

**PROPOSED AMENDMENTS TO THE  
UNIFORM RULES FOR SUPERIOR COURT,  
APPROVED FOR FIRST READING, JULY 29, 2015**

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**Rule 4.4. Admission Pro Hac Vice**

E. Application

1. Required Information. An application shall state the information listed in Appendix A to this rule. The applicant may also include any other matters supporting admission pro hac vice.
2. Application Fee. An applicant for permission to appear as counsel pro hac vice under this rule shall pay a non-refundable fee of \$75 for each application for pro hac vice admission to any Superior Court payable to the State Bar of Georgia at the time of filing the application.
3. Annual Fee. Any Domestic Lawyer or Foreign Lawyer who has been granted admission pro hac vice before any Court of this State shall each year thereafter pay an annual fee of ~~\$200~~ \$275, regardless of the number of pro hac vice admissions, ~~upon the first such admission, and~~ on or before January 15 ~~for each calendar year thereafter for so~~ as long as the Domestic Lawyer or Foreign Lawyer is admitted pro hac vice before any Court of this State. The annual fee shall be payable to the State Bar of Georgia.
4. Exemption for Pro Bono Representation. An applicant shall not be required to pay the fee established by Rule 4.4 E.2 and E.3 above if the applicant will not charge an attorney fee to the client(s) and is:
  - a. employed or associated with a pro bono project or nonprofit legal services organization in a civil case involving the client(s) of such programs; or
  - b. involved in a criminal case or a habeas proceeding for an indigent defendant.

**Rule 6.4.1. Failure to Preserve Electronically Stored Information**

If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court:

(1) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(2) only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation may:

(A) presume that the lost information was unfavorable to the party;

(B) instruct the jury that it may or must presume the information was unfavorable to the party; or

(C) dismiss the action or enter a default judgment.

(3) Either party or the court may request a hearing. Upon the request of either party, the court shall in its ruling make findings of fact and conclusions of law.

## **Rule 49. Inquiry Regarding Weapons Carry License**

(A) A judge shall make the inquiry required by OCGA § 16-11-129(e):

(1) when sentencing for conviction of: any felony<sup>1</sup>; any charge of carrying a weapon without a license<sup>2</sup>; any charge of carrying a weapon or long gun in an unauthorized location<sup>3</sup>; any misdemeanor involving the use or possession of a controlled substance<sup>4</sup>; and any misdemeanor crime of domestic violence as defined in 18 USC 921(a)(33)<sup>5</sup>;

(2) when addressing any criminal defendant on pending felony charges<sup>6</sup>;

(3) when addressing any person hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center<sup>7</sup>;

(4) when addressing any criminal defendant adjudicated mentally incompetent to stand trial<sup>8</sup>;

(5) when addressing any criminal defendant adjudicated not guilty by reason of insanity<sup>9</sup>;

(6) when addressing any person who is an unlawful user of or addicted to any controlled substance<sup>10</sup>;

(7) when addressing any alien unlawfully in the USA or here on nonimmigrant visa<sup>11</sup>;

(8) when addressing any person who is subject to a restraining order as described in 18 USC 922(g)(8).

(B) Where required by OCGA § 16-11-129(e), the judge shall inquire whether a person convicted of any crime or involved in any matter which would make the maintenance of a weapons carry license by such person unlawful is the holder of a weapons carry license. If such person is the holder of a weapons carry license, then the sentencing judge shall inquire of the person the county of the probate court which issued such weapons carry license, or if the person has ever had his or her weapons carry license renewed, then of the county of the probate court which most recently issued the person a renewal license.

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<sup>1</sup> OCGA § 16-11-129(b)(2)(B)

<sup>2</sup> OCGA § 16-11-129(b)(2)(H)(i)

<sup>3</sup> OCGA § 16-11-129(b)(2)(H)(ii)

<sup>4</sup> OCGA § 16-11-129(b)(2)(I)

<sup>5</sup> OCGA § 16-11-129(b)(2)(E)

<sup>6</sup> OCGA § 16-11-129(b)(2)(C)

<sup>7</sup> OCGA § 16-11-129(b)(2)(J)

<sup>8</sup> OCGA § 16-11-129(b)(2)(K)

<sup>9</sup> OCGA § 16-11-129(b)(2)(L)

<sup>10</sup> OCGA § 16-11-129(b)(2)(E); 18 USC 922(g)(3)

<sup>11</sup> OCGA § 16-11-129(b)(2)(E); 18 USC 922(g)(5)