

I oppose the amendment to the Uniform Superior Court Rules as unnecessary and outside the scope of the uniform rules.

1. At heart, it is an evidentiary rule which is already enshrined in OCGA 24-14-22. Therefore, there is no need to encumber the Uniform Rules with the redundancy. Further, there is a question whether the uniform rules may address evidentiary issues. See Art 6, Sec 1, Para 9, Constitution of 1983.

2. As to discovery issues/violations, OCGA 9-11-37 already provides that superior court judges may impose sanctions for discovery violations to include dismissal.

3. Art 6, Sec 9, Para I of the Constitution of 1983 requires the adoption of uniform rules for the speedy, efficient, and inexpensive resolution of disputes and prosecutions. Beside the foregoing criticisms that this proposed rule exceed the authority of Art 6, Sec 9, Para I, the rule merely states a party may request a hearing, which is no more or less than what a party may request by motion now.

Therefore, this rule should not be adopted in its present form.

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