict in accordance with the following order of priorities:

1. Criminal (felony) actions shall prevail over civil actions;
2. Jury trials shall prevail over non-jury matters;

3. Trials shall prevail over hearings and conferences;
4. The action which was first filed shall take precedence.

**32. PRE-SENTENCE MEMORANDUMS AND REQUESTS FOR FIRST OFFENDER STATUS**

(a) All attorneys having criminal cases before the Superior Court of this Circuit shall deliver all pre-sentence memorandums, letters of recommendation and related materials to the Judges not less than seven (7) business days prior to the scheduled date of sentencing.

(b) In accordance with the requirements of each Judge, any request for first offender treatment should also be submitted not less than seven (7) days business days prior to sentencing. In all cases of requested First Offender treatment, "rap sheets" must be furnished within the same time framework as stated hereinabove.

**33. JAIL CENSUS**

(See U.S.C.R. 28)

The Sheriff of each county of this circuit shall furnish to the District Attorney and the Circuit Court Administrator, said Administrator being the Chief Judge's designee to receive said jail census, once a week, a list of all prisoners in the county jail or held elsewhere at the Sheriff's direction. Such lists shall include, as to each defendant:

- (a) Defendant's name;
- (b) Date of arrest;

- (c) All pending offenses charged and whether said charges are pending felonies or pending misdemeanors;
- (d) All pending warrant file numbers and/or all pending criminal indictment file numbers;
- (e) Amount of bond;
- (f) Whether or not the prisoner is represented by counsel and if so, the name of such counsel; and
- (g) If not represented by counsel, whether such confined person desires appointed counsel.

34. **DELAYED INDICTMENTS**

(See U.S.C.R. 26.3)

The District Attorney shall report once a week to the Circuit Court Administrator, said Administrator being the Chief Judge's designee, in writing of the name of any unindicted defendant who has been incarcerated in the Southern Judicial Circuit under criminal felony charges for forty-five days or longer. Said report shall include, as to each defendant:

- (a) Defendant's name;
- (b) Date of arrest;
- (c) Date certifying defendant has been incarcerated past forty-five days;
- (d) All pending felony charges; and
- (e) All prior convictions.

The Chief Judge may take any action deemed necessary or appropriate based upon the information given in said report.

35. **ATTORNEY APPOINTMENT - INCOME ELIGIBILITY STANDARDS**

**Unless or until the Georgia Indigent Defense Act of 2003 is implemented**, eligible accused persons include all applicants for an attorney with a net income below the Poverty Guidelines as established and revised annually by the United States Department of Health and Human Services and published in the Federal Register. The following special needs of a family unit may be deducted from net income in determining eligibility:

- (a) Child care expenses for working custodial parents;
- (b) Legally required support payments to dependents, including alimony for the support of a former spouse;
- (c) Unusual, excessive or extraordinary medical or other expenses.

36. **ATTORNEYS - APPOINTED IN CRIMINAL CASES**

**Unless or until the Georgia Indigent Defense Act of 2003 is implemented**, an arrangement is hereby established by the assignment of attorneys to represent indigent defendants and for the compensation thereof.

- (a) All actively practicing attorneys within this circuit and all attorneys from without this circuit who represent accused persons in this circuit shall be subject to appointment by the Court to represent

indigent defendants and it shall be the duty of such attorneys, when so appointed, to represent such indigent defendants to the best of their ability.

Such appointments will be made in alphabetical order in which the attorneys' names appear on the roster of attorneys in the respective counties of this circuit. Any lawyer who has actively practiced law for more than five (5) years and who does not accept employment in criminal cases or whose practice is limited by age or has other good reason, may apply in writing to the Court to be excused from representing indigent defendants. The Court, in its discretion, may excuse any such attorney from representing indigent defendants.

(b) All attorneys, upon receipt of notice as appointed counsel, shall, when appointed to defend an indigent defendant, interview his appointed client within forty-eight hours after notice of appointment unless otherwise directed by the Court.

(c) Counsel will be compensated on the following basis for representing accused persons in appointed cases:

- (1) \$60.00 per hour for all services performed;
- (2) \$75.00 per hour for death penalty cases;
- (3) Reimbursement of all reasonable out-of-pocket expenses and .28 per mile for travel expense;
- (4) Minimum payment of \$75.00 per case. In extraordinary circumstances, the Court may approve additional compensation upon good cause being shown to the Court. The Court may, in its discretion, increase or decrease the amount submitted by counsel for approval or may approve the submitted amount without change. The Court will base its

decision as to amount to be approved upon what the Court deems to have been a reasonable amount of time necessary for adequate and effective representation in the particular case.

(d) Appointed counsel's duties shall encompass any and all measures which counsel shall deem necessary, proper, legal and advisable in representing the best interest of his client during the pre-trial stage of the proceedings, the trial, the post-trial stage of the case and one direct appeal.

It shall be the duty of all counsel to advise the client of his right to appeal and should the appointed client want to file an appeal in the case, it shall be the duty of appointed counsel to continue his representation of the appointed client through the first direct appellate stage of the case. Douglas v. Calif., 9 L.Ed. 2d 811; Thornton v. Ault, 233 Ga. 172; Powell v. Hopper, 234 Ga. 68; Bethay v. State, 237 Ga. 625. All cases in which the death penalty is imposed shall be appealed.

(e) Appointed counsel shall keep strict account of their time and expense respecting each indigent person he or she is appointed to represent. A voucher attached as "**Exhibit D**" hereto, shall be completed and submitted to the presiding Judge by counsel within forty-five (45) days after conclusion of the case, and within forty-five (45) days of filing of briefs if the case is on appeal. Only in exceptional circumstances and with good cause shown to the Court, will vouchers submitted after those dates be considered for payment. Said Voucher shall be submitted to the county commissioners of the appropriate county for payment after approval of same by the Judge that disposed of the case. This procedure supplements the "Georgia Indigent Defense Act," (Ga. L. 1979, p. 367, § 1; O.C.G.A. § 17-12-30 through § 17-12-62).

### **37. COURT INTERPRETERS**

The list of Court-Approved interpreters shall be maintained by the Circuit Court Administrator's office. Upon request to the Circuit Court Administrator's office, each non-English speaking person shall be provided with the fee schedule and a list of the interpreters who have been approved for providing services within the Circuit. Prior to providing any service to a non-English speaking person, the appointed interpreter shall subscribe to an oath that he or she shall interpret all communications in an accurate manner to the best of his or her skill and knowledge. The oath shall conform to the following:

#### **INTERPRETER'S OATH**

Do you solemnly swear or affirm that you will faithfully translate from [state the language] into English and from English into [state the language] the proceeding before this Court in an accurate manner to the best of your skill and knowledge?

#### **CIVIL CASES**

(a) Each non-English speaking party shall have the right to an Interpreter at each step of the proceedings at the expense of the non-English speaking person. It shall be the responsibility of the non-English speaking person requesting an interpreter to make arrangements to have an interpreter present at all Court proceedings. Satisfactory arrangements for payment of the selected interpreter are to be made between the non-English speaking person and the interpreter.

(b) In the event the Court has approved a pauper's affidavit in any civil case and the person filing said affidavit requires the use of an interpreter, one shall be provided at no cost to said person. The interpreter's fees shall be compensated from County funds.

Compensation for Court Appointed Interpreters shall be the same as herein provided for in criminal cases.

## **CRIMINAL CASES**

**As to Criminal Cases for Court Interpreters, unless or until the Georgia Indigent Defense Act of 2003 is implemented.**

(a) A Court Interpreter shall be appointed when the Presiding Judge determines, after an examination of a party or witness or by Counsel's motion for the appointment of a Court Interpreter, that the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel or the witness cannot speak English so as to be understood directly by counsel, court and jury.

(b) In all criminal proceedings in which no notice has been given to the Court that a Non-English speaking person will be involved in the proceedings and the District Attorney has reason to know that a Non-English speaking person has been summoned, subpoenaed or has otherwise been compelled to appear in a court proceeding, it shall be the responsibility of the District Attorney, to have a Court-approved Interpreter present.

(c) Interpreter services to enable communication between Counsel and a Non-English speaking indigent defendant in a criminal case shall be assessed against the County's indigent defense fund if Counsel was appointed by the Court to represent the defendant.

(d) An Interpreter appointed to a case must appear at all subsequent court proceedings unless relieved as interpreter of record by the Court.

(e) Court appointed Interpreters will be compensated on the following basis for interpreting for indigent persons:

- (1) \$20.00 per hour for In Court services;
- (2) \$15.00 per hour for Out of Court services;
- (3) \$0.28 per mile for travel expenses.

(f) In all civil or criminal indigent cases a voucher attached as "**Exhibit E**" hereto, shall be submitted to the county commissioner's office of the appropriate county for payment after approval of same by the Presiding Judge. Appointed interpreters shall keep strict account of their time and expense respecting each indigent person he or she is appointed to interpret.

This procedure supplements the Rules for use of Interpreters as adopted by the Georgia Supreme Court.

### **38. ELECTRONIC AND PHOTOGRAPHIC NEWS COVERAGE OF JUDICIAL PROCEEDINGS**

Proceedings of the Superior Courts of the Southern Judicial Circuit, held in the Courtrooms of the various County Courthouses within said Circuit, shall not be broadcast by television and radio and shall not be photographed by still and moving cameras unless approved by the Court in accordance with the following procedures.

(a) Persons desiring to broadcast, televise, tape, record or photograph official Court proceedings must make a timely request to the Clerk of Court, on a written form substantially in accordance with the attached "**Exhibit F**," at least seventy-two (72) hours prior to the proceeding and specifying the particular case for which the coverage is requested. The Clerk shall immediately forward such request to

the Judge who is to preside over such proceeding for his approval or disapproval. A separate request shall be made for each trial, case or hearing. In extraordinary circumstances the Court may, in its sole discretion, grant a waiver of the aforesaid seventy-two (72) hour requirement. Such Judge shall approve or disapprove the request and return same to the Clerk for filing in the case. Said request shall be evaluated pursuant to the standards set forth in O.C.G.A. § 15-1-10.1. The reporter or technician may then obtain a copy of the form from the Clerk after it is signed by the Judge and returned to the Clerk.

(b) The Court may, in its discretion and without giving any reason therefore, approve and allow or disapprove and disallow, the broadcasting, televising, taping, recording or photographing of any proceeding or portion thereof. The decision of the Court in this respect shall be final and shall not be questioned. If disapproved or disallowed by the Court, same shall not be broadcast, televised, taped, recorded or photographed, as the case may be in accordance with the Court's directive concerning same.

If consent has been given by the Court for coverage of a proceeding or portion thereof, the Court may, at anytime and in its sole discretion, in the interest of fairness and justice, withdraw the consent for coverage of all or any portion of the proceeding.

(c) When consent to cover a proceeding shall be granted by the Court pursuant to these procedures, such shall be without partiality or preference to any person, news agency or type of coverage. However, consent may be given, refused or withdrawn as to one type or types of coverage in the discretion of the Court.

(d) The presiding Judge may, in his sole discretion, require pooled coverage which would allow only one still photographer, one television camera and one radio or tape recorder outlet. The reporters and technicians shall be expected to work out pool coverage and present to the presiding Judge a schedule of the pool

coverage prior to the time scheduled for the subject case, trial or hearing to be heard by the Court. If the news agencies cannot agree on such a schedule, the presiding Judge may refuse any photographing, broadcasting, televising, taping or recording or the Judge may, if he chooses, assign his own schedule of pool coverage.

(e) The positioning, movement and removal of technicians, reporters, cameras and equipment shall be done as quietly as possible before the Court is called to order or during a recess of the proceedings and in no event shall such be done while the Court is conducting proceedings in the Courtroom. The reporters and technicians shall have their equipment in place and ready to operate before the Court is called to order.

(f) Overhead lights shall be switched on and off by Court personnel only. No other lights, flashbulbs, flashes or sudden light changes may be used unless the Court approves beforehand. No television lighting shall be installed in the Courtroom without prior written consent of the presiding Judge and if allowed shall be turned on before the Court is called to order.

(g) No adjustments in the Court's central audio system shall be made except by persons authorized by the Court. Upon prior approval of the Court, other microphones may be added in an unobtrusive manner to the Court's public address system.

(h) All television cameras and all tape recorders shall be assigned to a specific area in the Courtroom by the presiding Judge, shall be restricted to that area and will never be moved during Court proceedings. Still photographers may sit anywhere authorized by the Court, but once there, they cannot move, except during recess. The presiding Judge may designate a still photographer's area or may allow still photographers to join the public in Court.

(i) Still photographers shall never use a motor-driven film advance. Television cameras and recording devices must be quiet

running. If any equipment is determined by the Judge to be of such noise as to be distracting to the Court proceedings, then such equipment shall be excluded.

(j) Reporters shall not conduct interviews in the Courtroom until after the presiding Judge has left the Courtroom. The presiding Judge may, in his discretion, disallow any or all interviews in the Courtroom.

(k) Photographers and those operating television cameras shall never take pictures of the jury, but recordings of the jury foreman's statements to the Court may be made. Photographs and televising of the public and the Courtroom are allowed, if done without disruption to the Court proceedings.

(l) Reporters, photographers and technicians must have and produce upon request of Court officials credentials identifying them and the media company for which they work. Only those previously approved by the Court shall be allowed to participate in the coverage of a proceeding.

(m) Reporters, photographers and technicians must keep in mind that the most important factor in covering a Court proceeding is not getting the story, but preserving the dignity and decorum of the Court and not impeding or diminishing the right of a fair trial to the parties involved in the proceedings before the Court.

(n) In the event there is an unusual problem among the reporters, photographers and technicians present, such as the failure of the central audio system or some other equipment failure, one of their number shall be nominated to tell the Court about it, but this shall be done only at a recess. Court proceedings shall never be interrupted by a reporter, photographer, technician or other news persons covering the proceedings.

(o) A violation of any of the procedures for coverage of any

proceedings shall be grounds for the offending reporter, photographer, technician or media person, to be removed from the Courtroom, subject the offender to the penalties of contempt and be grounds for the Court to bar such offender from broadcasting, televising, taping, recording or photographing Court proceedings in this Circuit in the future. These procedures for electronic and photographic news coverage of Court proceedings shall not be applicable to the officers and employees of the Court in the conduct of their official Court duties.

**39. COURT MANDATED PROGRAM IN DOMESTIC RELATION CASES**

Pursuant to U.S.C.R. 24.8 there is hereby established by the Court a program designed to educate the parties to domestic relations actions in regard to the effects of divorce on minor children of the marriage.

The Court, under whose authority the program shall operate, may require any or all parties to attend an educational seminar of no more than four (4) hours in any domestic relations action before the Court where the interests of children less than eighteen (18) years of age are involved. The program may be administered by the Court or by contract with a private agency. The seminar shall be conducted by qualified personnel whose professional and educational experiences include a knowledge of children and families.

The Court or contracted agency shall charge each participant a fee. The fee maybe assessed in addition to court costs against either party in the discretion of the Judge. A party may apply for indigency to waive said fee by completing an indigency application and submitting the application to the Circuit Court Administrator. The Circuit Court Administrator shall approve or disapprove said application and notice shall be given to the Court or the contracted agency.

The mandate of attendance shall be by Court Order with the presiding Judge retaining the discretion to waive attendance for good cause shown. Such good cause may include: a party's non-residence in the Southern Judicial Circuit or the State of Georgia in which the action is pending or the reasonable availability of a similar program to the party or such other reasonable causes which indicate to the Court that a party should not be required to complete the program. The Court may, in its discretion, accept alternative programs covering the subject matter of the required seminar. Unless waived, upon a party's failure to complete the seminar pursuant to this procedure, the presiding Judge may take appropriate action, including, but not limited to, actions for contempt, continuance of hearings, withholding of the final divorce decree and award of attorney's fees and costs. For good cause shown, the presiding Judge may waive the requirements of completion or extend the time requirements of the seminar in individual cases.

The various Courts which have established a seminar may make reciprocal agreements which would allow a party to attend an approved out-of-circuit seminar as a substitute for attending the seminar held in the circuit in which the action is pending.

#### 40. **INCLEMENT WEATHER**

The following procedures will be followed in the event of hazardous weather:

(a) In the event jury trials are scheduled to begin Monday and local schools are closed due to weather conditions, jurors will not be required to appear on that Monday. The jurors shall be instructed to call the Clerk's office before 5:00 P.M., Monday, for instructions concerning the remainder of the week. The presiding Judge or Clerk may contact the local radio station in the county and request that this announcement be broadcast over the radio several times for

maximum coverage. The presiding Judge, after consulting the Sheriff, Clerk of Superior Court and the District Attorney (if criminal jury trials are in session) will determine if jurors should report Tuesday or later in the week. The safety of jurors, court personnel, parties, attorneys and witnesses shall always be considered.

(b) In the event non-jury hearings are scheduled and hazardous weather occurs the evening or night before which requires the closing of local schools on a non-jury court date, non-jury hearings will be automatically canceled for that day. For all other days, attorneys, parties and witnesses are to listen to the local radio station for instructions and contact the office of the Clerk of Superior Court. The Chief Judge, after consulting with other local court personnel and the other Judge(s), will determine if Court is to be canceled for all other dates that do not fall on the first day after hazardous weather has occurred which will require the closing of local schools.

#### **41. VIOLATION OF PROCEDURES - SANCTIONS**

A breach or violation of any of the Uniform Superior Court Rules or any of these procedures, may, in the discretion of the Court, subject the offender to sanctions by the Court including, but not limited to, the sanctions of contempt.

#### **42. AMENDMENT OF PROCEDURES**

These Procedures may be amended at any time by a majority vote of the Judges of this Court.

**SO ORDERED**, this **5th** day of **April, 2004**, and same shall be spread upon the minutes of the Superior Court of each County in the Southern Judicial Circuit.



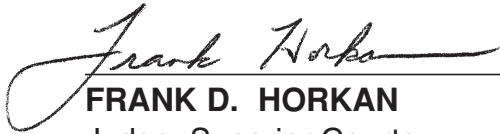
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**H. ARTHUR MCLANE**  
Chief Judge, Superior Courts  
Southern Judicial Circuit



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**HARRY JAY ALTMAN, II**  
Judge, Superior Courts  
Southern Judicial Circuit



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**FRANK D. HORKAN**  
Judge, Superior Courts  
Southern Judicial Circuit



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**RICHARD M. COWART**  
Judge, Superior Courts  
Southern Judicial Circuit

**"EXHIBIT A"**

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_  
Plaintiff, \*  
\* Civil Action File No.  
\* DIVORCE  
vs. \*  
\* Date  
\_\_\_\_\_  
Defendant. \*

**TEMPORARY ORDER**

**1. TEMPORARY CHILD CUSTODY:**

**2. TEMPORARY VISITATION RIGHTS:**

**3. TEMPORARY CHILD SUPPORT:**

**(A) TEMPORARY MEDICAL:**

**(B) CHILD SUPPORT:**

(a) Gross Income: Husband \_\_\_\_\_ Wife \_\_\_\_\_

(b) Guideline Amount:

(c) Special Conditions:

(d) Temporary Ordered Support:

**4. TEMPORARY USE OF:**

(A) Dwellings:

(B) Furniture and Other Household Goods:

(C) Vehicles:

(D) Other Personal Property:

**5. TEMPORARY PAYMENT OF DEBTS:**

**6. TEMPORARY ALIMONY:**

**7. TEMPORARY RESTRAINING ORDER:**

**8. TEMPORARY ATTORNEY'S FEES:**

**9. OTHER:**

Mr. \_\_\_\_\_ will prepare the Court Order.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

---

JUDGE, SUPERIOR COURTS  
SOUTHERN JUDICIAL CIRCUIT

**"EXHIBIT B"**

**IN THE MAGISTRATE COURT  
OF \_\_\_\_\_ COUNTY**

STATE OF GEORGIA     §     FILE NO. \_\_\_\_\_

Vs.                     §     CHARGES: \_\_\_\_\_

\_\_\_\_\_ §

\_\_\_\_\_ §

**BAIL REPORT OF MAGISTRATE  
TO JUDGE OF SUPERIOR COURT**

A hearing was conducted by the undersigned Magistrate following the accused's first appearance, and This Court finds and reports to the Superior Court Judges that:

(1) The accused poses no/a significant risk of fleeing from the jurisdiction of the Court of failing to appear in Court when required;

(2) The accused poses no/a significant threat or danger to any person or to the community or to any property in the community;

(3) The accused poses no/a significant risk of committing any felony pending trial; and

(4) The accused poses no/a significant risk of intimidating witnesses or otherwise obstructing the administration of justice.

Accordingly, the undersigned Magistrate does/does not recommend pre-trial release of the accused upon bail in the amount of \$ \_\_\_\_\_ .

This \_\_\_\_\_ day of \_\_\_\_\_ , 20 \_\_\_\_ .

\_\_\_\_\_

Magistrate, \_\_\_\_\_ County

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

The District Attorney consents to/opposes the foregoing recommendation.

This \_\_\_\_\_ day of \_\_\_\_\_ , 20 \_\_\_\_ .

\_\_\_\_\_

Assistant District Attorney

**"EXHIBIT C"**

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
COUNTY, GEORGIA**

STATE OF GEORGIA      §      FILE NO. \_\_\_\_\_

Vs.                              §      CHARGES: \_\_\_\_\_

\_\_\_\_\_ §

\_\_\_\_\_ §

**ORDER ON BAIL**

The foregoing report and recommendation of the Magistrate of \_\_\_\_\_ County having been read and considered, the Court hereby adopts the findings of the Magistrate and approves/disapproves the release upon bail in the amount of \$\_\_\_\_\_ .

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
JUDGE, SUPERIOR COURT  
SOUTHERN JUDICIAL CIRCUIT

**"EXHIBIT D"**

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

**VOUCHER FOR COMPENSATION AND EXPENSES  
OF APPOINTED COUNSEL**

\*

STATE OF GEORGIA \* CHARGE(S) \_\_\_\_\_  
\*

VS.

\* FILE NO.

\* \* \* \* \*

REQUEST IS HEREBY MADE FOR COMPENSATION AND  
EXPENSES OF  
\_\_\_\_\_, APPOINTED COUNSEL  
IN THE ABOVE CASE.

1. Time spent in preparation (out of Court): \_\_\_\_\_ hours  
(Attach detailed, itemized statement)
2. Time spent in open Court: \_\_\_\_\_ hours
3. Expenses of representation:  
(Attach detailed, itemized statement)

\* \* \* \* \*

SUMMARY OF CLAIM

1. ITEM 1: \_\_\_\_\_ Hours at \$ \_\_\_\_\_ per hour \$ \_\_\_\_\_

2. ITEM 2: \_\_\_\_\_ Hours at \$ \_\_\_\_\_ per hour \$ \_\_\_\_\_

3. ITEM 3: Expenses of Representation \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

\* \* \* \* \*

I certify that payment has not been received and no payment or promise of payment has been or will be requested or accepted, other than funds approved herein, for representing the above-name defendant.

Date \_\_\_\_\_

Appointed Counsel

\* \* \* \* \*

Approved for payment in the amount of \$ \_\_\_\_\_

Date \_\_\_\_\_

JUDGE, SUPERIOR COURTS

**"EXHIBIT E"**

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

**VOUCHER FOR COMPENSATION OF  
COURT APPOINTED INTERPRETER**

The undersigned duly appointed language interpreter does hereby state that he has performed the services requested by the Court above, and does hereby request compensation for said services, and states that the time spent performing said services is:

In Court: \_\_\_\_\_ Hours at \$20.00 per hour    \$ \_\_\_\_\_

Out-of-Court: \_\_\_\_\_ Hours at \$15.00 per hour    \$ \_\_\_\_\_

Travel: \_\_\_\_\_ Miles at \$.28 per mile    \$ \_\_\_\_\_

**(Itemized statement of time spent attached hereto)**

TOTAL            \$ \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Address

\_\_\_\_\_  
Social Security No.

~       ~       ~       ~       ~       ~

**ORDER**

The above voucher is hereby approved and ordered paid in the amount of \$ \_\_\_\_\_ .

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_ , 20 \_\_\_\_\_ .

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**JUDGE, SUPERIOR COURTS  
SOUTHERN JUDICIAL CIRCUIT**

**"EXHIBIT F"**

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

**IN RE: REQUEST FOR NEWS COVERAGE IN THE SOUTHERN  
JUDICIAL CIRCUIT**

REPORTER: \_\_\_\_\_

TECHNICIAN: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_

CASE: \_\_\_\_\_

COUNTY: \_\_\_\_\_

Types of coverage. (Please check. If coverage is to be live,  
please note.)

Television Camera \_\_\_\_\_

Still Camera \_\_\_\_\_

Tape Recorder \_\_\_\_\_

Live Broadcast \_\_\_\_\_

I hereby request permission to cover the above case under the procedures for electronic and photographic of judicial proceedings for news coverage of the Southern Judicial Circuit. I hereby agree to be governed by and abide by said procedures of the Southern Judicial Circuit for news televising, broadcasting, taping, recording and photographing of judicial proceedings in the Courts of said

Circuit, a copy of which I have been furnished, have read and am familiar with the terms thereof.

---

Reporter/Photographer/Technician

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

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**JUDGE, SUPERIOR COURTS**  
**SOUTHERN JUDICIAL CIRCUIT**

**"EXHIBIT G"**

**AMENDED**

**RULES OF THE SUPERIOR COURTS OF  
SOUTHERN JUDICIAL CIRCUIT OF GEORGIA  
FOR  
ALTERNATIVE DISPUTE RESOLUTION**

**RULE 1. REFERRAL TO ALTERNATIVE DISPUTE  
RESOLUTION ("ADR")**

(a) Except as hereinafter provided, any contested civil or domestic relation cases that are still pending after one hundred fifty (150) calendar days after the original complaint is filed shall be referred to ADR. Any domestic relation case in which domestic violence is an issue shall not be referred to ADR.

(b) Cases may, in the discretion of the Court, be referred to ADR prior to the mandatory one hundred fifty (150) day period. The parties or their attorneys may also request the Court to have their case referred to ADR. A Court **"ORDER"** referring the case to ADR shall be executed by the presiding Judge. The original Order shall be filed in the case file in the office of the Clerk of Court making the referral. The Dispute Resolution Office shall be responsible for serving by mail a copy of said Order on the parties and counsel of record. Cases shall be screened by the presiding Judge to determine if the case is appropriate for ADR.

(c) The following actions shall be excluded from ADR:

(1) Appeals from rulings of administrative agencies;

(2) In Rem Condemnations;

- (3) Habeas Corpus and extraordinary writs;
- (4) Declaratory Judgements;
- (5) URESA actions

## **RULE 2. TIMING OF ALTERNATIVE DISPUTE RESOLUTION PROCESSES**

(a) Within ten (10) calendar days after the case is referred to ADR, the parties shall inform the Dispute Resolution Office of the neutral mutually agreed upon by the parties. The neutral shall be selected from among the neutrals registered by the Georgia Office of Dispute Resolution in the appropriate category. Absent agreement by the parties on the selection of the neutral, the process shall follow as herein provided by paragraph (b) of Rule 4.

(b) Within five (5) calendar days after the parties have notified the Dispute Resolution Office of the selected neutral, the selected neutral shall contact the parties and inform them of the date, time and place for the scheduled ADR session.

(c) Unless otherwise ordered by the Court, the ADR session shall be held within fifteen (15) calendar days after the parties have received notification from the selected neutral of the ADR session.

## **RULE 3. EXEMPTION FROM ALTERNATIVE DISPUTE RESOLUTION**

A party may, within ten (10) days after the case is referred to ADR, petition the Court to dispense with ADR if:

- (a) The issue to be considered has previously gone through the ADR process;
- (b) The issue presents a question of law only;
- (c) Other good cause is shown to the presiding Judge.

#### **RULE 4. SELECTION, APPOINTMENT AND ASSIGNMENT OF NEUTRALS**

##### **DEFINITIONS:**

**Selected Neutral:** A neutral mutually selected by both parties from among the neutrals registered by the Georgia Office of Dispute Resolution in the appropriate category.

**Appointed Neutral:** A neutral appointed by the Administrator of the ADR Program when the parties could not mutually agree upon a selection. The appointment will be made from the rotational list of registered neutrals maintained by the Dispute Resolution Office.

**Assigned Neutral for Indigency:** A neutral assigned by the Administrator of the ADR Program when one or both parties have applied for indigency and has been determined to be indigent. The neutral assigned for indigency shall be the neutral mutually selected by the parties or the appointed neutral.

(a) The parties shall have an opportunity to select from among the neutrals registered by the Georgia Office of Dispute Resolution in the appropriate category by mutual agreement.

(b) Absent agreement on the mutual selection of a neutral by the parties, the neutral will be appointed by the Administrator of the ADR Program. The appointment shall be made from the rotational

list of registered neutrals maintained by the Dispute Resolution Office. After the parties have received notice of the appointment, timing of the ADR process shall follow as herein provided by paragraph (b) and paragraph (c) of Rule 2.

***Any party, for good cause shown, may request said Administrator for appointment of another neutral.***

## **RULE 5. NEUTRAL QUALIFICATIONS FOR SERVICE IN THE PROGRAM**

The qualifications and training for a neutral shall not be less than the minimum qualifications set out in the Georgia Supreme Court Alternative Dispute Resolution Rules. The neutrals must be registered by the Georgia Office of Dispute Resolution in the appropriate category.

## **RULE 6. COMPENSATION OF NEUTRALS**

(a) The Administrator of the Dispute Resolution Office shall maintain a rotational list of registered neutrals. As herein provided by paragraph (b) of Rule 4, absent agreement by the parties on the mutual selection of a neutral, the neutral shall be appointed by the Administrator of the Dispute Resolution Office from said rotational list. Each neutral whose name appears on such list shall keep the Administrator advised of the amounts such neutral will charge for his or her services as a neutral. The appointed neutral shall not charge more than the amounts he or she has listed with such Administrator.

(b) The amounts charged and to be charged by an appointed neutral in any case referred to ADR under this program shall be subject to approval or disapproval by the Superior Court Judges of the Southern Judicial Circuit.

(c) The parties in the ADR process shall be responsible for the payment of the selected or appointed neutral's fee, which shall be equally divided between the parties, unless otherwise ordered by the presiding Judge.

(d) A party may apply with the Dispute Resolution Office for a determination of whether or not said party is indigent and unable to pay the fee of the selected or appointed neutral. If the Dispute Resolution Office determines that such party is indigent, the ADR Program will provide payment for the services of the assigned neutral from the Southern Judicial Circuit ADR Fund. The Dispute Resolution Office shall pay not more than the hourly rate established for defense attorneys who represents criminal indigents in the Southern Judicial Circuit.

(e) Satisfactory arrangements for payment of the selected or appointed neutral's fee shall be made between the parties and the neutral.

## **RULE 7. IMMUNITY**

Neutrals acting in the ADR process are entitled to immunity as provided for in the Georgia Supreme Court Alternative Dispute Resolution Rules.

## **RULE 8. CONFIDENTIALITY**

Confidentiality for the ADR process is governed by the Georgia Supreme Court Alternative Dispute Resolution Rules.

## **RULE 9. APPEARANCE**

(a) The attendance of the parties is required at all ADR sessions. The attorneys of record are not required, but are encouraged to attend the ADR sessions. The requirement that a party appear at an ADR session is satisfied if the following persons are present:

- (1) The party with full authority to settle without further consultation, or
- (2) The party's representative if that representative has full authority to settle without further consultation, a full understanding of the dispute, and full knowledge of the facts.

(b) The neutral must receive notice at least forty-eight (48) hours in advance, excluding weekends and holidays, of any rescheduling, settlements or cancellations for whatever reason, regardless of whether relief has been granted by the Court. The session shall be rescheduled or cancelled upon written notification to the neutral and the Dispute Resolution Office.

(c) The party or attorney who is requesting that an ADR session be rescheduled must obtain consent from opposing counsel and the selected neutral. The ADR Program must also be notified of any rescheduling attempts. The rescheduled session shall take place within thirty (30) days of the previously scheduled session unless otherwise arranged.

(d) For purposes of conflicts, the ADR session shall be construed as being a non-jury proceeding pursuant to the Uniform Rules of Superior Courts. The parties and counsel may rely upon said Rules in resolving and scheduling conflicts.

## **RULE 10. IMPOSITION OF SANCTIONS**

(a) If a party fails to give forty-eight (48) hours advance notice, excluding weekends and holidays, to the neutral of rescheduling, settlement or cancellation, or

(b) If a party or attorney fails to appear at a duly noticed ADR session after being ordered to do so, the Dispute Resolution Office shall notify the presiding Judge. The requirements for appearance at a duly noticed ADR session are that the party:

- (1) Pay the neutral at such duly noticed ADR session;  
and
- (2) Listen to the opening statements of the neutral. If the above requirements are **not** satisfied, the offending party may, in the discretion of the presiding Judge, be subject to the sanctions of contempt, the imposition of the costs and fees of the neutral; attorney fees; expenses and lost wages of the other party; and such other sums as the interest of justice may require.

## **RULE 11. COMMUNICATIONS BETWEEN NEUTRAL AND PARTIES AND ATTORNEYS**

Communication outside the ADR session between the parties or attorneys and the neutral shall be only for the purpose of verification of appointment times and locations. In ADR mediation, the neutral may meet and consult privately with any party or any attorney during the mediation session.

## **RULE 12. COMMUNICATION WITH THE COURT**

Communication between the Dispute Resolution Office and the Court, and between neutrals and the Court, are governed by the Georgia Supreme Court Alternative Dispute Resolution Rules. No communication between the Court and the parties shall take place during the ADR process.

## **RULE 13. COMPLETION OF ALTERNATIVE DISPUTE RESOLUTION**

(a) ADR shall be completed within thirty (30) days of the first ADR session. A request for continuance of the ADR session shall be made to the Dispute Resolution Office.

(b) Length of ADR sessions are scheduled for two (2) hours. However, the length of the ADR session may, in the discretion of the neutral, be shorter or longer.

(c) The neutral may recess the ADR session anytime and may set times for reconvening the recessed session.

(d) If a settlement is reached, a memorandum of said settlement shall be reduced to writing by the neutral, signed by the neutral and both parties. The memorandum of settlement shall be given to the parties' attorneys and said attorneys shall prepare a settlement agreement or consent order in proper legal form. The settlement agreement or consent order shall then be presented to the presiding Judge for filing with the original case file in the office of the Clerk of the referring Court.

(e) If a partial settlement is reached, it shall follow the same process as paragraph (d) of Rule 13.

(f) Upon any settlement or partial settlement being signed, the neutral shall notify the Dispute Resolution Office.

(g) If the parties do not reach a settlement as to any matter as a result of ADR, the neutral will report the lack of a settlement to the Dispute Resolution Office. The Dispute Resolution Office shall then notify the presiding Judge and the Clerk of Court who referred the case to ADR of the lack of a settlement.

(h) Completion or exemption of the ADR process is a prerequisite to placing a case on the trial calendar.

#### **RULE 14. ADMINISTRATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

The Administrator of the Dispute Resolution Office shall be the Circuit Court Administrator. Said Administrator shall be compensated in an amount set by the Superior Court Judges of the Southern Judicial Circuit. The compensation shall be paid from the Southern Judicial Circuit Fund for the Administration of Alternative Dispute Resolution Programs. The Administrator shall be responsible for all administrative matters pertaining to the ADR program. These responsibilities include, but shall not be limited to:

(a) Receiving referrals from the Superior Courts of this Circuit.

(b) Scheduling neutrals equitably and insuring timely ADR of all cases.

(c) Notifying presiding Judges and Clerks of Court of the results of ADR.

(d) Processing requests for payment from neutrals.

(e) Evaluating procedures quarterly and recommending changes if needed.

(f) Performing such other duties as may be directed by the Superior Court Judges.

The Superior Court Judges of the Southern Judicial Circuit shall retain ultimate authority over the ADR program.

## **RULE 15. EVALUATION**

The Dispute Resolution Office will provide to the Georgia Office of Alternative Dispute Resolution, under the Georgia Supreme Court, information that will allow full evaluation of the program. The information will be provided quarterly.

