



SUPREME COURT OF GEORGIA

Atlanta September 1, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that Uniform Superior Court Rules 1 (Preamble); 2.5 (relating to an assigned judge); 3.4 (relating to local authority); 4.4 (relating to admission pro hac vice); 18.8 (relating to election of ineligibility); 21.1 (relating to motions and orders); 24.2 (relating to domestic relations financial data and hearing); and 36.4 (relating to signatures on documents) be revised as follows effective October 7, 2010, as follows:

Rule 1. Preamble.

Rule 1.1. Repeal of local rules.

Rule 1.2. Authority to enact rules which deviate from the Uniform Superior Court Rules.

Rule 1.3. Repeal of earlier "Rules of the Superior Court."

Rule 1.4. Matters of statewide concern.

Rule 1.5. Deviation.

Rule 1.6. Amendments.

Rule 1.7. Publication of rules and amendments.

Rule 1. Preamble.

Pursuant to the inherent powers of the Court and Article VI, Section IX, Paragraph I of the Georgia Constitution of 1983, and in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions, these rules are promulgated. It is not the intention, nor shall it be the effect, of these rules to conflict with the Constitution or substantive law, either per se or in individual actions and these rules shall be so construed and in case of conflict shall yield to substantive law. It is the intention of these rules and the policy of this State that these rules prevail over local practices and procedures and shall be in force uniformly throughout the State.

Rule 1.1. Repeal of Local Rules.

All local rules, internal operating procedures and experimental rules of the superior courts except those relating to drawing of jurors by mechanical or electronic means pursuant to OCGA §§ 15-12-40 (b) and 15-12-42 (b) et seq. shall expire effective December 31, 2010.

Rule 1.2. Authority to Enact Rules Which Deviate From the Uniform Superior Court Rules.

(A) The terms "local rules," "internal operating procedures" and "experimental rules" will no longer be used in the context of the Uniform Superior Court Rules. Any deviation from these rules is disallowed.

(B) Notwithstanding the expiration of local rules, internal operating procedures and experimental rules on December 31, 2010, courts may continue to maintain practices and standing orders to regulate the internal processes of the court in matters which are not susceptible to uniformity, which relate only to internal procedure and which do not affect the rights of any party substantially or materially, either to unreasonably delay or deny such rights. Such internal processes include but are not limited to case management, court administration, case assignment, traverse and grand jury management, court-annexed alternative dispute resolution programs (which are subject to approval by the Georgia Commission on Dispute Resolution), specialty courts, indigent defense programs, court security, emergency planning, judicial assistance requests, appointments of chief judges, law libraries, and other similar matters. The Clerk of Court shall maintain the originals of such standing orders and provide copies of them, upon request.

(C) The above provisions notwithstanding, each superior court may retain or adopt a local rule relating to drawing of jurors by mechanical or electronic means pursuant to OCGA §§ 15-12-40 (b) and 15-12-42 (b) et seq. and an order establishing guidelines governing excuses from jury duty pursuant to OCGA § 15-12-10.

(D) Notwithstanding these uniform rules, a majority of judges in a circuit may adopt pilot projects, upon approval of the Supreme Court, adequately advertised to the local bar, with copies to the State Bar of Georgia, not to exceed a period of one year, subject to extension for one additional year upon approval of the circuit judges and the Supreme Court. At the end of the second year, any such pilot projects will either be approved by the Supreme Court or will be allowed to sunset. Programs developed under the Alternative Dispute Resolution Rules of the Supreme Court will be approved by the Georgia Commission on Dispute Resolution before attaining permanent status under these rules.

(E) Notwithstanding the expiration of all local rules, internal operating procedures and experimental rules, effective December 31, 2010, courts may promulgate standing orders as to matters not addressed by these uniform rules and which are not inconsistent with a uniform rule only if actual notice of such order is provided to all parties. Such orders include but are not limited to, orders to attend educational seminars contemplated by Uniform Superior Court Rule 24.8, orders governing or mandating alternative dispute resolution, orders governing payments into the registry of the court, orders governing electronic filing and similar matters. "Actual notice" shall be deemed to have been satisfied by providing copies of such orders to attorneys and pro se litigants, service by a party upon opposing parties and publicized dissemination in such locations as the offices of the clerks of court, law libraries, legal

aid societies and public libraries. Mere filing of standing orders and posting in prominent places in the courthouse shall not suffice as actual notice.

(F) No person shall be denied access to the court nor be prejudiced in any way for failure to comply with a standing order of which the person does not have actual notice.

Rule 1.3. Repeal of Earlier "Rules of the Superior Court."

Each of the "Rules of the Superior Court" set out in (former) Ga. Code Ann. §§ 24-3301 through 24-3389, inclusive, not earlier repealed, is hereby expressly repealed.

Rule 1.4. Matters of Statewide Concern.

The following rules, to be known as "Uniform Superior Court Rules," are to be given statewide application.

Rule 1.5. Deviation.

These rules are not subject to local deviation. A specific rule may be superseded in a specific action or case or by an order of the court entered in such case explaining the necessity for deviation and served upon the attorneys in the case. Nothing herein is intended to prevent the courts from adopting standing orders regarding matters not addressed in these rules so long as they do not conflict with these rules.

Rule 1.6. Amendments.

The Council of Superior Court Judges shall have a permanent committee to recommend to the Supreme Court such changes and additions to these rules as may from time to time appear necessary or desirable.

The State Bar of Georgia and the Uniform Rules committee chairpersons for the other classes of courts shall receive notice of the proposed changes and additions and be given the opportunity to comment.

Rule 1.7. Publication of rules and amendments.

These rules and any amendments to these rules shall be published in the advance sheets to the Georgia Reports. Unless otherwise provided, the effective date of any amendment to these rules is the date of publication in the advance sheets to the Georgia Reports.

Rule 2.5. Assigned Judge.

The term "assigned judge" as used in these rules refers to the judge to whom an action is assigned in accordance with these rules; or, if the context permits, in circuits having a general calendaring system, to the trial judge responsible for the matter at any particular time.

Rule 3.4. Local Authority.

The method of assignment and the procedures necessary for an orderly transition from one calendaring system to another shall be established by each multi-judge circuit. All such systems shall be adequately published to the local bar; copies shall be filed with

the respective clerk(s) and with the Supreme Court of Georgia.

Rule 4.4. Admission Pro Hac Vice.

A. Definitions

1. A "Domestic Lawyer" is a person not admitted to practice law in this state but who is admitted in another state or territory of the United States or the District of Columbia and not disbarred or suspended from practice in any jurisdiction.
2. A Domestic Lawyer is "eligible" for admission pro hac vice if that lawyer:
 - a. lawfully practices solely on behalf of the lawyer's employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work; or
 - b. neither resides nor is regularly employed at an office in this state; or
 - c. resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission pro hac vice or in other lawful ways.
3. A "client" is a person or entity for whom the Domestic Lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer's performance of services in this state.
4. "This state" refers to Georgia. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts or incorporates this Rule.

B. Authority of Court To Permit Appearance By Domestic Lawyer in Court Proceeding. A court of this state may, in its discretion, admit an eligible Domestic Lawyer retained to appear in a particular proceeding pending before such court to appear pro hac vice as counsel in that proceeding.

C. In-State Lawyer's Duties. When a Domestic Lawyer appears for a client in a proceeding pending in this state, either in the role of co-counsel of record with the in-state lawyer, or in an advisory or consultative role, the in-state lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to advise the client of the in-state lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the Domestic Lawyer.

D. Application Procedure

1. **Verified Application.** An eligible Domestic Lawyer seeking to appear in a proceeding pending in this state as counsel pro hac vice shall file a verified application with the court where the litigation is filed. The application shall be served on all parties who have appeared in the case and the Office of General Counsel of the State Bar of Georgia. The application shall include proof of service. The court has the discretion to grant or deny the application summarily if there is no opposition.²

Objection to Application. The Office of General Counsel of the State Bar of Georgia or a party to the proceeding may file an objection to the application or seek the court's imposition of conditions to its being granted. The Office of General Counsel or objecting party must file with its objection information establishing a factual basis for the objection. The Office of General Counsel or objecting party may seek denial of the application or modification of it. If the application has already been granted, the Office of General Counsel or objecting party may move that the pro hac vice admission be withdrawn.

3. Standard for Admission and Revocation of Admission. The court has discretion as to whether to grant applications for admission pro hac vice and to set the terms and conditions of such admission. An application ordinarily should be granted unless the court or agency finds reason to believe that such admission:

- a. may be detrimental to the prompt, fair and efficient administration of justice,
- b. may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent,
- c. one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk,
- d. the applicant has engaged in such frequent appearances as to constitute regular practice in this state, or
- e. should be denied, if that applicant had, prior to the application, filed or appeared in an action in the courts of this State without having secured approval pursuant to the Uniform Superior Court Rules.

4. Revocation of Admission. Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in Rule 4.4 D.3 above.

E. Application

1. Required Information. An application shall state the information listed in Appendix A to this rule. The applicant may also include any other matters supporting admission pro hac vice.

2. Application Fee. An applicant for permission to appear as counsel pro hac vice under this rule shall pay a nonrefundable fee as set by the Investigative Panel of the State Bar of Georgia at the time of filing the application.

3. Exemption for Pro Bono Representation. An applicant shall not be required to pay the fee established by Rule 4.4 E.2 above if the applicant will not charge an attorney fee to the client(s) and is:

- a. employed or associated with a pro bono project or nonprofit legal services organization in a civil case involving the client(s) of such programs; or
- b. involved in a criminal case or a habeas proceeding for an indigent defendant.

F. Authority of the Office of General Counsel of the State Bar of Georgia and Court: Application of Ethical Rules, Discipline, Contempt, and Sanctions

1. Authority over Domestic Lawyer and Applicant.

a. During pendency of an application for admission pro hac vice and upon the granting of such application, a Domestic Lawyer submits to the authority of the courts and the Office of General Counsel of the State Bar of Georgia of this state for all conduct relating in any way to the proceeding in which the Domestic Lawyer seeks to appear. The applicant or Domestic Lawyer who has obtained pro hac vice admission in a proceeding submits to this authority for all that lawyer's conduct (i) within the state while the proceeding is pending or (ii) arising out of or relating to the application or the proceeding. An applicant or Domestic Lawyer who has pro hac vice authority for a proceeding may be disciplined in the same manner as an in-state lawyer.

b. The court's and the Office of General Counsel's authority includes, without limitation, the court's and State Bar of Georgia's Rules of Professional Conduct, contempt and sanctions orders, and court policies and procedures.

2. Familiarity With Rules. An applicant shall become familiar with the Georgia Rules of Professional Conduct and policies and procedures of the court before which the applicant seeks to practice.

G. Temporary Practice. An out-of-state lawyer will only be eligible for admission pro hac vice, or to practice in another lawful way only on a temporary basis.

H. The conflicts of the domestic lawyer shall not delay any deadlines, depositions, mediation, hearings, or trials in connection with the case for which admission has been granted.

APPENDIX A

The Domestic Lawyer's application shall include:

1. the applicant's residence and business address;
2. the name, address and phone number of each client sought to be represented;
3. the courts before which the applicant has been admitted to practice and the respective period(s) of admission;
4. whether the applicant (a) has been denied admission pro hac vice in this state, (b) had admission pro hac vice revoked in this state, or (c) has otherwise formally been disciplined or sanctioned by any court in this state. If so, specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings; the date filed; and what findings were made and what action was taken in connection with those proceedings;
5. whether any formal, written disciplinary proceeding has ever been brought against the applicant by a disciplinary authority in any other jurisdiction and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;
6. whether the applicant has been held formally in contempt or otherwise sanctioned by any court in a written order for disobedience to its rules or orders, and, if so: the

nature of the allegations; the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application);

7. the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in this state within the preceding two years; the date of each application; and the outcome of the application;

8. an averment as to the applicant's familiarity with the Georgia Rules of Professional Conduct and court procedures of the court before which the applicant seeks to practice; and

9. the name, address, telephone number and bar number of an active member in good standing of the bar of this state who will sponsor the applicant's pro hac vice request. The bar member shall appear of record together with the Domestic Lawyer.

The Domestic Lawyer's application may provide the following optional information:

10. the applicant's prior or continuing representation in other matters of one or more of the clients the applicant proposes to represent and any relationship between such other matter(s) and the proceeding for which applicant seeks admission;

11. any special experience, expertise, or other factor deemed to make it particularly desirable that the applicant be permitted to represent the client(s) the applicant proposes to represent in the particular cause.

Rule 18.8. Election of Ineligibility.

In view of the foregoing limitations upon service and compensation of senior judges, senior judges may elect to declare themselves ineligible to serve as judges and may engage in the private practice of law if and when authorized by law. Such election shall be made in writing delivered to the Supreme Court. Senior judges shall be entitled to draw their earned retirement pay and shall be entitled to additional compensation for serving as arbitrators, mediators and any other neutral in an alternative dispute process and as special masters, receivers, auditors and referees.

A senior judge who has elected to practice law shall not thereafter be eligible to serve as a judge except upon petition showing good cause to and with the approval of the Supreme Court. Having once been reinstated as eligible to serve as judge by the Supreme Court, no second such petition shall be granted.

No judge shall call upon any senior judge to serve who is exercising the right to practice law and no senior judge who is exercising the right to practice law shall agree to serve as a judge.

Rule 21.1. Motions and Orders.

Upon motion by any party to any civil or criminal action, or upon the court's own motion, after hearing, the court may limit access to court files respecting that action. The order of limitation shall specify the part of the file to which access is limited, the nature and duration of the limitation, and the reason for limitation.

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

Except as noted below, at least fifteen (15) 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, the party requesting such hearing shall file with the Clerk of Court and 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 insofar as possible and filed with the clerk and shall be served upon the opposing party contemporaneously with the filing of the affidavit required above. In 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.

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 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 fifteen (15) days before the date of the hearing, unless otherwise ordered by the Court.

Within five (5) days of service of the affidavit and worksheet and schedules (where applicable) unless the Court shortens or enlarges the time, 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.

The parties shall file with the clerk and serve upon each other the affidavit and worksheet and schedules (where applicable) at least ten (10) days prior to any court-ordered mediation or other alternative dispute resolution proceeding.

In any case in which a party has previously filed and 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 ten (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.

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:

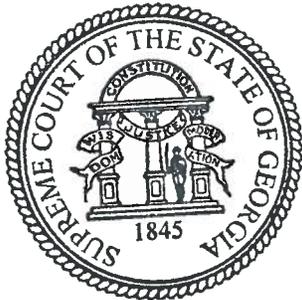
(Please note that the Financial Affidavit has been omitted from this publication, though it is part of Rule 24.2, as no changes are proposed to the Financial Affidavit at this time.)

Rule 36.4. Signatures on Documents Filed of Record.

All judgments, orders, pleadings and other documents shall bear the signature of the responsible attorney or party who prepared the document, with the preparer's name, proper address and telephone number typed or printed underneath.

To the extent practicable, signature pages of documents filed of record including pleadings, agreements and orders shall not be set forth on a page separated from the contents of the document.

On any document filed of record, including but not limited to pleadings, agreements and orders, where a signature is set forth on a separate page from the contents of the document, the signature page must identify the parties, the case number, and the document.



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