

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES FOR SUPERIOR COURT,
APPROVED FOR FIRST READING, JULY 30, 2025**

Proposed Amendments for First Reading

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**PROPOSED AMENDMENTS TO THE
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Rule 4.3. Withdrawal

(1) An attorney appearing of record in any matter pending in any superior court, who wishes to withdraw as counsel for any party, shall submit a written request to an appropriate judge of the court for an order permitting such withdrawal. The request shall state that the attorney has given written notice to the affected client setting forth the attorney's intent to withdraw, that ~~10~~ 20 days have expired since notice, and there has been no objection, or that withdrawal is with the client's consent. The attorney's request may include facts which are not otherwise privileged or confidential, including but not limited to, whether the client has failed to maintain contact with the attorney, or failed to abide by the contract for professional services between the attorney and client. The judge shall consider whether such failure to maintain contact or the failure to abide by the contract reasonably impedes the attorney from further effective representation or places an unfair burden upon the attorney. The request will be granted unless it is made after the entry of a pretrial order or in the judge's discretion to do so would delay the a trial on a published calendar, or otherwise interrupt the orderly operation of the court, or be manifestly unfair to client.

(2) The attorney requesting an order permitting withdrawal shall give notice to opposing counsel and shall file with the clerk and serve upon the client, personally or at that client's last known mailing and electronic addresses, the notice which shall contain at least the following information:

(A) the attorney wishes to withdraw;

(B) the court retains jurisdiction of the action;

(C) the client has the burden of keeping the court informed where notices, pleadings or other papers may be served;

(D) the client has the obligation to prepare for trial or hire new counsel to prepare for trial, when the trial date has been scheduled and to conduct and respond to discovery or motions in the case;

(E) if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

(F) dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

(G) service of notices ~~may~~ shall be made upon the client at the client's last known mailing address, and email address(es);

(H) if the client is a corporation, that a corporation may only be represented in court by an attorney, that an attorney must sign all pleadings submitted to the court, and that a corporate officer may not

represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia or is otherwise allowed by law; and

(1) unless the withdrawal is with the client's consent, the client's right to object within ~~10~~ 20 days of the date of the notice, and provide with specificity when the ~~10th~~ 20th day will occur. The attorney requesting to withdraw shall prepare a written notification certificate stating that the notification requirements have been met, the manner by which notification was given to the client and the client's last known mailing and electronic addresses and telephone number. The notification certificate shall be filed with the court and a copy mailed to the client and all other parties. Additionally, the attorney seeking withdrawal shall provide a copy to the client by the most expedient means available due to the strict ~~10~~ 20-day time restraint, i.e., e-mail, hand delivery, or overnight mail. After the entry of an order permitting withdrawal, the client shall be notified by the withdrawing attorney of the effective date of the withdrawal; thereafter all notices or other papers shall be served on the party directly by mail at the last known mailing address of the party and/or email address, until new counsel enters an appearance.

(3) When an attorney has already filed an entry of appearance and the client wishes to substitute counsel, it will not be necessary for the former attorney to comply with rule 4.3 (1) and (2). Instead, the new attorney may file with the clerk of court a notice of substitution of counsel signed by the party and the new attorney. The notice shall contain the style of the case and the name, address, phone number and bar number of the substitute attorney. The new attorney shall serve a copy of the notice on the former attorney, opposing counsel or party if unrepresented, and the assigned judge. No other or further action shall be required by the former attorney to withdraw from representing the party. The substitution shall not delay any proceeding or hearing in the case.

Rule 10.2. Opening Statements ~~in Criminal Matters~~

~~The district attorney~~ All parties may make an opening statement prior to the introduction of evidence. ~~This statement shall be limited to expected proof by legally admissible evidence. In criminal matters, the~~ Defense counsel may make an opening statement immediately after the state's opening statement ~~and prior to introduction of evidence~~, or following the conclusion of the state's presentation of evidence. ~~Defense counsel's~~ Opening statements shall be restricted to expected proof by legally admissible evidence, or the lack of evidence. The court in its discretion may limit the time given to each party for openings.

Rule 21. LIMITATION OF ACCESS TO COURT FILES

All court records are public and are to be available for public inspection unless public access is limited by law or by the procedure set forth below.

Rule 21.1. Motions and Orders

Upon motion by any party to any civil or criminal action, or upon the court's own motion, ~~after hearing,~~ the court may limit access to court files respecting that action. The order of limitation shall specify the part of the file to which access is limited, the nature and duration of the limitation, and the reason for limitation. If requested by any party or nonparty opposing the motion, the court shall conduct a hearing within 30 days of the request.

Rule 21.3. Ex Parte Orders

Under compelling circumstances, a motion for temporary limitation of access, ~~not to exceed 30 days,~~ may be granted, ex parte, ~~upon motion accompanied by supporting affidavit.~~

Rule 21.5. Amendments

Upon notice to all parties of record and after providing an opportunity to respond ~~after hearing,~~ an order limiting access may be reviewed and amended by the court entering such order, or by the appropriate appellate court at any time on its own motion or upon the motion of any person for good cause. If requested in a motion to amend or vacate a sealing order, the court shall conduct a hearing within 30 days of the request.