

LOCAL RULES OF
THE STATE COURT OF FULTON COUNTY, GEORGIA

(Revised and Effective September 1, 2005)

FULTON STATE COURT OFFICIALS

AS OF SEPTEMBER 1, 2005

CHIEF JUDGE A. L. THOMPSON

JUDGE PATSY Y. PORTER
JUDGE JOHN R. MATHER
JUDGE SUSAN B. FORSLING
JUDGE BRENDA H. COLE

JUDGE HENRY M. NEWKIRK
JUDGE MYRA H. DIXON
JUDGE PENNY BROWN REYNOLDS
JUDGE DIANE E. BESSEN
JUDGE FRED C. EADY

STEFANI R. SEARCY, COURT ADMINISTRATOR
MARK N. HARPER, CHIEF CLERK

TABLE OF CONTENTS

GENERAL RULES

Rule 1	- Scope of Rules	2
Rule 2	- Court Hours and Court's Official Notice	2
Rule 3	- Assignment of Cases	
	(a) Civil Lawsuits and Garnishments	3
	(b) Foreclosures and Proceedings Against Tenants Holding Over	3
	(c) Criminal Cases	3
	(d) Case Activity in Criminal and Civil Cases	4
	(e) Miscellaneous	4
Rule 4	- Presiding Judge	5
Rule 5	- Duties of Chief/Administrative Judge	6
Rule 6	- Court Reporters	6
Rule 7	- Cost of Reporting	7
Rule 8	- Impoundment of Documentary and/or Physical Evidence	7

- CIVIL DIVISION -

Rule 9	- Cases Involving \$15,000.00 or Less.....	8
Rule 10	- Preparation of Forms	8
Rule 11	- Demand for Jury Trial	9
Rule 12	- Rule Nisi	9
Rule 13	- Ex Parte Motions	9
Rule 14	- (a) Post-Judgment Garnishments	9
	(b) Pre-Judgment Garnishments	10
Rule 15	- Distress Warrants	10
Rule 16	- Proceedings Against Tenant Holding Over (Dispossessory Cases)	10

Rule 17 - (a) Foreclosure Against Personal Property	11
(b) Other Foreclosure Actions (Abandoned Motor Vehicle, Mechanics, etc.)	11
Rule 18 - Levy and Execution	11

- CRIMINAL DIVISION -

Rule 19 - Signing of Plea	12
Rule 20 - Demand for Speedy Trial	12
Rule 21 - Dead Docket	12
Rule 22 - Service Requirements	12
Rule 23 - Counsel Seating Arrangements	12
Rule 24 - Sentencing	13
Rule 25 - Service of Subpoenas	13
Rule 26 - Suspended Sentences and Probated Sentences	13
Rule 27 - Hearing on Motions to Modify or Revoke Orders Providing for Pre-Sentence Relief, or Orders Providing that a Sentence be Probated or Suspended	13
Rule 28 - Appointment of Counsel for Indigent Defendants	14
Rule 29 - Security in Fulton County Justice Center Building and Justice Center Tower	14
Rule 30 - Civil Arbitration	17
Rule 160 - Video Hearings	20

- APPENDIX A: FORMS -

TABLE OF FORMS

Summons for Complaint ... (Original).....	1A
Service Copy for Complaint.....	1B
Service of Process for Complaint.....	1C
Affidavit for Continuing Garnishment .. (Summons attached)....	2A
Answer of Garnishee.....	2B
Service of Process for Garnishment	2C
Affidavit for Regular Garnishment .. (Summons attached).....	3A
Service of Process for Garnishment	3B
Foreclosure of Personal Property	4A
Service of Process for Foreclosure	4B
Affidavit for Foreclosure of Lien on	
Abandoned Motor Vehicle	5
Disclaimer	5A
Third Party Complaint Summons	6
Suit for Enforcement of Foreign Judgment	7
Proceeding Against Tenant Holding Over (State Court).....	8
Proceeding Against Tenant Holding Over (Magistrate Ct)..	8A
Distress Warrant for Rent	9
Foreclosure, Mechanic's Lien	10
Service of Process for Foreclosure	10A
Order of Foreclosure Mechanic's Lien	10B
Affidavit, Bond, Attachment and Order	11

GENERAL RULES

RULE 1 - SCOPE OF RULES

The local rules supplement the Georgia Civil Practice Act ("CPA"), the Uniform Rules for the Superior Court and the State Court (the "Uniform Rules") and other state statutes applicable to proceedings in the State Court of Fulton County. All prior rules of this Court are rescinded and superseded by this and the following.

RULE 2 - TERMS OF COURT, COURT HOURS AND COURT'S OFFICIAL NOTICE

- (a) ***Terms of Court: The State Court of Fulton County shall Have six terms each year beginning on the first Mondays in January, March, May, July, September, and November.***
- (b) The Clerk's Office and Marshal's Office shall be open from 8:30 o'clock a.m. to 5:00 o'clock p.m. each Monday through Friday except holidays. Trials and hearings shall be held at such times as scheduled by the Court and as indicated in the official notices published by the Court.
- (c) The Court will notify all litigants and attorneys through the Fulton County Daily Report as to trial, motion, or other hearing dates and times and as to any prerequisites for trial and reporting requirements unless notice is otherwise provided or specified by rule, statute or the Court. Any party or attorney relying upon notification from an independent reporting service will not be excused from meeting the obligations which may be set out in the Court's official notice in the Fulton County Daily Report or in any other notice from the Court.

RULE 3 - ASSIGNMENT OF CASES

The Court maintains a separate civil docket for each of the following categories of civil cases: (a) lawsuits; (b) garnishments and foreclosures; and (c) proceedings against tenant holding over or dispossessories. When a judge has recused herself or himself from a previously assigned case and reassignment becomes necessary, the assignment will be done from a Master List of Judges maintained by the Clerk of the State Court of Fulton County. There will be no deviation from the list; and the judge whose name next appears on the list will receive the case when it becomes ready for assignment.

- (a) **Civil Lawsuits and Garnishments**

- (1) All civil process in the State Court of Fulton County shall be assigned by a computer assisted assignment system operated under the direction and supervision of the Clerk of the State Court of Fulton County. Said assignment system shall be designed to prevent any person's choosing the judge to whom an action is to be assigned. Assignment to a judge will occur at the time the case number is placed upon the actual action.
- (2) The cases assigned to each of the ten judges of the Court will be assigned to a docket desk responsible for a set of two judges and a separate judicial case manager for each judge.

(b) **Foreclosures, Garnishments, and Proceedings Against Tenant Holding Over**

- (1) Foreclosures, garnishments, and dispossessories will be handled by the designated Presiding Judge unless an answer is filed requesting a jury demand (no jury demand on garnishments) or a motion is filed requiring a hearing.

(c) **Criminal Cases**

- (1) The Clerk of the State Court of Fulton County shall cause all criminal cases (***except cases for the All-Purpose Calendars***) to be assigned to the State Court Judges by the computer on a daily basis as the cases are docketed in the Criminal Division.

A case which has been redrawn from a dead docketed or nolle prosequi case shall be reassigned to the same judge who dead docketed the original case. ***Should a case be granted Nolle Prosequi status or placed on the dead docket of this Court, a motion to remove this case from the dead docket of Nolle Prosequi status must be made before the division that granted the dead docket or Nolle Prosequi status. If the motion to remove the case from the dead docket or Nolle Prosequi status is not granted and the case is re-drafted, the case shall be assigned to the original judge.***

A case in Bond Forfeiture/Judgment Entered status shall be reassigned to the same Judge who placed it in Bond Forfeiture/Judgment Entered status should the defendant be arrested and makes a new bond. All motions and unsigned orders on cases in Bond

Forfeiture/Judgement Entered status are to be heard by the Judge who placed these cases into Bond Forfeiture/Judgement Entered status. Said assignment system shall be designed to prevent any person's choosing the judge to whom a case is to be assigned.

- (2) In certain criminal cases, the defendant remains in jail because the defendant cannot make bond or a bond has not or will not be set. Therefore, this Court shall expedite those cases by holding ***an All-Purpose calendar as needed Monday through Friday***. If a jury demand is filed on ***an All-Purpose Calendar case, this case will be assigned to the next available State Court Judge*** by the Chief Deputy Clerk of the Criminal Division, unless case has already been previously assigned.
- (3) If the Presiding Judge orders a psychological report on a defendant in jail or if the Presiding Judge sends a defendant in jail to Georgia Regional Hospital for evaluation, then the case involving that defendant will be rescheduled before whichever Judge is presiding on the day such case is rescheduled.

(d) **Case Activity in Criminal and Civil Cases**

- (1) "Judge shopping" shall not be permitted. Any matter presented or assigned to one judge of the Court shall not be presented to another judge. The judge to whom any action is assigned shall have full charge thereof and no change in assignment shall be made except by order of the judges affected, or as otherwise provided in Rules.

(e) **Miscellaneous**

- (1) The Clerk of the State Court of Fulton County shall supervise the assignment of cases. The Clerk's duties are ministerial only in this respect and his/her responsibility is to carry out the method of assignment according to procedures established by this Court.

RULE 4 - PRESIDING JUDGE

- (a) On a monthly rotating basis in State Court, one of the Magistrate Judges will be designated as "Presiding State Court Judge" or "Presiding Magistrate Court Judge". The Presiding Judges will handle the Court's daily civil calendars, garnishments, appeals from Magistrate Court, preliminary hearings, ***the Wednesday-only non-jury jail calendar, and the All-Purpose Calendars scheduled Monday through Friday as needed and other such matters or cases as may be assigned.***
- (b) All consent orders in any cases shall be presented to the Presiding Judge or to the judge who may be temporarily serving for him/her.
- (c) The Presiding Judge shall also screen all cases presented for initial filing by pro se plaintiffs in which a Pauper's Affidavit is presented.
- (d) The name of the Presiding Judge shall be prominently displayed in the courthouse lobby and in or near the elevators. The Presiding State Court Judge shall be rotated monthly so that one of the Magistrate Judges will serve in this capacity every month.
- (e) The Presiding Judge shall use the courtroom assigned to him/her and shall occupy his/her usual chambers for the dispatch of the business of this division of the Court during the week of his/her service (***except for the All-Purpose Calendars***).
- (f) The Presiding Judge shall be available in the performance of his/her duties from 8:30 o'clock a.m. until 5:00 o'clock p.m. during the week of his/her service. The Presiding Judge shall remain reasonably available during his/her month of service.
- (g) The Presiding Judge shall be authorized to issue final judgments in uncontested civil cases in default, where the amount of the total default judgment does not exceed \$100,000, irrespective of the initial judge assignment made to the action.
- (h) The Presiding Judge shall hear all applications for bond filed in criminal cases when the case has not been assigned to a judge of this Court.
- (i) The Presiding Judge shall be authorized to consider and

issue orders for service of process by appointed agents or by publication, irrespective of the Judge assignment made to the case.

- (j) Any request for prejudgment garnishment, attachments, immediate writs of possession on personal property, and orders establishing original papers, should be presented to the Presiding Judge.
- (k) The Presiding Judge shall be authorized to grant leave of absence for cases assigned to other Judges, upon the representation of counsel that such case or cases are not on any published or otherwise noticed or scheduled trial calendars, hearing, or motions calendar during the period of leave.

RULE 5 - DUTIES OF CHIEF/ADMINISTRATIVE JUDGE

- (a) In order to regulate the manner in which the judges of this Court shall dispose of the business thereof, the Chief/Administrative Judge, with the assistance of the Chief Clerk and/or Court Administrator, shall be responsible for the administration and the expeditious disposition of the business of the Court. To this end the Chief Judge shall have the power from time to time to establish procedures and to amend, modify, or revoke the same as he/she shall deem necessary or proper as long as such procedures are not inconsistent with the Rules and do not conflict with the general laws of this State.
- (b) In the event of the absence of a judge due to illness or unusual circumstances, the Chief/Administrative Judge shall make provision for the orderly trial and disposition of cases and legal matters pending in any division of the Court. Included in this authority is the power of the Chief/Administrative Judge to call in a senior judge or visiting judge as the need may arise. No other Judge may call upon the services of a visiting judge except with the approval of the Chief Judge.
- (c) In the event the Chief/Administrative Judge is absent for any reason whatsoever, the Chief/Administrative Judge shall designate a judge of this Court to serve as Chief/Administrative Judge during such absence.

RULE 6 - COURT REPORTERS

It shall be the duty of the official Court reporters to be in their offices on all Court days beginning at 8:30 o'clock a.m. and

to remain there until they may be assigned to one of the courts. The reporters shall be responsible for maintaining a system whereby they are assigned to the judge of the Court in such a manner that the distribution of the workload is as equitable as possible, with a goal towards timely filing of transcripts, utilizing computer-aided transcription. While engaged before any judge of this Court, each reporter shall post a notice on the door to the entrance of the reporters' offices stating the courtroom number in which that reporter is engaged.

RULE 7 - COST OF REPORTING

The Court may require a case to be reported at any time, the expense of reporting being divided between the parties.

If the Court does not require the case to be reported, then the parties may have the case reported. If one or more of the parties desires that a case be reported, the reporter's fee for taking down the testimony shall be paid as agreed by counsel for plaintiff(s) and defendant(s); or in cases of disagreement, the expense of reporting will be divided between the parties. If one party waives reporting and the other does not, the take-down fee shall be at the expense of the party who ordered the case reported. However, if a record is later requested, half of the take-down fee shall be charged to said party and remitted to the party who ordered the case reported. The Court Reporter shall file with the Court a copy of the transcript upon completion, which copy shall remain in custody of the Clerk and not checked out to any party without prior approval of the Clerk.

In any reported cases, the party who orders the transcript shall pay for same. The fee for preparing the transcript is payable in advance.

In all cases which are reported, the Court Reporters are to be paid a take-down fee as set by the Judicial Council of Georgia. In addition, they are to be paid a fee as set by the Judicial Council of Georgia for the transcript of a proceedings and evidence as required by an appellant and for copying documents introduced in evidence in the trial of the case. It will be the responsibility of each reporter to ensure that transcript fees and transcript formats be in full compliance with those promulgated by the Judicial Council of Georgia. All infractions will be reported to the **Chief Clerk**. The Court reporters shall furnish evidence seals for ease of identification.

RULE 8 - IMPOUNDMENT OF DOCUMENTARY AND/OR PHYSICAL EVIDENCE

In any reported case all documentary and/or physical evidence admitted or tendered in evidence shall be impounded by the trial judge upon the rendition of the verdict or judgment and delivered to the official reporter who reported the trial, unless the parties waive their right to appeal in open Court; provided, however, the trial judge may in his/her discretion, by special order, release certain documentary and/or physical evidence from impoundment.

The Court Reporters shall hold evidence entrusted to them until copied or transcribed, or until the time for appeal has expired. After the time for impoundment has expired under this rule, the official reporter shall notify the party entitled to said evidence of the expiration, and the party entitled to said evidence shall call at the reporter's office for said evidence within fifteen (15) days from the receipt of such notice.

The official reporter shall be responsible for obtaining and retaining all evidence tendered but not admitted in evidence; and the bailiff or law clerk assigned to the division of the Court in which the evidence has been admitted will be responsible for preserving such evidence and delivering it to the official reporter.

At the expiration of six months following the giving by the Court Reporter of the first notice, the reporter shall send a second notice advising that the documentary evidence has not been recovered by counsel or the party(s), and that if such evidence is not recovered within ten (10) days, the Court shall enter an appropriate order requiring the documentary and/or physical evidence to be destroyed.

- CIVIL DIVISION -

RULE 9 - CASES INVOLVING \$15,000.00 OR LESS

Pleadings in cases involving \$15,000.00 or less. Where the amount sued for or the amount of the lien sought to be enforced is \$15,000.00 or less, exclusive of interest, attorneys' fees and costs, the suit or action shall be filed and proceed as in Magistrate Courts and under the practice thereof. The CPA shall apply to all other civil cases and shall control where inconsistent with these local rules.

RULE 10 - PREPARATION OF FORMS

Process Forms (See Appendix A, Table of Forms)

Persons filing civil actions shall complete the forms for process for the original and all copies of the action using the forms furnished by the Clerk.

1. This shall include the completion of the original process form with the complete names and addresses of all parties (plaintiff and defendant), the name, address and telephone number of the plaintiff's attorney on the form, and insertion, where appropriate, on the original process form of the information as to the principal amount sued for and the cause of action or type of suit (account, contract, note, tort, etc.).
2. If interest is sued for, it must be set forth as a separate item, and may not be included as a lump sum within the principal.

RULE 11 - DEMAND FOR JURY TRIAL

In order for the Clerk to distinguish readily between non-jury and jury cases for the purpose of calendaring, the preferred method of making a demand for jury trial shall be the filing of a separate jury demand pleading or completing the separate jury demand form available from the Clerk. **In any civil case where a party has demanded a jury trial and the total claim for damages in that case is less than or equal to \$25,000.00, the case shall be tried by a jury of 6 (six).**

RULE 12 - RULE NISI

Only the assigned judge, his/her Judicial Case Manager, or other specifically designated person, shall be authorized to sign an order specially setting an assigned case for trial or hearing before that judge.

RULE 13 - EX PARTE MOTIONS

Ex parte motions will not be considered, except motions for stay in bankruptcy. The filing of a properly authenticated stay in bankruptcy shall stay the proceeding.

RULE 14 - POST-JUDGMENT AND PRE-JUDGMENT GARNISHMENTS

In accordance with O.C.G.A. § 18-4-61(5), the Clerk of the State Court of Fulton County is authorized to supervise the initiation of the garnishment proceedings and the affidavit under the following rules:

(a) **Post-Judgment Garnishments**

- (1) The Clerk shall assure that the affidavit is properly sworn to.
- (2) The Clerk shall assure that the affidavit contains the necessary elements to make a valid affidavit for garnishment under Georgia law.
- (3) The Clerk shall assure that the plaintiff or his/her attorney-at-law or his/her agent uses the proper forms in the filing of garnishments.
- (4) The Clerk shall make sure that garnishment proceedings are carried out according to Georgia law.
- (5) The Clerk shall present all questions concerning the above procedures to the Presiding Judge for final determination.
- (6) The judge's facsimile signature may be affixed to an affidavit of garnishment by the Clerk at the direction of the Presiding Judge.

(b) **Pre-Judgment Garnishments**

- (1) The Clerk shall assure that the affidavit is properly sworn to.
- (2) The Clerk shall assure that the affidavit contains the necessary elements to make a valid affidavit for pre-judgment garnishment under Georgia law. Such elements shall include the civil action file number of the pending case and an approved bond equal to twice the amount claimed due on plaintiff's application.

RULE 15 - DISTRESS WARRANTS

Following the seven-day answer date for each distress warrant, the Clerk of Court shall notify plaintiff. If an answer is not made, notice shall further advise that the plaintiff may apply to the Court for a distress warrant and judgment on the twenty-third day after service of the summons. Defendant shall post bond before attempting to remove or transfer any of defendant's property.

If an answer is made, the case will proceed in the manner of dispossessory proceedings as outlined in Rule 16.

RULE 16 - PROCEEDINGS AGAINST TENANT HOLDING OVER (Dispossessory Cases)

At the time the tenant files his/her answer, he/she will be given a trial date. The trial date and a copy of the answer and/or counterclaim shall be mailed to the plaintiff or his/her attorney by the Court. (If a jury demand is made or discovery filed, the case will proceed as other civil cases.)

RULE 17 - FORECLOSURE AGAINST PERSONAL PROPERTY AND ALL OTHER FORECLOSURE ACTIONS

(a) Foreclosure Against Personal Property

For the filing of written or oral answers, a defendant or defendant's attorney shall appear between the hours of 8:30 o'clock a.m. and 5:00 o'clock p.m. not later than his/her last possible date to answer. Answer should be made at the specified time in the Fulton County Justice Center Tower, 185 Central Avenue, S.W., Atlanta, Georgia 30303.

Any defendant, who states a desire to answer or counterclaim or who states facts that could be construed to raise an answer or counterclaim in any manner whatsoever, shall put his/her answer or counterclaim in writing and shall be assisted in so doing by the Clerk's office, if necessary. A copy thereof shall be delivered or mailed by defendant or defendant's attorney to plaintiff or plaintiff's attorney, using the appropriate Certificate of Service statement.

If the defendant fails to answer, the Court shall grant a writ of possession on the 16th day after service.

Immediate writ of possession may issue only in commercial transactions upon compliance with O.C.G.A. § 44-14-261.

- (b) All other foreclosure actions** shall proceed as dictated by applicable statute. (See Appendix A: Forms for appropriate process.)

RULE 18 - LEVY AND EXECUTION

Attorneys who want judgment executed should send the "Fi Fa" to the Marshal's office with appropriate directions as to whether there should be execution without levy; or, if the attorney desires

levy, he should specify the property to be levied, the time and date, and if the attorney will be present. Additional information which will assist the Marshal should also be sent to the Marshal's office.

- CRIMINAL DIVISION -

RULE 19 - SIGNING OF PLEA

If represented by counsel, the defendant's plea shall be signed by his/her attorney and the defendant. If unrepresented by counsel, the defendant shall sign his/her own plea.

RULE 20 - DEMAND FOR SPEEDY TRIAL

Demand for trial may be filed in accordance with O.C.G.A. § 17-7-170. If a continuance is requested by the defendant after demand for trial is filed or if a defendant fails to respond when the case is called in open Court, demand for trial under the provisions of said laws shall be deemed to have been waived. **A speedy trial demand may be waived where an affirmative act of [the] defendant or his counsel, including the timing of filing a notice of leave of absence, shortens the time available for trial. LINKOUS v. STATE, 245 GA. APP. 43 (2002).** A demand for speedy trial filed out of term must be accompanied by a Rule Nisi for hearing before the assigned judge.

RULE 21 - DEAD DOCKET

If motion is made by the Solicitor General or if proper cause is shown, the Court may order a case entered upon the dead docket. Once a case has been ordered placed upon the dead docket, the surety is relieved from further liability and the bond becomes *functus officio*.

No case may be removed from the dead docket or redrawn after having been placed on the dead docket without order of the judge who placed the case on the dead docket.

RULE 22 - SERVICE REQUIREMENTS

In criminal cases, all motions, demurrers, demands, petitions to modify, amend or modify sentences, or other pleadings shall be filed with the Chief Deputy of the Criminal Division of this Court and shall be served *by the filing party upon the opposing party*.

RULE 23 - COUNSEL SEATING ARRANGEMENTS

The counsel table nearest the jury box shall be used by the prosecuting attorney. The remaining table shall be used by the defense.

RULE 24 - SENTENCING

A sentence shall normally be pronounced immediately by the Court on the receiving of a guilty plea or upon a judgment of guilty by the Court or jury. If a pre-sentence report of the probation officer is required or if the Court desires additional evidence or related information, sentencing will be deferred pending receipt of such report or information. The defendant may or may not be continued on bond at the discretion of the Court pending subsequent appearance of defendant for sentencing.

RULE 25 - SERVICE OF SUBPOENAS

It shall be properly noted by the prosecuting attorney on the case when a witness does not appear. On any subsequent appearance of that case on the calendar, the Sheriff will obtain personal service on such non-appearing witness(es). If unable to obtain personal service, the Sheriff will place a memorandum in the Clerk's files as to the reason the witness could not be personally served.

RULE 26 - SUSPENDED SENTENCES AND PROBATED SENTENCES

In all cases where there is a conviction or plea of guilty, the Court may provide a program of "pre-sentence relief" where, in the court's discretion, it believes that a person should not bear the stigma of criminal conviction for the nature and type of offense. The Court may sentence the defendant and permit the defendant to serve said sentence while on probation or the Court may suspend the sentence. In all such cases, there shall be an order of the Court setting out the conditions upon which such sentence is probated or suspended.

RULE 27 - HEARING ON MOTIONS TO MODIFY OR REVOKE THE ORDERS PROVIDING FOR PRE-SENTENCE RELIEF, OR THE ORDERS PROVIDING THAT A SENTENCE BE PROBATED OR SUSPENDED

Where the prosecutor or probation officer has knowledge that a defendant has violated or is in violation of a "pre-sentence relief order" or an order probating a sentence or a suspended sentence, the defendant, upon the judge's order, shall be arrested. The defendant and Solicitor shall be served immediately with a written notice setting out the nature of the alleged violation or violations and the date on which a hearing will be conducted. On said date the defendant shall be brought before the judge who imposed the sentence for a hearing on the motion to revoke. The defendant shall be given an opportunity to respond to the alleged violation(s). The judge may after said hearing where there is evidence to support the same and after being made aware of other pending cases revoke his/her previous order or modify the same.

RULE 28 - APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

Counsel for indigent defendants in State Court shall be appointed and paid consistent with the State Court Order, "In Re: Attorneys Fees For Appointed Counsel," dated June 11, 2002. Said order is consistent with the Georgia Supreme Court Guidelines for the Operation of Local Indigent Defense Programs.

RULE 29 - SECURITY IN FULTON COUNTY JUSTICE CENTER BUILDING AND FULTON COUNTY JUSTICE TOWER

CHIEF SECURITY OFFICER:

The Sheriff of Fulton County or the Sheriff's designee(s) shall be the chief security officer for the Court, and shall be responsible for security of the building and personnel during normal business hours.

APPLICABILITY:

The rules and regulations shall apply to the Fulton County Charles Carnes Justice Center Building, 160 Pryor Street, S.W., Atlanta, Georgia, and the Justice Center Tower, 185 Central Avenue, S.W., Atlanta, Georgia, and to all persons entering into the building. Each occupant, agency or department shall be responsible for the observance of the rules and regulations.

INSPECTION:

Packages, briefcases, and other containers brought into or being removed from the building are subject to inspection by security personnel.

ADMISSION TO THE BUILDING:

The Charles Carnes Justice Center Building and Justice Center Tower shall be closed to the public during other than normal business hours. These buildings may be closed to the public during normal business hours when situations require this action to ensure the safety of employees and/or the orderly conduct of Court business. The decision to close these buildings during normal business hours shall be made by the Chief Judge or designee.

PRESERVATION OF THE BUILDING:

The willful destruction of or damage to the building, the theft of public or personal property from the building, the creation of any hazard in the building to persons or things, the throwing of articles of any kind in the building or from the building are prohibited.

CONFORMITY WITH SIGNS AND DIRECTIVES:

Persons entering into the building shall at all times comply with official signs of prohibitory, regulatory, or directory nature and with instructions and directives of authorized security personnel. No person shall be allowed to enter the building with a recording device, unless such person has prior written permission by a Judge and/or department head. Recording devices shall not be allowed in courtrooms , except with written permission of a Judge. Employees with proper identification shall be allowed to enter the building with a recording device if such device is necessary for the performance of an official duty or job function.

DISTURBANCES:

Any loitering, disorderly conduct, or other conduct in the building which creates loud or unusual noise or a nuisance which unreasonably obstructs the usual entrances, foyers, lobbies, corridors, offices, elevators, stairways, or courtrooms, which otherwise impedes or disrupts the performance of official duties by Court personnel, or which prevents the general public from obtaining the services provided in the building in a safe and timely manner is prohibited.

ALCOHOLIC BEVERAGES AND NARCOTICS:

No person shall enter into or remain in the building while under the influence of alcoholic beverages or non-prescribed drugs.

DOGS AND OTHER ANIMALS:

Animals, except service animals, shall not be brought into the building for other than official purposes.

DISTRIBUTION OF HANDBILLS:

Posting or affixing materials, such as pamphlets, handbills, or flyers, on the bulletin boards or elsewhere within the building or on the building is prohibited, except as authorized, by the appropriate Court authority.

WEAPONS AND EXPLOSIVES:

No person shall enter into the building, or while in the building be found to be, carrying or possessing firearms, other dangerous or deadly weapons, explosives or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except as may otherwise be allowed in these Rules.

LAW ENFORCEMENT PERSONNEL:

Peace officers and other public officials who are required to carry firearms in the performance of their duties shall observe the following procedures when carrying firearms in the building:

- (a) NO PERSON SHALL CARRY A FIREARM INTO ANY STATE COURT ROOM WITHOUT FIRST OBTAINING PERMISSION FROM THE JUDGE OF THAT COURT OR HIS/HER DESIGNEE, EXCEPT THE MARSHAL OF THE COURT AND HIS/HER DEPUTIES, AND THE SHERIFF AND HIS/HER DEPUTIES ASSIGNED TO THE COURT.
- (b) AUTHORIZED PERSONS BRINGING FIREARMS INTO THE BUILDING OR CARRYING FIREARMS IN THE BUILDING MUST BE IN UNIFORM OR, IF IN CIVILIAN CLOTHES, MUST DISPLAY IN CLEAR VIEW ON THEIR PERSON THEIR OFFICIAL BADGE OR THEIR AGENCY'S OFFICIAL I.D. CARD.
- (c) EMPLOYEES OF PRIVATE AGENCIES ARE PROHIBITED FROM BRINGING FIREARMS INTO THE BUILDING.

ENFORCEMENT:

The Marshal, the Sheriff, Deputy Marshals and Deputy Sheriffs assigned to the Charles Carnes Justice Center Building and the Justice Center Tower shall enforce these and other security rules and regulations. Any person refusing to comply with these procedures shall be removed from the building or detained and brought immediately before the Presiding Judge or any other Judge of the State Court.

PENALTIES:

Whoever shall be found guilty of violating any of these rules and regulations may be held in contempt of Court and subject to a fine of not more than \$500.00 or imprisonment of not more than 20 days or both.

Nothing in these rules and regulations shall be construed to abrogate any other State, County, or local laws, rules and regulations applicable to this property.

RULE 30 - CIVIL ARBITRATION

1.

All civil actions filed, and seeking primarily money damages, shall be eligible for submission by the trial judge to arbitration after issues have been joined. The trial judge to whom the case has been assigned may at his or her discretion, order arbitration, remove a case from arbitration, or limit the specific issues to be arbitrated. Cases involving third party litigants or cases alleging malpractice against health care providers shall be excluded from arbitration, unless requested by a party or ordered by the Court.

2.

Any party to an action may petition the Court for an Order directing the case, or specific issues, for arbitration provided that such action is not for the purpose of delay.

3.

The Court may, at any time upon its own motion or upon granting of motion, order the case, or issues, into arbitration.

4.

After filing the Order for Arbitration with the Clerk of the State Court of Fulton County, the Clerk shall forward the case to

the Arbitration Administrator of Superior Court of Fulton County for setting the case down for arbitration.

5.

The Arbitration Administrator shall set each case for an arbitration date not less than ninety (90) days from the date of filing of the Order for Arbitration and as close to such period as is reasonable and practical so that arbitration hearings shall be held before the trial of the case. The Clerk shall furnish the Arbitration Administrator of the Superior Court of Fulton County with a schedule of cases ordered to arbitration as required.

6.

The scheduling of a case for arbitration hearing shall not remove the case from assignment to a judge, discovery, motions practice or regular court procedures. From the time of filing until the arbitration date, parties may carry on discovery; all discovery disputes and other motions shall be determined by the judge to whom the case has been assigned in the regular practice under the uniform local rules; discovery or motions pending shall not be grounds for the removal of a case from an arbitration date; a continuance from arbitration may only be granted by the judge to whom the case has been assigned for legal excuse or good cause shown. Any discovery motions not previously ruled upon prior to the Friday before the arbitration hearing date, shall be deemed waived unless presented by the movant to the trial judge for determination on such date, and the trial judge shall enter such order as is appropriate after hearing the motion. Such motions are limited to five minutes of oral argument per side.

7.

If the case is settled prior to the date of arbitration, the parties shall notify the Arbitration Administrator or his designee.

8.

After the trial judge signs the order directing an action to arbitration, notification, scheduling, conduct and award by the arbitration panel shall be in accordance with and pursuant to Local Rule 1000 of the Fulton County Superior Court.

All matters not in conflict with this rule shall be governed by Superior Court Rule 1000 and the procedure established thereupon.

9.

Any party may file a demand for trial within thirty (30) days of the filing of the arbitration award with the Clerk of State Court or his designee who shall make a notation and entry of the date of filing the award and the trial demand; the demand for trial shall contain the style of the case, the case number and a demand for jury or non-jury trial; filing such demand for trial will entitle all parties to a de novo trial of all issues of fact or of law which were raised or could be raised in the arbitration hearing; such case will be tried before the judge to whom the case has been assigned in the ordinary procedure and course of time as if no arbitration hearing had been held, provided, however, that testimony at the arbitration hearing may be used for any lawful purpose. Arbitration proceedings shall not delay or impede the normal trial of such case.

10.

If no demand for trial is filed within 30 days of the arbitration award, the lack of demand for trial shall be deemed a waiver of trial, and the arbitration award will be deemed consented to; and, at the expiration of the 30-day period after the arbitration award, an appropriate judgment, order or dismissal may be entered.

11.

Where a party, after demand for trial, tries the case before a judge or jury and does not substantially improve said party's position, then the trial judge has the discretion to tax the arbitration panel's fees against said party; for purposes of this rule, substantially improving a party's position shall mean either (a) reversal of the award, or (b) increase or decrease of the award by 15% or more depending upon whether the party demanding trial is a plaintiff or a defendant.

12.

For purposes of taxing an arbitration panel's fees, it shall be determined by dividing the total dollar amount paid to the arbitrators who heard this case by the total number of cases decided by such arbitration panel on that date.

(Approved by Order of the Supreme Court effective September 9, 1988.)

RULE 160. VIDEO HEARINGS

The Superior, State and Magistrate Courts of the Atlanta Judicial Circuit are authorized to conduct hearings with the defendant (and counsel if appropriate) remaining at the jail, and the Judge remaining at the courthouse. Only the following matters will be handled by audiovisual means:

- b. Determination of indigency and appointment of counsel;
- c. Hearings on appearance and appeal bonds;
- d. Probable cause hearings;
- e. Arraignment or waiver of arraignment;
- f. Entry of pleas in criminal cases;
- g. Imposition of sentences upon pleas of guilty or nolo contendere. However, the sentence may not require additional confinement, but may include time already served plus appropriate probation;
- h. Probation revocation hearings, provided that the revocation does not result in additional confinement;
- i. All sentences or revocations of probation which will require additional incarceration will not be imposed by audiovisual means;
- j. Acceptance of special pleas of insanity (incompetency to stand trial);
- k. Extradition hearings.

Notwithstanding any other provision of this rule, a Judge may order a defendant's personal appearance in court for any hearing.

(Approved by Order of the Supreme Court effective February 22, 1991.)

APPENDIX A: FORMS