



# Judicial Council of Georgia Standing Committee on Access to Justice Meeting

May 1<sup>st</sup>, 2024

12:00 p.m. – 1:30 p.m.

Topic: A2J Quarterly Committee Meeting

Time: May 1, 2024 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

[https://georgiacourts-  
gov.zoom.us/j/86152380258?pwd=myTaShMh7a4sZH2sqhDst176QyTVFA.1](https://georgiacourts.gov.zoom.us/j/86152380258?pwd=myTaShMh7a4sZH2sqhDst176QyTVFA.1)

Meeting ID: 861 5238 0258

Passcode: 999967

**Meeting Starts @ 12 noon**

**Welcome and Introductions** – Judge Sara Doyle - 10 mins

**Written Reports-** Summary of February 14<sup>th</sup>, 2024

***SAVE THE DATES – Upcoming Events***

**Equal Justice Conference in Detroit, MI:** May 9-11<sup>th</sup>

**Next meeting Dates:** August 14<sup>th</sup> at the AOC Ratley Conference Room, & November 20<sup>th</sup>

## **A2J Committee Project and Community Updates**

- I. **Carl Vinson Study Update** – Judge Tabitha Ponder -7 mins
- II. **SRL Forms Working Group Update (Legitimation, and Custody)** – Judge Latisha Dear Jackson - 7 mins
- III. **Landlord Tenant Forms Update** – Judge Cassandra Kirk – 5 Mins
- IV. **Law Library Project Update** – Nancy Long – 10 mins
- V. **GSU Eviction Process Study** – Michelle Barclay – 10 mins
- VI. **Old Business**
  - Fundraiser Event in Dougherty County
  - Records Restriction Clinics in Dalton and Moultrie
- VII. **New Business**
  - Feedback on New A2J Website: [Judicial Council Standing Committee on Access to Justice – Georgia Judicial Gateway \(georgiacourts.gov\)](https://georgiacourts.gov)

**Meeting Expected end time 1:20-1:30pm**



## Joint Access to Justice Committee Meeting

Wednesday, February 14<sup>th</sup>, 2024

12:00 p.m. – 2:00 p.m.

Nathan Deal Judicial Center

Judicial Conference Room

330 Capitol Avenue S.E. Atlanta, Georgia 30334

### Conference Call Information

[https://georgiacourts-gov.zoom.us/rec/share/wlUqafX\\_sc4kG5DonA2CXpJVfUwdul0Zlw-UbLMH0XL2fOGsO5DBuST0Du0tHIV6.hitJ\\_QYAMPI14yuS](https://georgiacourts-gov.zoom.us/rec/share/wlUqafX_sc4kG5DonA2CXpJVfUwdul0Zlw-UbLMH0XL2fOGsO5DBuST0Du0tHIV6.hitJ_QYAMPI14yuS)

Passcode: Vf&h#@J9

**In-Person Attendees:** Chief Justice Michael Boggs, Justice Verda Colvin, US Judge Catherine Salinas, Judge Belinda Edwards, Tracy Johnson, Judge Bill Hamrick, Judge Maureen Wood, Judge Keith Galligan, Mazie Lynn Guertin, Karlise Grier, Bill Adams, Mike Monahan, Hannah Towns, Cami Fowler, Josh Becker, Richmond Wrinkle, Judge Ryan Hope, Brittanie Browning, Amy Dever, Damon Elmore, Rita Sheffey, Michael Lucas, Tomieka Daniel, Mitzy Sharp Futro, Steven Gottlieb, Gerry Weber, Jamie Rush, Rachel Barnhard, Alexandra Eichenbaum, Deborah Chapman, Corey Hirokawa, Kareema Lewis, Soo Jo, Holly Lynde, David Tanner, Judge Tabitha Ponder, Noelle Lagueux-Alvarez, Michelle Barclay

**Online Attendees:** Judge Shawn Rhodes, Judge Cynthia Adams, Judge Clarence Cuthpert, Sharri Edenfield, Judge Jana Edmondson-Cooper, Crystal McElrath, Phil Sandick, Judge Latisha Dear Jackson, Vicky Kimbrell, William Simmons, Judge Larry Mims, Andrew Zoll, Kimber Meridan, Anne Kirkhope, Sarah Babcock, Lashawn Murphy, Sarah Anderson, Nancy Long, Cynthia Clanton

### Welcome and Introductions

Justice Colvin called the meeting to order and welcomed the audience. Introductions were made for in-person attendees. Michelle Barclay followed the welcome and gave the audience an overview of the recent study conducted by Carl Vinson Institute of Government. This report was done to assess legal innovations across the US and evaluate the only state funded Family Law Information Center (FLIC) in the Appalachian Circuit. Michelle turned the podium over to Holly Lynde from Carl Vinson.

### Presentation of Carl Vinson Report: Civil Access to Justice

Holly Lynde presented the report titled *Civil Access to Justice* to the committee. From this study, innovative ideas were proposed to help mitigate civil access to justice needs in Georgia. Some suggestions include developing evaluation frameworks for access to justice programming and collecting longitudinal data to inform policy, using non-attorney navigators for routine legal issues, creating an incentive program for pro bono work, etc.

Also, this report revealed efficiencies realized through the FLIC in North Georgia. \$48,568 in state and county funding efficiencies were realized by the court when the FLIC assisted with self-represented litigants, and over half --\$26,550 or 55%--was state funding. These numbers appear conservative due to lack of needed data to quantify efficiencies outside the courtroom. Overall, 91% of the efficiencies realized occurred in the courtroom, and 9% occurred in the court clerk's office.

## Open Discussion

Following the slideshow presentation by Carl Vinson, the floor was opened for a discussion facilitated by Justice Colvin and Michelle Barclay.

- **Discussion on Self-Help Resources:** Points were made from a GAWL representative on analyzing self-help resources for inmates. Justice Colvin reassured her that our current concentration of analysis is the civil arena with hope to interpose into the criminal section. The A2J committee continues to upload self-help resources and forms for pro se litigants on their website.
- **Discussion on data collection from the report:** Many questions were asked about the data collection and savings on court time. The current methodology being used to quantify that number stems from Richard Zorza, but the best practice to measure that is, a time and motion study. Mike Monohan mentioned the need of sharing data across the entities represented and using it to define concepts within the access to justice arena.
- **Chief Justice Boggs speaks to the audience:** Chief Justice Michael Boggs verbally expressed his appreciation to the leaders in the room for attending. The Chief recited some of the initiatives the high court has taken up, and what they are considering in collaboration with the State Bar. Provisional licensure is one idea where both entities can implement. The Chief left the audience with two perspectives to ponder over to include, "what are best practices? What makes a difference? What moves the needle? What are the financials? Where will the funding come from?" The Chief also spoke on a new proposal with Carl Vinson to create a performance measurement model for validity and accuracy of our self-help centers/FLICs.
- **Discussion on State-Wide Approach:** Justice Colvin asked about pro bono work and legal aid hotlines that are available for pro se litigants who have questions about a legal issue. Chief Justice Boggs mentioned generative AI its potential value for civil access to justice. Tracy Johnson spoke about the need for a statewide coordinated effort or a central office where free legal answers, hotlines operate and connect the legal professionals with the people. Sarah Babcock made a comment on the people who have legal issues but are not counted in the data collection. Karlise Grier suggested creating statewide training modules to help educate people on the

different operating systems being used in our courts and substantive areas of the law within our state.

- **Discussion on Incentivizing Pro Bono work with CLE credit:** Pros & cons were stated about incentivizing pro bono work with CLE credit hours and how it would be properly measured. Judge Maureen Wood mentioned leveraging young lawyers and law students with potential student loan repayment or class credit for their services. The Chief suggested adding a February bar for the new lawyers as another incentive. Many other ideas and suggestions were made regarding virtual hearings, repository for data points, and conducting procedural/subject matter training for CLE credit.

### **Closing Remarks**

Justice Colvin presented a recap of the many talking points made to include the virtual hearings resolution, expansion of law students' scope of practice, and incentivizing CLE credit.

**Meeting Adjourned at 2:00 p.m.**

**CONFERENCE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT ADMINISTRATORS**

**Resolution 3**

**In Support of Clear Policies for Virtual and Remote Hearings Post-Pandemic**

WHEREAS, at their 2020 Annual Meeting, the Conference of Chief Justices and the Conference of State Court Administrators adopted Resolution 1, which sets forth six principles to guide technological changes for post-pandemic court technology; and

WHEREAS, at their 2021 Annual Meeting, the Conference of Chief Justices and the Conference of State Court Administrators adopted Resolution 2, urging courts to apply the guiding principles for court technology to remote and virtual hearings and support technological innovations to facilitate access to justice, so that all court users obtain the help they need and are treated fairly and with dignity; and

WHEREAS, during the COVID-19 pandemic, technology has been a vital tool to enable courts to maintain operations and has been an important learning opportunity for courts; and

WHEREAS, the ability to participate in remote and virtual hearings through videoconferencing or telephonic appearances may bring benefits to attorneys, parties, and self-represented litigants, including saving time and resources; and

WHEREAS, some courts have ceased using remote and virtual hearings in some or all cases, thereby requiring court users, the public, and court employees to return to the courthouse in person to complete court hearings; and

WHEREAS, preliminary data suggests that appearance rates at court hearings are higher when litigants can appear remotely or virtually; and

WHEREAS, the public's ability to observe court proceedings online may enhance public understanding of, and confidence in, the fairness and impartiality of courts and judges; and

WHEREAS, the use of technology, and its possible expansion to include hybrid hearings, also raises critical questions about litigants' rights and their access to justice, and what courts and other stakeholders can do to mitigate any potential harms; and

WHEREAS, even as courts transition towards more in-person court operations, courts should not stop the usage or adoption of technology for court operations, including the filing of court documents, jury selection, and remote and virtual hearings; and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators recognize that courts should continue to leverage technology to ensure litigant access to procedural and legal information and court services, and to make appearances possible and safe via remote and virtual means when practicable; and

WHEREAS, some jurisdictions have already established policies governing how remote and virtual hearings are to be conducted going forward;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to adopt policies at the state level regarding the use of remote and virtual hearings to ensure the continued use of remote hearings where appropriate and to ensure consistency, fairness, and safety in the conduct of remote hearings.

In developing these policies, we urge courts to:

1. Assess what technology platforms are best suited to the needs of the court and users
2. Ensure that all court users are able to participate in remote and virtual hearings regardless of access to equipment, broadband or comfort with technology;
3. Determine whether there are categories of hearings that are better suited to remote and virtual formats, while continuing to think creatively about how to expand the use of remote and virtual hearings to other case types;
4. Ensure that language access resources and accommodations under the Americans with Disabilities Act are provided to litigants in remote and virtual proceedings;
5. Draft these remote hearing policies in plain language and share them widely so that court users, the public, and court employees understand what is permissible;
6. Collect data and user feedback about remote and virtual hearings; and
7. Assess remote hearing policies regularly and adjust these policies as needed.

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge the National Center for State Courts to engage in rigorous evaluation of innovative efforts, provide guidance, develop best practices, and share resources on the continued use of remote and virtual hearings; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators offer leadership and encourage, where appropriate, collaborations with federal, state, and local government agencies and legislative bodies, private funders, and other civil justice system partners to support and provide financial resources to increase broadband and address other solutions that reduce the barriers to technology access.



**User Name:** Deonte Mayfield

**Date and Time:** Tuesday, April 30, 2024 1:33:00PM EDT

**Job Number:** 223181291

## Document (1)

1. [O.C.G.A. § 15-18-22](#)

**Client/Matter:** -None-

## [O.C.G.A. § 15-18-22](#)

Current with Chapters 354 through 408, with the exception of Chapters 391 and 396, of the 2024 Regular Session of the General Assembly. The Statutes do not reflect possible future codification directives from the Revisor of Statutes pursuant to Code Section 28-9-5. Additionally, the Statutes may be affected by prior or subsequent legislative enactment, revision, or executive action.

***Official Code of Georgia Annotated > TITLE 15 Courts (Chs. 1 — 25) > CHAPTER 18  
Prosecuting Attorneys (Arts. 1 — 5) > Article 1 General Provisions (§§ 15-18-1 — 15-18-32)***

### **15-18-22. Use of third-year law students and law school staff instructors as legal assistants in criminal proceedings.**

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- (a) This Code section shall be known and may be cited as “The Law School Public Prosecutor Act of 1970.”
- (b) With the increasing docket in criminal matters, it is in the public interest to provide legal assistance to district attorneys and, in connection therewith, to utilize the services of third-year law students and staff instructors in criminal proceedings as a form of legal intern training which will promote the efficiency of criminal proceedings.
- (c) As used in this Code section, the term:
- (1) “Criminal proceeding” means any investigation, grand jury, trial, or other legal proceeding by which a person’s liability for a crime is investigated or determined, commencing with the investigation, return of an indictment, or filing of the accusation and including the final disposition of the case.
  - (2) “District attorney” means any district attorney of this state, the Attorney General, the director of the Prosecuting Attorneys’ Council of the State of Georgia, or any solicitor-general or solicitor of a state, municipal, or recorder’s court or any assistants of such officers.
  - (3) “Law school” means a law school within or outside this state which is approved by the American Bar Association or which is authorized to operate under [Code Section 20-3-250.8](#) or which was chartered and began operation in this state prior to February 10, 1937, and continued in operation in this state on July 1, 1970.
  - (4) “Staff instructor” means a full-time professional staff instructor of a law school in this state who has been admitted to the bar of another state but who has not yet been admitted to the bar of this state.
  - (5) “Third-year law student” means a student regularly enrolled and in good standing in a law school within or outside this state who has satisfactorily completed at least two-thirds of the requirements for the first professional degree in law (J.D. or its equivalent) in not less than four semesters or six quarters of residence.
- (d) An authorized third-year law student or staff instructor, when under the supervision of a district attorney, may assist in criminal proceedings within this state as if admitted and licensed to practice law in this state except that all indictments, presentments, pleadings, and other entries of record must be signed by a district attorney or by his duly appointed assistant and that, in the conduct of a grand jury investigation, trial, or other criminal proceeding, a district attorney or his duly appointed assistant must be physically present.
- (e) A third-year law student or staff instructor may be authorized to assist a district attorney in such form and manner as the judge of the superior court may prescribe, taking care that the requirements of this Code section and the good moral character of the third-year student or staff instructor are properly certified by the

## O.C.G.A. § 15-18-22

dean of the law school. Before entering an order authorizing him to assist the district attorney, the judge shall further require of the student or instructor an oath similar to the oath required by a district attorney.

(f) As to each third-year law student or staff instructor authorized to assist a district attorney, there shall be kept on file in the office of the clerk of the superior court in the county where such authority is to be exercised the dean's certificate, the student's and instructor's oaths, and the judge's order as contemplated under subsection (e) of this Code section. The authority to assist a district attorney as allowed under this Code section shall extend for no longer than 18 months. If during this period any change occurs in the status of the student or instructor at the law school in which he or she was enrolled or employed, that is, if the student ceases his or her enrollment, is suspended, or is expelled or if the instructor ceases his or her employment or is released by the school, any such authority shall terminate and be revoked.

(g) Any third-year law student or staff instructor authorized to assist a district attorney under this Code section is not required to possess the qualifications for election or appointment to the office of district attorney or assistant district attorney as defined in [Code Section 15-18-3](#).

## History

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Code 1933, § 9-401.2, enacted by Ga. L. 1970, p. 336, § 2; Ga. L. 1978, p. 1949, § 1; Ga. L. 1990, p. 8, § 15; Ga. L. 1990, p. 1166, § 1; Ga. L. 1994, p. 313, §§ 1, 2; Ga. L. 1996, p. 748, § 4; Ga. L. 1997, p. 1319, § 14.

Annotations

## JUDICIAL DECISIONS

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### Physical presence of district attorney not required. —

Existing statutory framework constitutes an express authorization for a district attorney to delegate to the district attorney's assistants the performance of such of the district attorney's prosecutorial duties as the law formerly required that the district attorney personally perform; accordingly, any former requirement that a district attorney's "direction and control" of a prosecution be evinced by the district attorney's physical presence is now obviated. *State v. Cook*, 172 Ga. App. 433, 323 S.E.2d 634, 1984 Ga. App. LEXIS 2539 (1984).

## Opinion Notes

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### OPINIONS OF THE ATTORNEY GENERAL

#### Student assistants not admitted and licensed in general sense. —

Statement that the student may assist the district attorney "as if admitted and licensed" necessarily implies that the student has not actually been admitted and licensed; the fact that there are strict rules governing what a student prosecutor may and may not do makes it clear that, while the student is practicing law in the sense that the student is performing acts that a layman is not authorized to perform, the student has not thereby been admitted and licensed to practice law in a general sense. 1976 Op. Att'y Gen. No. 76-28.

#### Third-year practice does not affect eligibility for district attorney. —

Third-year law student who serves as a legal assistant to a district attorney pursuant to former Code 1933, § 9-401.2 (see now [O.C.G.A. § 15-18-22](#)) does not thereby become "duly admitted and licensed to practice law in the superior courts" for the purposes of determining eligibility to the office of district attorney under former Code 1933, § 24-2901 (see now [O.C.G.A. § 15-18-3](#)). 1976 Op. Att'y Gen. No. 76-28.

## Research References & Practice Aids

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### Cross references.

Regulation of practice of law generally, [§ 15-19-50](#) et seq.

Law school legal aid agencies, [§ 15-20-1](#) et seq.

Third-year law students, *Ga. Sup. Ct., Rules 91* — 96.

### Law reviews.

For article, “See One, Do One, Teach One: Dissecting the Use of Medical Education’s Signature Pedagogy in the Law School Curriculum,” see [26 Ga. St. U.L. Rev. 361 \(2010\)](#).

For annual survey on wills, trusts, guardianships, and fiduciary administration, see [65 Mercer L. Rev. 295 \(2013\)](#).

For article, “Class Warfare: The Disappearance of Low-Income Litigants from the Civil Docket,” see [65 Emory L.J. 1531 \(2016\)](#).

## RESEARCH REFERENCES

### ALR.

Propriety and effect of law students acting as counsel in court suit, 3 A.L.R.4th 358.

### Hierarchy Notes:

[O.C.G.A. Title 15](#)

[O.C.G.A. Title 15, Ch. 18](#)

[O.C.G.A. Title 15, Ch. 18, Art. 1](#)

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**User Name:** Deonte Mayfield

**Date and Time:** Tuesday, April 30, 2024 1:35:00PM EDT

**Job Number:** 223181534

## Document (1)

1. [Ga. Sup. Ct. 91](#)

**Client/Matter:** -None-

**Ga. Sup. Ct., Rules 91:**

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
Statutes and Legislation

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-None-

## [Ga. Sup. Ct. 91](#)

The rules incorporate all state and federal rule changes received by the publisher through April 17, 2024, for state and federal courts.

***GA - Georgia State & Federal Court Rules > Rules of the Supreme Court of Georgia > XV. Student Practice Rule***

### **Rule 91. [Effective until January 1, 2026] Purpose.**

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The purpose of this Rule is to recognize and support experiential learning opportunities that currently exist for law students in Georgia and to broaden the potential range of such opportunities, thereby expanding access to justice through the work of properly qualified and supervised law students who are permitted, as if admitted and licensed to practice law, to represent and appear on behalf of units of government and persons unable to afford legal services. By expanding the range of work that law students may do as if admitted to practice, this Rule does not, however, address nor intend in any way to restrict the wide variety of activities in which law students currently assist lawyers in their practice of law, including both law school educational programs and traditional work as law clerks.

Annotations

### **Notes**

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**Editor's notes.** —This rule was adopted effective August 15, 2015, superseding former Rule 91.

This rule was amended effective January 1, 2024. For the version of this rule effective January 1, 2024, see the second version of this rule.

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**User Name:** Deonte Mayfield

**Date and Time:** Tuesday, April 30, 2024 1:36:00PM EDT

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## Document (1)

1. [Ga. Sup. Ct. 92](#)

**Client/Matter:** -None-

**Ga. Sup. Ct., Rules 91:**

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
Statutes and Legislation

**Narrowed by**  
-None-

## [Ga. Sup. Ct. 92](#)

The rules incorporate all state and federal rule changes received by the publisher through April 17, 2024, for state and federal courts.

### ***GA - Georgia State & Federal Court Rules > Rules of the Supreme Court of Georgia > XV. Student Practice Rule***

## **Rule 92. [Effective until January 1, 2026] Activities permitted by a registered law student.**

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An eligible law student registered for student practice pursuant to this Rule, when under the supervision of a member of the State Bar of Georgia, may, as if admitted and licensed to practice law in Georgia, advise, prepare legal instruments, appear before courts and administrative agencies and otherwise take action on behalf of:

- (1) any state, local, or other government unit or agency;
- (2) any person who is unable financially to pay for the legal services of an attorney; or
- (3) any non-profit organization the purpose of which is to assist low or moderate income persons.

When a registered law student appears before a court or agency, the judge or presiding officer has authority to prescribe the form and manner by which such student may participate in proceedings. A registered law student may neither ask for nor receive any compensation or remuneration of any kind from any client for whom the student renders services; but this shall not prevent the student from receiving compensation, or a scholarship, stipend or other remuneration from a law school, governmental entity, or other non-profit agency in acknowledgment of the services the student is performing. Nothing in this Rule prohibits a supervising attorney, or organization employing such supervising attorney, from applying for, charging, or collecting a fee relating to activities of the registered law student authorized by this Rule that the attorney or organization otherwise may properly apply for, charge, or collect. Communications between the client of a supervising attorney and a registered law student shall be privileged to the same extent as communications protected by attorney-client privilege and work product doctrine and protected as confidential under the Georgia Rules of Professional Conduct, and the presence of a registered law student during communications between the supervising attorney and the client shall not waive any otherwise applicable evidentiary privilege or duty of confidentiality.

Nothing contained in this Rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this Rule nor the right of lawyers to use assistants in their practice as permitted by the Georgia Rules of Professional Conduct.

Annotations

## **Notes**

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**Editor's notes.** —This rule was adopted effective August 15, 2015, superseding former Rule 92.

This rule was amended effective January 1, 2024. For the version of this rule effective January 1, 2024, see the second version of this rule.

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**User Name:** Deonte Mayfield

**Date and Time:** Tuesday, April 30, 2024 1:37:00PM EDT

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## Document (1)

1. [Ga. Sup. Ct. 96](#)

**Client/Matter:** -None-

**Ga. Sup. Ct., Rules 91:**

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
Statutes and Legislation

**Narrowed by**  
-None-

## Ga. Sup. Ct. 96

The rules incorporate all state and federal rule changes received by the publisher through April 17, 2024, for state and federal courts.

**GA - Georgia State & Federal Court Rules > Rules of the Supreme Court of Georgia > XV. Student Practice Rule**

### **Rule 96. [Effective until January 1, 2026] Appearance and argument before the Georgia Supreme Court.**

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Law students authorized to practice under the Student Practice Rules, see Rules 91-96, or the Law School Graduate Rules, see Rules 97-103, may co-author briefs, indicating their status on the signature line. A law student participating in a clinical program at a Georgia law school may be authorized to make oral argument if the supervising attorney of the program files a motion to authorize the law student to argue and includes in the motion the name of the student seeking to argue, the extent of the attorney supervision to prepare the student for argument, and a statement that the supervising attorney will be personally present and prepared to supplement any oral statement made by the student. The Court must give specific approval for the law student's participation in the argument. Law students and recent law school graduates are not eligible to present oral argument based on their participation in legal training programs organized in the offices of governments and non-profit organizations.

Annotations

### **Notes**

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**Editor's notes.** —The former rule was deleted effective August 15, 2015.

This rule was added effective September 9, 2019.

This rule shall be effective as to cases that docket on or after December 2, 2019.

This rule was amended effective January 1, 2024. For the version of this rule effective January 1, 2024, see the second version of this rule.

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