

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES FOR SUPERIOR COURT,
APPROVED FOR FIRST READING, AUGUST 2, 2023**

Proposed Amendments for First Reading	page 2
Rule 16.1. Leaves for Thirty (30) <u>Cumulative</u> Calendar Days or Less	page 2
Rule 16.2. Leaves for More Than Thirty (30) <u>Cumulative</u> Calendar Days or Those Either on a Published Calendar, Noticed for a Hearing, or Not Meeting the Time Requirements of 16.1	page 3
Rule 16.3. 16.1 or 16.2 Leave	page 3
Rule 36.13. Filing Requirements–Criminal	page 4

**PROPOSED AMENDMENTS TO THE
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Rule 16. LEAVES OF ABSENCE

Rule 16.1. Leaves for Thirty (30) Cumulative Calendar Days or Less

An attorney of record shall be entitled to a leave of absence for thirty cumulative days or less from court appearance in pending matters, excluding those cases for which the attorney files a subsequent demand for trial pursuant to O.C.G.A. 17-7-170 or 17-7-171, which are neither on a published calendar for court appearance, nor noticed for a hearing during the requested time, by submitting to the clerk of the court at least thirty (30) calendar days prior to the effective date for the proposed leave, a written notice containing:

- (a) a list of the actions to be protected, including the action numbers;
- (b) the reason for leave of absence; and
- (c) the duration of the requested leave of absence.

A copy of the notice shall be sent, contemporaneously, to the judge before whom an action is pending and all opposing counsel. Unless opposing counsel files a written objection within ten (10) days with the clerk of the court, with a copy to the court and all counsel of record, or the court responds denying the leave of absence within ten (10) days, ~~the~~ such leave will stand granted without entry of an order. If objection is filed, the court, upon request of any counsel, will conduct a conference with all counsel to determine whether the court will, by order, grant the requested leave of absence.

If after filing a leave of absence, an attorney of record subsequently files a statutory demand for trial pursuant to O.C.G.A. 17-7-170 or 17-7-171, the attorney must submit a new request for a leave of absence to the clerk of court, giving proper notice to opposing counsel and the courts so that the new issue of a demand for trial may be properly considered.

The clerk of the court shall retain leave of absence notices in a chronological file for two (2) calendar years; thereafter, the notices may be discarded.

Rule 16.2. Leaves for More Than Thirty (30) Cumulative Calendar Days or Those Either on a Published Calendar, Noticed for a Hearing, or not Meeting the Time Requirements of 16.1

Application for leaves of absence for more than thirty (30) cumulative days, excluding those cases for which the attorney files a subsequent demand for trial pursuant to O.C.G.A 17-7-170 or 17-7-171, or those either on a published calendar, noticed for a hearing, or not submitted within the time limits contained in 16.1 above, must be in writing, filed with the clerk of the court, and served upon opposing counsel at least ten (10) days prior to submission to the appropriate judge of the court in which the action pends. This time period may be waived if opposing counsel consents in writing to the application. This procedure permits opposing counsel to object or to consent to the grant of the application, but the application is addressed to the discretion of the court. ~~Such~~ The application for leave of absence shall contain:

- (a) a list of the actions to be protected, including the action numbers;
- (b) the reason for leave of absence; and
- (c) the duration of the requested leave of absence.

If after filing a leave of absence, an attorney of record subsequently files a statutory demand for trial pursuant to O.C.G.A 17-7-170 or 17-7-171, the attorney must submit a new request for a leave of absence to the clerk of court, giving proper notice to opposing counsel and the courts so that the new issue of a demand for trial may be properly considered.

Rule 16.3. 16.1 or 16.2 Leave

A 16.1 or 16.2 leave when granted shall relieve any attorney from all trials, hearings, depositions and other legal proceedings in that matter, excluding cases for which the attorney files a subsequent demand for trial pursuant to O.C.G.A 17-7-170 or 17-7-171 without submitting a new request for leave as set forth herein. This rule shall not extend any deadline set by law or the court.

Rule 36.13. Filing Requirements–Criminal

All indictments, no bills, and accusations presented to the clerk shall be filed and should be accompanied by all applicable documents including arrest warrants, if issued, and the Georgia Crime Information Center OBTS form, if the offense is one for which an OBTS form is applicable.

Pursuant to OCGA § 15-6-11, the chief superior court judge of each judicial circuit shall assist the superior court clerk clerks and prosecutors within the judicial circuit with the implementation and continued maintenance of uniform standards for the creation and transmission of criminal history data by and between local and state criminal justice agencies. A superior court judge may order any party to provide data needed by a clerk or a prosecutor to facilitate transmission of data.

Each judicial circuit or counties in each judicial circuit shall have an agreed upon compliance protocol that outlines the timely production of criminal data to include provisions for the accuracy, completeness, uniformity, integration, accessibility, and security of said data and based on approved state standards and data elements. Such protocol shall be reviewed at least biennially and updated as needed.