



SUPREME COURT OF GEORGIA

Atlanta May 1, 2014

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

It is ordered that Uniform Superior Court Rule 4.3 (relating to attorney withdrawal); Rule 5.1 (relating to prompt completion of discovery); Rule 6.4 (relating to failure to make discovery and motion to compel discovery); Rule 15 (relating to default judgments); and Rule 24.2 (relating to financial data and scheduling and notice of a temporary hearing) be amended, effective May 15, 2014, as follows:

Rule 4.3 Withdrawal

- (1) An attorney appearing of record in any matter pending in any superior court, who wishes to withdraw as counsel for any party, shall submit a written request to an appropriate judge of the court for an order permitting such withdrawal. The request shall state that the attorney has given written notice to the affected client setting forth the attorney's intent to withdraw, that 10 days have expired since notice, and there has been no objection, or that withdrawal is with the client's consent. The request will be granted unless in the judge's discretion to do so would delay the trial or otherwise interrupt the orderly operation of the court or be manifestly unfair to the client.
- (2) The attorney requesting an order permitting withdrawal shall give notice to opposing counsel and shall file with the clerk and serve upon the client, personally or at that client's last known mailing and electronic addresses, the notice which shall contain at least the following information:
 - (A) the attorney wishes to withdraw;
 - (B) the court retains jurisdiction of the action;
 - (C) the client has the burden of keeping the court informed where notices, pleadings or other papers may be served;
 - (D) the client has the obligation to prepare for trial or hire new counsel to prepare for trial, when the trial date has been scheduled and to conduct and respond to discovery or motions in the case;
 - (E) if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;
 - (F) dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;
 - (G) service of notices may be made upon the client at the client's last known mailing address;
 - (H) if the client is a corporation, that a corporation may only be represented in court by an attorney, that an attorney must sign all pleadings submitted to the court, and that a corporate

officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia or is otherwise allowed by law; and (I) unless the withdrawal is with the client's consent, the client's right to object within 10 days of the date of the notice, and provide with specificity when the 10th day will occur.

The attorney requesting to withdraw shall prepare a written notification certificate stating that the notification requirements have been met, the manner by which notification was given to the client and the client's last known mailing and electronic addresses and telephone number. The notification certificate shall be filed with the court and a copy mailed to the client and all other parties. Additionally, the attorney seeking withdrawal shall provide a copy to the client by the most expedient means available due to the strict 10-day time restraint, i.e., e-mail, hand delivery, or overnight mail. After the entry of an order permitting withdrawal, the client shall be notified by the withdrawing attorney of the effective date of the withdrawal; thereafter all notices or other papers shall be served on the party directly by mail at the last known mailing address of the party until new counsel enters an appearance.

(3) When an attorney has already filed an entry of appearance and the client wishes to substitute counsel, it will not be necessary for the former attorney to comply with rule 4.3 (1) and (2). Instead, the new attorney may file with the clerk of court a notice of substitution of counsel signed by the party and the new attorney. The notice shall contain the style of the case and the name, address, phone number and bar number of the substitute attorney. The new attorney shall serve a copy of the notice on the former attorney, opposing counsel or party if unrepresented, and the assigned judge. No other or further action shall be required by the former attorney to withdraw from representing the party. The substitution shall not delay any proceeding or hearing in the case.

The notice may be in substantially the following form:

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

SAM SPADE,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	FILE NO. 20-CV-0000
DAVID ROBICHEAUX,)	
)	
Defendant.)	

NOTICE OF SUBSTITUTION OF COUNSEL

Please substitute (name of substitute counsel) as counsel for (name of party) in this case. Substitute counsel's address, phone number and bar number are as follows:

All further pleadings, orders and notices should be sent to substitute counsel.

This _____ day of _____, _____.

signature

Name of new attorney

Address

Phone number

State Bar #

signature

Name of party

Address

Phone number

CERTIFICATE OF SERVICE

Certificate of service on: former counsel, opposing counsel or party, assigned judge.

Rule 5.1 Prompt Completion

In order for a party to utilize the court's compulsory process to compel discovery, any desired discovery procedures must first be commenced promptly, pursued diligently and completed without unnecessary delay and within 6 months after the filing of the answer. In any action in which an answer is not filed within 30 days of service, or by the date set forth in any extension or court order, the 6-month period shall begin to run 30 days after service. At any time, the court, in its discretion, may open, extend, reopen or shorten the time to utilize the court's compulsory process to compel discovery.

Rule 6.4 Failure to Make Discovery and Motion to Compel Discovery

(A) Motions to compel discovery in accordance with OCGA § 9-11-37 shall:

- (1) Quote verbatim or attach a copy as an exhibit of each interrogatory, request for admission, or request for production to which objection is taken or to which no response or insufficient response is provided;
- (2) Include the specific objection or response claimed to be insufficient;
- (3) Include the grounds for the objection (if not apparent from the objection); and,
- (4) Include the reasons supporting the motion. Any objections shall be addressed to the specific interrogatory, request for admission, or request for production and shall not be made generally.

(B) Prior to filing a motion seeking resolution of a discovery dispute, counsel for the moving party shall confer with counsel for the opposing party and any objecting person or entity in a good faith effort to resolve the matters involved. At the time of filing the motion, counsel shall also file a statement certifying that such conference has occurred and that the effort to resolve by agreement the issues raised failed. This rule also applies to motions to

quash, motions for protective order and cases where no discovery has been provided.

Rule 15 Default Judgments

The party seeking entry of a default judgment in any action shall certify to the court the following: the date and type of service effected; that proof of service was filed with the court within 5 business days of the service date, or, if not filed within 5 business days of the service date, the date on which proof of service was filed; that no defensive pleading has been filed by the defendant as shown by court records; and the defendant's military status, if required. This certificate shall be in writing and must be attached to the proposed default judgment when presented to the judge for signature.

Rule 24.2 Financial Data Required; Scheduling and Notice of Temporary Hearing

Except as noted below, at least 5 days before any temporary or final hearing in any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, all parties shall serve upon the opposing party the affidavit specifying his or her financial circumstances in the form set forth herein. In cases involving child support, the worksheet and schedules required by OCGA § 19-6-15 and only as promulgated by the Georgia Child Support Commission shall be completed and served upon the opposing party contemporaneously with the filing of the affidavit required above. In emergency actions, the affidavit, worksheet and schedules may be served on or before the date of the hearing or at any other time as the Court orders.

In cases filed with complete separation agreements or consent orders resolving all issues but the issue of divorce, the parties are not required to serve financial affidavits, unless otherwise ordered by the Court. In cases involving child support the parties must attach to the proposed final judgment a completed worksheet and any applicable schedules. In addition, the separation agreement must include the parties' gross and adjusted incomes.

The Office of Child Support Services is exempt from filing financial affidavits.

Notice of the date of any temporary hearing shall be served upon the adverse party at least 15 days before the date of the hearing, unless otherwise ordered by the Court.

The parties shall serve upon each other the affidavit and worksheet and schedules (where applicable) at least 5 days prior to any mediation or other alternative dispute resolution proceeding.

In any case in which a party has previously served the affidavit, worksheet and schedules and thereafter amends the affidavit or worksheet and schedules, any such amendments shall be served upon the opposing party at least 5 days prior to final hearing or trial.

On the request of either party, and upon good cause shown to the Court, the affidavits, worksheets, schedules, and any other financial information may be sealed, upon order of the Court.

No social security numbers or account numbers shall be included in any document served or filed with the Court pursuant to this rule. Each account shall be specified by financial institution and the last four digits of the account number. No party shall be required to include full account numbers. See also OCGA § 9-11-7.1.

A Certificate of Service shall be filed with the Clerk of Court certifying proper service of the affidavit required above and worksheet and schedules (where applicable). Each party shall submit to the Court the original affidavit and worksheet and schedules (where applicable) at the time of hearing or trial.

Failure of any party to furnish the above financial information may subject the offending party, in the discretion of the Court, to the penalties of contempt and may result in continuance of the hearing until the required financial information is furnished and may result in other sanctions or remedies deemed appropriate in the Court's discretion.

Notwithstanding the time limits contained in this rule, the Court may decide a matter without strict adherence to a time limitation, if the financial information was known or reasonably available to the other party, or if a continuance would result in a manifest injustice to a party.

The affidavit shall be under oath and in substantially the following form:

[Rule 24.2 continues with the affidavit form.]

(There are no proposed changes to the affidavit at this time)

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby 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