



## SUPREME COURT OF GEORGIA

Atlanta    October 1, 2008

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

It is ordered that Uniform Superior Court Rules 17.1 (relating to method of resolution of attorney conflicts); 24.2 (relating to financial data); and 39.7 (relating to mandatory forms) be revised as follows effective October 23, 2008:

### **Rule 17.1. Method of resolution.**

(A) An attorney shall not be deemed to have a conflict unless:

(1) the attorney is lead counsel in two or more of the actions affected;  
and,

(2) the attorney certifies that the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; certifies that in spite of compliance with this rule, the attorney has been unable to resolve these conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.

(B) When an attorney is scheduled for a day certain by trial calendar, special setting or court order to appear in two or more courts (trial or appellate; state or federal), the attorney shall give prompt written notice as specified in (A) above of the conflict to opposing counsel, to the clerk of each court and to the judge before whom each action is set for hearing (or, to an appropriate judge if there has been no designation of a presiding judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by (B)(1)-(4) as to each case arranged in the order in which the cases should prevail under this rule. In the absence of objection from opposing counsel or the courts affected, the proposed order of conflict resolution shall stand as offered. Should a judge wish

to change the order of cases to be tried, such notice shall be given promptly after agreement is reached between the affected judges. Attorneys confronted by such conflicts are expected to give written notice such that it will be received at least seven (7) days prior to the date of conflict. Absent agreement, conflicts shall be promptly resolved by the judge or the clerk of each affected court in accordance with the following order of priorities:

(1) Criminal (felony) actions shall prevail over civil actions. Criminal actions in which a demand for speedy trial has been timely filed pursuant to O.C.G.A. §§ 17-7-170 and/or 17-7-171 shall automatically take precedence over all other actions unless otherwise directed by the Court in which the speedy trial demand is pending;

(2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;

(3) Within the category of non-jury matters, the following will have priority: (a) parental terminations, (b) trials, (c) all other non-jury matters including appellate arguments, hearings and conferences;

(4) Within each of the above categories only, the action which was first filed shall take precedence.

(C) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event any matter listed in the letter notice is disposed of prior to the scheduled time set for any other matter listed or subsequent to the scheduled time set but prior to the end of the calendar, the attorney shall immediately notify all affected parties, including the court affected, of the disposal and shall, absent good cause shown to the court, proceed with the remaining case or cases in which the conflict was resolved by the disposal in the order of priorities as set forth heretofore.

**Rule 24.2. Financial data required; scheduling and notice of temporary hearing.**

Except as noted below, at the time of filing any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, the filing party shall file with the

Clerk of Court 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 O.C.G.A. § 19-6-15 and only as promulgated by the Georgia Child Support Commission, shall be completed insofar as possible and filed with the clerk and shall be served upon the opposing party. Online submission of the worksheet and schedules shall not suffice as filing with the Clerk of Court.

In other emergency actions, the affidavit, worksheet and schedules may be filed and served on or before the date of the hearing or at such other time as the Court orders, and shall not be required at the time of filing of the action.

In cases filed with complete separation agreements or consent orders resolving all issues but the issue of divorce, the parties are not required to file 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 Schedule E, whether Schedule E applies or not. In addition, the separation agreement must include the parties' gross and adjusted incomes. The remaining applicable schedules shall be filed with the Clerk at the time of filing the uncontested action.

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 opposing party shall file with the Clerk and serve upon the other party the affidavit specifying his or her financial circumstances in the form set forth herein and the worksheet and schedules, completed insofar as possible:

- at least five days prior to any temporary hearing;
- at least five days prior to any court ordered mediation;  
or
- thirty days after service of the complaint, whichever first occurs.

Any amendments to the affidavits, worksheets or schedules shall be served upon the opposing party at least 10 days prior to final hearing or trial

and shall be filed with the Clerk of Court at or before 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 filed with the Court pursuant to this rule. Each account shall be specified by financial institution and a partial account number. No party shall be required to include full account numbers.

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

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

**[FORM FOLLOWS]**

**(Please note that the Financial Affidavit has been omitted from this publication, though it is part of Rule 24.2, as no changes are proposed to the Financial Affidavit at this time.)**

**Rule 39.7. Required forms.**

The forms listed below, except SC-6 and SC-6.1, shall be required for use in all superior courts in this state. SC-6 and SC-6.1 may be used in all superior courts in this state:

SC-1 Summons

SC-2 Sheriffs Entry of Service

SC-3 Service by Publication

SC-4 Notice of Publication

SC-5 Writ of Fieri Facias

SC-6 Final Disposition Form (Criminal) (to include “If you are convicted of a crime involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922 (g)(9) [and/or state law].”

SC-6.1 First Offender Sentence Form

SC-7 Exemplification

SC-8 Witness Subpoena

SC-9 Subpoena for the Production of Evidence

SC-9.1 Subpoena for the Production of Evidence at a Deposition

SC-13 Civil Case Initiation Form

SC-14 Civil Case Disposition Form

**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