



SUPREME COURT OF GEORGIA

Atlanta October 4, 2018

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

It is ordered that new Uniform Superior Court Rule 39.3.1 (relating to record submission delay) be approved, and that Rule 41 (relating to motions for new trial) be amended, effective January 1, 2019, as follows:

Rule 39. DOCKETING AND INDEXING

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Rule 39.3.1. Semi-Annual Lists of Felony Cases

No later than 30 days after January 1 and July 1 of each calendar year, the superior court clerk of the county or counties in each judicial circuit shall submit a list of all felony cases either pending judgment on a motion for new trial or transmission of a record on appeal in that court to the judges of that court in a format specified by the Administrative Office of the Courts. The list shall include the following information: sentencing judge, assigned judge, counsel of record, the date of the sentence, the date the transcript was filed, the date a motion for new trial or an amended motion for new trial was filed, whether a motion for new trial has been ruled upon, the date a notice of appeal was filed, and whether the record is ready for transmittal. The cases shall be listed in order of length of time pending.

No later than 10 days from receipt of the initial list, the chief judge of the superior court for each judicial circuit shall submit a final list electronically to the clerk of the Supreme Court. The list shall be filed in the superior court clerk's office as a court record available pursuant to Rule 21. The list also shall be provided to the district attorney and the circuit public defender. The Supreme Court shall make the list available to the public.

The Supreme Court may take such other action to address unjustified delays in cases as may be appropriate.

Rule 41. MOTIONS FOR NEW TRIAL

Rule 41.1. Time for Hearing

Counsel are reminded of their general ethical obligation to make reasonable efforts to expedite litigation consistent with the interests of their clients.

The motion for new trial shall be heard and decided as promptly as possible.

When the defendant's presence is required by law, the defendant shall be procured for the motion for new trial unless the defendant waives his or her presence in writing. If the defendant is in custody, the state shall procure the defendant; if the defendant is not in custody, counsel for the defendant shall procure the defendant. A ruling on the motion shall be rendered within the time period required by law upon the record on the motion being complete and the transcript and post-hearing motions or other matters being submitted.

Rule 41.2. Status Conference and Transcript Preparation

In criminal cases, the transcript shall be prepared as promptly as possible.

The court shall schedule a status conference regarding the motion for new trial not later than 120 days after sentencing. Counsel of record for both the state and the defendant shall appear at any conference; such conference may be conducted telephonically or electronically at the discretion of the court. At the conference the court shall confirm that the defendant has appellate counsel and that the transcript has been ordered, and shall determine by whom the exhibits are held. The court shall ensure the production of the transcript.

If the transcript has not been filed by the court reporter within 120 days of the date of sentencing, the court shall issue a show cause notice to the court reporter to provide reasons for the delay. The court may impose conditions as required to ensure timely completion of the transcript.

The court shall schedule status conferences regarding the motion for new trial approximately every 180 days after the first conference until the motion for new trial is heard. Such status conferences shall be conducted telephonically or electronically unless otherwise ordered by the court.

Any conference required by this rule shall be on the record, or the court shall enter a status conference order memorializing the conference if a court reporter is unavailable.

It is the court's responsibility to monitor the progress of the case. Priority should ordinarily be given to cases pending the longest.

Rule 41.3. Transcript Costs

Except where leave to proceed in forma pauperis has been granted, an attorney who files a motion for new trial, or a notice of appeal which specifies that the transcript of evidence or hearing shall be included in the record, shall be personally responsible for compensating the court reporter for the cost of transcription. The filing of such motion or notice shall constitute a certificate by the attorney that the transcript has been ordered from the court reporter. The filing of such motion or notice prior to ordering the transcript from the reporter shall subject the attorney to disciplinary action by the court.

Rule 41.4. Transmission of the Record

Upon filing of a notice of appeal, the clerk shall compile and transmit the record in accordance with the requirement of the appropriate appellate court as required by OCGA § 5-6-43. Failure to do so within 60 days of the deadlines imposed by OCGA § 5-6-43 may subject the clerk to a show cause hearing before the sentencing court.

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