

IN THE SUPERIOR COURT OF FAYETTE COUNTY
STATE OF GEORGIA

CIVIL CASE ASSIGNMENT STANDING ORDER
REQUIRED BY UNIFORM SUPERIOR COURT RULE 3.1
EFFECTIVE JANUARY 1, 2021

STANDING ORDER NO. 2020-06

The Superior Court of Fayette County, Georgia, hereby enacts the following case assignment plan for all civil actions effective January 1, 2021, as required by Uniform Superior Court Rule (hereafter "USCR") 3.1:

1.

DEFINITIONS

- a. "Judge" or "judges" as used herein denotes a sitting Griffin Judicial Circuit Superior Court judge or judges, unless action by a senior judge is expressly authorized by this Order.
- b. "Clerk" means the Clerk of Superior Court of Fayette County, Georgia.

2.

CALENDAR CLERK

The Clerk of Superior Court of Fayette County is designated as the "calendar clerk" as referenced in Uniform Superior Court Rule 2.4.

3.

DISTRIBUTION OF THIS ORDER

Contemporaneously with filing of this Order, the Court shall email a copy of this Order to the members of the Circuit bar. Also, the Court shall distribute this Order by email and first-class U.S. mail to the County Attorney, District Attorney, Sheriff, Clerk, and District Court Administrator.

4.

JUDGE SHOPPING PROHIBITED

Judge shopping is expressly prohibited by USCR 3.2. The Clerk and all sworn deputy clerks shall immediately report in writing any attempt, request, scheme, or method of any person to manipulate or evade the intent of this Order to all five sitting judges. The Clerk shall notify and train all sworn deputy clerks of their duty to comply.

5.

JUDGE ASSIGNMENT ROTATIONS NOT PUBLIC

The permuted rotations of judge selection, which shall be used in assigning all civil matters, shall not be made public to prevent any effort to evade random case assignment by allowing prediction of the sequence.

6.

METHOD OF RE-ASSIGNING COMPANION CASES

Once a case is assigned to a particular judge and a USCR 4.8 related or companion case is discovered, a written order, signed by both the transferring and receiving judge, is required to re-assign the case.

7.

RE-ASSIGNMENT AFTER DISQUALIFICATION

When a judge re-assigns a case or is disqualified from a case, the judge relieved of duty in that case shall be assigned by the Clerk to the next filed new case. No credit shall be given for the resulting compensatory re-assignment. The Clerk or sworn deputy clerk shall handwrite the factual cause on the rotation for assigning the case out of sequence. The receiving judge shall receive credit for the re-assigned case instead of the disqualified judge. For example, if a judge

recuses from a civil case, that recusing judge shall be assigned the very next newly filed civil case without additional credit in the assignment rotation.

8.

JUDICIAL ASSISTANCE

Without a formal reassignment or transfer, any assigned judge may request in writing temporary assistance from any other sitting judge, who may agree to assist in hearing any case or calendar. The case will remain docketed with the assigned judge. This assistance request shall only be initiated by the assigned judge or that judge's staff. A form Order for the Judicial Assistance is attached hereto as Exhibit "A". Reasonable notice of the judicial assistance shall be provided to the Clerk. If the "assisting judge" disposes of any matter by final evidentiary bench or jury trial, the case shall be transferred formally to said judge.

9.

PROCEDURE UPON DISQUALIFICATION OF ALL SITTING JUDGES

In the event all sitting Superior Court judges are disqualified from any case, the Clerk shall immediately notify the District Court Administrator for the Sixth Judicial District ("DCA") by emailing a copy of all the recusal order(s) to the DCA, with the Clerk's written advisement that all judges are disqualified.

10.

HEARING AFTER SEVEN MONTHS

The Clerk shall schedule a hearing for every open civil case on the first civil hearing date for the assigned judge that is seven months after the answer was filed. The purpose of the hearing shall be for a final bench trial. Either party may petition the Court to continue the hearing for good cause shown or to convert the hearing to a pre-trial conference, temporary hearing, scheduling


conference or status conference. In the continuance order the judge shall res-set the matter for hearing on a date certain.

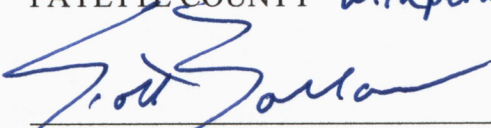
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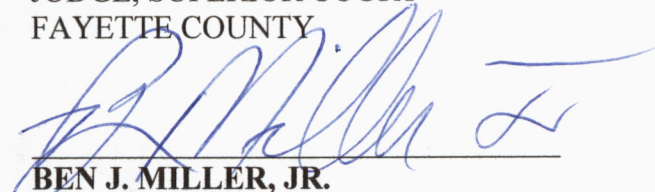
CIVIL CASE ASSIGNMENT


- a. The Clerk shall now randomly reassign to Judge Edwards, Judge Ballard, and Judge Coker all civil cases currently assigned to Judge Miller. Moreover, the Clerk shall now randomly reassign one-half of the pending civil cases now assigned to Judge Sams to Judge Edwards, Judge Ballard and Judge Coker. It is the intent of this Order that civil cases shall be distributed so that 2/7 of the civil cases are assigned to Judge Edwards, 1/7 are assigned to Judge Sams, 2/7 are assigned to Judge Ballard and 2/7 are assigned to Judge Coker. Newly-filed contempt and modification cases and other companion or related cases, shall be assigned to the judge who presided over the underlying action where possible.
- b. The Court has provided to the Clerk a permutated rotation of judge selection, titled "2021 Civil Case Judge Assignment Rotation" (hereinafter "2021 Civil Rotation"). The Clerk shall use the 2021 Civil Rotation to assign all newly-filed civil matters. The Clerk or deputy clerk shall assign each case a sequential case number bearing the assigned judge's initials in the strict sequence received and in the strict sequence prescribed, in handwriting only, except as specifically otherwise stated herein.
- c. When any civil motion is filed without contemporaneous filing of a notice of hearing or order for hearing, and without contemporaneous submission of a consent order resolving the motion, the Clerk shall notify the judge and his law clerk and judicial assistant of the filing of the motion.

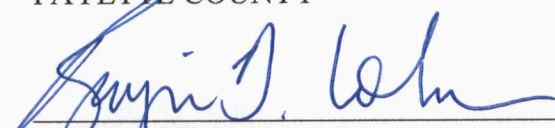
SO ORDERED this 28 day of October, 2020.


for **CHRISTOPHER C. EDWARDS**
CHIEF JUDGE, SUPERIOR COURT
FAYETTE COUNTY *with permission*


SCOTT L. BALLARD
JUDGE, SUPERIOR COURT
FAYETTE COUNTY


BEN J. MILLER, JR.
JUDGE, SUPERIOR COURT
FAYETTE COUNTY


W. FLETCHER SAMS
JUDGE, SUPERIOR COURT
FAYETTE COUNTY


BENJAMIN D. COKER
JUDGE, SUPERIOR COURT
FAYETTE COUNTY

FILED IN THE OFFICE OF THE CLERK OF
SUPERIOR COURT, FAYETTE COUNTY, GEORGIA

AT 3rd O'CLOCK PM,
THE 3rd DAY OF November, 2020
Shirley Sudduth, CLERK *88*

EXHIBIT "A"

**IN THE SUPERIOR COURT OF FAYETTE COUNTY
STATE OF GEORGIA**

JUDICIAL ASSISTANCE ORDER

The "Assisting Judge" signing below shall be authorized to hear and dispose of the below-listed case(s) and/or calendars on the below-listed dates without a transfer of the case from the Assigned Judge. This Order is effective upon the signatures of the "Assigned" and "Assisting" Judges.

CASE/CALENDAR _____

DATE(S) _____

SO ORDERED this _____ day of _____, 20____.

"Assigned Judge"

"Assisting Judge"

SUPERIOR COURTS
GRIFFIN JUDICIAL CIRCUIT

SUPERIOR COURTS
GRIFFIN JUDICIAL CIRCUIT