

FILED IN OFFICE THIS
4th DAY OF January
2021 AT 11:50 AM/PM
Sheri S. Baulch, Dep.
CLERK OF SUPERIOR COURT
WILKINSON COUNTY, GEORGIA

IN THE SUPERIOR COURTS OF THE OCMULGEE CIRCUIT
STATE OF GEORGIA

CIVIL AND CRIMINAL CASE ASSIGNMENT ORDER
PURSUANT TO UNIFORM SUPERIOR COURT RULE 3

The Superior Courts of the Ocmulgee Circuit, comprised of the Counties of Baldwin, Greene, Hancock, Jasper, Jones, Morgan, Putnam, and Wilkinson, hereby enact the following case assignment method for all civil and criminal actions. These procedures implement the Uniform Superior Court Rules (hereinafter "USCR" or "Rules") and shall go into effect on January 1, 2021. Superior Court judge or judges as used herein means a sitting Ocmulgee Judicial Circuit Superior Court Judge, unless action by a senior judge is expressly authorized by this Order.

USCR 3.1 and 3.2 control the method in which all cases filed in Superior Court are assigned to a judge. To implement and effectuate these rules, the Court enacts the following method of case assignment.

I. CIVIL CASE ASSIGNMENT

- A. The Court has established and provided to the Clerk a rotation of judge selection which shall be used in assigning all civil matters.
- B. Upon the filing of a new action, the Clerk shall assign the matter to the next judge in the rotation. Each new matter will be assigned a civil action case number, which must include the assigned judge's initials.
- C. The clerk may determine to assign all existing open cases in accordance with these rules, and after consultation with the Judges, to insure that

SCANNED
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available calendar as authorized by the Court. Every effort will be made to hear the case in the County in which it was filed. However, non-jury matters may be heard in any county in the circuit that will enable an expeditious resolution of the pending issue. O.C.G.A. 9-11-40(b).

- I. The assigned judge shall calendar the matter for non-jury trial at such time as the case is ripe for trial.
- J. For jury trials, it is recognized that currently each Superior Court judge is unable to have a trial week in each County in the Circuit during a calendar year. If a jury demand is filed in any matter, the assigned judge shall determine all non-jury issues in the case. When the case is then otherwise ready for jury trial, the assigned judge shall notify the clerk by letter to place the matter on the trial calendar for trial. In that event, the case may be tried before a jury by the Presiding Judge on the next available trial calendar whether or not such judge was originally assigned to that Judge.

II. CRIMINAL CASE ASSIGNMENT

- A. Criminal cases shall continue to be handled by each Superior Court Judge without specific assignment on criminal motion days and criminal trial calendars previously scheduled. If it appears that a criminal matter, due to complexity, expected length, conflict, or other reason would be more expeditiously finalized by specific assignment, the Chief Judge shall assign same on a rotating basis to each

the already assigned cases continue their current assignment to the Judge presently involved therein.

- D. Counsel are reminded of their USCR 4.8 duty to make written disclosure of such related or companion cases, and that avoidable delays due to case re-assignment upon judicial discovery of related or companion cases may be actionable by an opposing party or by the Court.
- E. When a case is assigned to a judge out of the prescribed sequence because the case is a related or companion case or due to recusal, the Clerk shall manually skip that judge when that same judge next appears in the rotation sequence for assignment.
- F. Once assigned to a particular judge, a written judicial order, signed by both the transferring and receiving judge, is required to re-assign the action. No Order shall be required for another judge to preside over the jury trial as specified in J hereinafter.
- G. Notwithstanding any provision of this Order to the contrary, the Clerk of Superior Court may internally reassign a case to another judge without an order for the lawful cause of effecting the intent of Uniform Superior Court Rule 4.8 to properly assign a companion or related case.
- H. When any civil motion is filed, the Clerk shall notify the Judicial Assistant of the Judge to whom the case was assigned on a weekly basis. Thereafter, the assigned judge will dispose of the matter as appropriate, or will instruct the attorney for the movant to place the matter on an

Superior Court Judge. Death penalty matters shall be handled on a rotation as described hereinafter.

- B. When a prosecuting attorney files a notice of intention to seek the death penalty, the Clerk shall transmit a copy of the notice to the Chief Judge of the Superior Court. Notwithstanding any provision of this order to the contrary, after receiving such notice the Chief Judge will enter an order assigning the matter to a Superior Court judge on a rotating basis. The assistant to the Chief Judge will keep a list of all active death penalties cases, including those under appeal. Death penalty cases will be equally assigned to the Superior Court judges of this circuit.

III. MISCELLANEOUS PROVISIONS

- A. Notwithstanding any provision of this order to the contrary, after receiving notice from the Sheriff or other jail official that an emergency medical situation involving a defendant in custody has arisen, any Superior Court judge may enter an order providing for the care or release of a criminal defendant or civil contemtor. The entry of such an order does not transfer the matter to that Superior Court Judge.
- B. All Judges of the Ocmulgee Circuit attempt to be available at all times to respond to the needs of their citizens. However, in order to better serve the citizens of the Circuit, Judges of the Ocmulgee

Circuit, on a weekly rotating basis, shall perform on-call duty. The on-call duty judge shall be responsible for TPO's, warrants, unassigned emergency matters or other matters that may need urgent or uncontested determinations if another judge in the closest County is unavailable. If the on-call duty judge shall be unable at any particular time to handle the responsibilities of the assignment, he or she shall contact and make arrangements for one of the other judges to take his or her assignment for whatever period of the week he or she shall be unavailable to serve as such.

- C. Each duty judge shall perform on-call duty as prescribed by O.C.G.A. § 21-2-412 between the hours of 7 a.m. and 10 p.m. and so long thereafter as it may appear that the process of such court will be necessary to secure a free, fair, and correct computation and canvass of votes cast at such primary or election" on primary and election days.
- D. Notwithstanding any provision of this Order to the contrary, in the event of recusal by all Superior Court Judges, the last judge to sign shall send the signed recusal order to the Chief Judge of the Ocmulgee Judicial Circuit who file the original with the Clerk of Superior Court and shall email it to the Office of the District Court Administrator for the Eighth Judicial Circuit for reassignment to a senior judge or other active judge. The Clerk

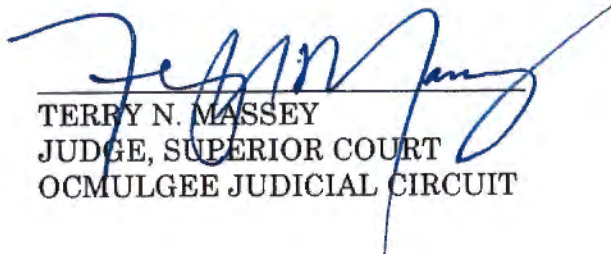
shall serve a copy of the recusal order on all counsel and self-represented parties. Upon reassignment to a senior judge or other active judge, the Clerk shall serve each attorney of record and self-represented party with a copy of the reassignment order by mail or email together with a short letter listing the newly assigned judge's contact information.

Pursuant to USCR 3.4 this Order shall be filed with the Georgia Supreme Court, and filed with the Clerk of the Superior Courts of the Ocmulgee Circuit. It shall also be forwarded to all attorneys of the Ocmulgee Bar by the President of such Bar Association. Further, each Clerk shall display a copy of this Order on its website. The Chief Judge shall email a copy for display on the Eighth District Website. Any prior order regarding civil and/or criminal case assignment is hereby superseded.

SO ORDERED, this 1 day of January, 2021.



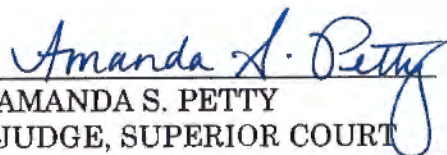
ALISON T. BURLESON
JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT



TERRY N. MASSEY
JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT



BRENDA H. TRAMMELL
CHIEF JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT



AMANDA S. PETTY
JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT



STEPHEN A. BRADLEY
JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT