



## SUPREME COURT OF GEORGIA

Atlanta April 13, 2017

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

It is ordered that Uniform Magistrate Court Rule 7.2 (relating to withdrawal of counsel) and Rule 38 (relating to motions and request for relief under the Civil Practice Act) be amended, and that Rule 24.3 (relating to assessment of costs in criminal cases) be reserved, effective May 11, 2017, as follows:

### **PART I. GENERAL AND ADMINISTRATIVE PROVISIONS**

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#### **Rule 7. Duties of Attorneys and All Parties**

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##### **7.2. Withdrawal of Counsel**

The entry of an appearance or request for withdrawal by an attorney who is a member or an employee of a law firm or professional corporation shall relieve the other members or employees of the same law firm or professional corporation from the necessity of filing additional entries of appearance or requests for withdrawal in the same action. Withdrawal procedure shall be the same as Uniform Superior Court Rule 4.3, except that the required notice shall not include the language set out in subsection (2)(H).

### **PART II. CRIMINAL RULES**

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#### **Rule 24. Dismissal and Return of Warrants**

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##### **24.3. Assessment of Costs – Criminal (Reserved)**

### PART III. CIVIL RULES

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#### **Rule 38. Motions and Request for Relief Under the Civil Practice Act**

Motions should not normally be granted without a hearing, except as allowed by law or magistrate court rule, unless a hearing is waived by the opposite party. Motions regarding preliminary or perfunctory matters, including, but not limited to, transfer or appointment of process servers, shall not require a hearing. Hearings may be set to be heard at the time of trial or separately specially set in the discretion of the court.

No party or attorney shall be required to respond to a motion, including a request for relief under the Civil Practice Act (OCGA § 9-11-1 et seq.) unless otherwise directed by the court. Where a party contends that the grant or denial of the motion may require postponement of the hearing on the merits, the motion should so state. Parties wishing to oppose a motion or request a hearing should do so promptly.

Parties and attorneys are reminded that the Civil Practice Act does not govern proceedings in magistrate court. Except as otherwise provided in these rules, any request for relief under that Act will be considered under the standards of Howe v. Roberts, 259 Ga. 617 (1989).

No leave of court is required to file a suggestion, on the record, of death of a party.

#### **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