

# ADMINISTRATIVE PROCEDURES

## DEKALB COUNTY SUPERIOR COURT STONE MOUNTAIN JUDICIAL CIRCUIT

Adopted and Approved November 2022

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**1) PURPOSE, BINDING EFFECT, AND EFFECTIVE DATE**

These procedures have been adopted by the judges of this Court. They are hereby issued as an order of this court and shall govern all proceedings now pending or hereinafter filed in this court, unless their application in a particular proceeding would, in the opinion of the assigned judge, work an injustice or not be feasible. Therefore, these provisions are mandatory and binding.

**2) COURT DIVISIONS**

There are presently ten divisions of the court, which are numbered one through ten. Each division is presided over by one of the ten judges, as follows:

Division 1: Judge Johnson  
Division 2: Judge Jackson  
Division 3: Judge Parker-Smith  
Division 4: Judge Morris  
Division 5: Judge Adams  
Division 6: Judge Hydrick  
Division 7: Judge Dear Jackson  
Division 8: Judge Polk  
Division 9: Judge Scott  
Division 10: Judge Barrie

**3) CHIEF JUDGE**

There will be one superior court judge designated as the Chief judge. That judge will handle all duties assigned by law to the chief judge of the circuit, as well as any duties agreed upon by the judges. The Chief Judge will serve for a two-year term and will be selected on a rotating basis according to seniority on the court. When one Chief Judge's term expires, the most senior judge who has not previously served as Chief Judge will be the next Chief Judge. If that person chooses not to serve, the next eligible judge will be the next Chief Judge. The two-year term of the Chief Judge begins on January 1.

If action by the Chief Judge is necessary when the chief judge is unavailable, the most immediate past chief judge who is available will be the acting chief judge. If none of those judges is available, then the first person next in line to be Chief Judge will be the acting chief judge.

The Division of the chief judge shall be assigned 25% fewer cases than each of the other divisions so that he or she may have sufficient time to perform the duties of Chief Judge.

#### **4) ADMINISTRATIVE JUDGE FOR THE FOURTH JUDICIAL DISTRICT**

The Chief Judge shall be this circuit's nominee for the position of administrative judge for the Fourth Judicial Administrative District, which includes the Stone Mountain and Rockdale Judicial Circuits.

#### **5) MEETINGS**

The monthly official meetings of the court shall be held on the Tuesday after the first Monday which is not a holiday from 12:00 noon till 1:00 p.m., and at such other times designated by the chief judge, who shall preside over all meetings.

The court shall hold two conferences away from the courthouse each year, generally during the months of May and November.

#### **6) PRESIDING JUDGE**

##### **a) Assignment and Availability**

- i) A full-time active judge or a designated senior judge, or part-time DeKalb County Magistrate will serve as presiding judge during each week of court. Such service will be on a rotating equal basis in numerical order of the divisions of the court. The presiding judge will serve from 8:30 a.m. Monday until 8:30 a.m. the following Monday. The presiding judge will be available from 8:30 a.m. until 12:00 p.m. and from 1:30 p.m. until 4:30 p.m. every business day during each week of service.

##### **ii) General Duties**

In assigned matters, the presiding judge (in that capacity) shall issue orders only in actual emergencies or when the assigned judge is unavailable. Routine restraining orders, appointments of special masters, and other non-emergency orders will be referred to the assigned judge. The presiding judge shall hear and decide:

- (1) Criminal matters requiring expedited disposition by the superior court prior to indictment or accusation
- (2) Certain civil matters requiring expedited hearings; and,
- (3) Any matter referred to him/her due to the absence of the judge to whom the matter is assigned, or
- (4) Any emergency matter subject to the following provisions: any action requiring emergency determination must first be filed and presented to the assigned judge if he or she is available. The assigned judge will deal with the matter, if possible, but may direct the matter to the presiding judge if the matter is determined to be a legitimate emergency. Matters are not to be brought to the presiding judge without first being instructed to do so by the assigned judge.

- (5) The presiding judge shall hear all such matters referred by the assigned judge or presented to them directly due to the absence of the assigned judge unless the presiding judge determines that the matter does not require expedited and immediate emergency determination. The presiding judge will not set future hearing dates on any cases without the prior approval of the assigned judge.
- b) Bond Requests in Unindicted Cases
  - i) The presiding judge shall hear bond requests in unindicted cases.
  - ii) When a motion for reconsideration of bond is filed in an unindicted case in which bond has already been heard, the judge who heard the initial request shall hear the motion. If that judge is not available, the presiding judge should hear the motion. At least 60 days shall pass before a motion in which a bond matter can be heard.
  - iii) After indictment, the assigned judge or that judge's designee will hear any bond motions.
- c) Senior Judge Courtroom
  - i) Each week the presiding judge's division shall have the right to use the senior judge's courtroom for that week.
  - ii) When a senior judge presides for a particular division of the court, he or she will have the use of that division's law clerk.

## **7) GRAND JURY JUDGE**

One of the judges will serve as the presiding judge for each term of the Grand Jury on a rotating basis in numerical order of the court divisions.

## **8) ASSIGNMENT OF CASES**

- a) Civil Actions
  - i) General: All civil actions will be randomly assigned to a division by the clerk of the court with the following exceptions:
  - ii) Child support cases: Cases involving the same party shall be assigned to the same division, even though the payee and children are different.
  - iii) Adoptions: Name changes are not considered related cases for purposes of adoption assignment.
- b) Criminal Cases
  - i) General: Pursuant to Uniform Superior Court Rule 3.2, the general rule is that when an indictment or accusation names a defendant who has had a previous case assigned to one of the ten divisions, the new case will be assigned to that same division. The following exceptions apply:
  - ii) If a new case names a defendant with multiple prior cases assigned to different divisions, the newly filed case will be assigned to the division which was assigned the prior indictment or accusation with the lowest case number. Due to the way case numbers are generated, this will be the case that was the first to be indicted or accused.
  - iii) When an indictment or accusation names multiple defendants who have prior cases which are or were assigned to different divisions, the newly filed case will be

- assigned to the division which was assigned the prior indictment or accusation with the lowest case number. Due to the way case numbers are generated, this will be the case that was the first to be indicted or accused.
- iv) If a new case involves more than three defendants and a prior case will cause the new one to be reassigned, the Office of Court Administration will evaluate the transfer to ensure that an equitable distribution of cases is maintained. After evaluation, the Court Administrator is authorized to decline to transfer the new case or to transfer it to any division in which any of the defendants have a prior case.
  - v) If more than six total cases would be assigned to one division as a result of this Order, the Office of Court Administration will evaluate the situation to ensure that an equitable distribution of cases is maintained. After evaluation, the Court Administrator is authorized to decline to transfer the cases or to transfer any or all of the cases to any division to which one or more of the cases have already been assigned.
  - vi) Cases alleging crime(s) committed in the DeKalb County Jail that name multiple defendants will be randomly assigned regardless of which division any prior cases were assigned to. If only one defendant is named, and that defendant has had a previous case assigned to one of the ten divisions, the new case will be assigned to that same division.
  - vii) Habeas cases relating to a DeKalb County criminal case will be assigned to the division to which the criminal case was assigned.
  - viii) For purposes of this Order, only indictments and accusations are to be used to determine assignments; 'D#'s, DA numbers, 'pre-file D numbers' and the like will not.
  - ix) For purposes of this Order, only the filing dates of indictments and accusations will be used to determine the age of cases; incident dates, arrest dates and the like will not.
  - x) If the transfer of a criminal case from one Division to another is necessary, the case information and transfer request shall be sent to the Court Administrator's Office for the transfer to be made and entered into the case management system. No other person or office has the authority to initiate such a transfer or make changes to case assignments after indictment or accusation.
- c) Notice of Assignment  
Immediately upon the assignment of an action or matter, the court clerk shall notify the assigned judge's calendar clerk. The court clerk shall include on the service copies of all new actions as they are assigned the name of the assigned judge and his/her calendar clerk's telephone number. The scheduling and calendaring of any hearing or trial in each assigned action shall be the responsibility of the assigned judge's calendar clerk, acting under the direction of the assigned judge.
- d) Judicial Assistance  
By agreement of the judges involved, one judge may assist another with the processing of his/her assigned cases.
- e) Recusals
- i) If a motion to recuse a DeKalb Superior Court Judge is filed and the Judge determines that it warrants a hearing, the motion shall be sent to the Court Administrator's office to be reassigned so that a randomly selected judge may hear the matter.

- ii) If a Judge is recused from a case, whether voluntarily or otherwise, the case shall be reassigned using the methods outlined above.
- f) Assignment of Certain Cases from Outside the Court  
Cases filed outside this circuit that are to be assigned to a judge within this circuit because of the recusal of all judges in the circuit where the case is filed shall be assigned at random by the Court Administrator to one of the ten divisions of DeKalb Superior Court. When a division is assigned such a case, it shall be removed from the assignment process until all ten divisions have received such a case.

## **9) STANDING ORDERS**

- a) There shall be a standing order in all domestic cases. The order will be available on the Court's website and in the Clerk's Office. It shall be served on the plaintiff at the time of filing of any domestic cases by the Clerk's Office in person or by mail. It shall be served on the defendant with the complaint.
- b) There shall be a standing order in all adoption actions in which the court has appointed a child-placing agency or another independent agent to conduct an adoption home investigation. The standing order shall be served on the plaintiff by the Clerk's Office in person or by mail at the time of filing of any adoption action.

## **10) DEKALB COUNTY DISPUTE RESOLUTION PROGRAM**

The DeKalb County Courts Dispute Resolution Program provides litigants a forum for resolving certain disputes more quickly and at less cost than formal litigation. Referral to this dispute resolution program does not supplant a litigant's right to trial; rather, it provides for informal consideration of cost-effective dispute resolution alternatives.

- a) The DeKalb County Courts Dispute Resolution Center ("DRC") implements the dispute resolution program through the multi-door concept by screening and referring cases to appropriate dispute resolution processes.
- b) The DRC functions under the supervision of the Director. The Director serves as directed by the Alternative Dispute Resolution Board.
- c) The DRC functions according to the provisions of the Uniform Rules for Alternative Dispute resolution (the "Uniform Rule") promulgated by the Supreme Court of Georgia and policies and procedures adopted by the Georgia Commission on Dispute Resolution. The DRC also functions under a Local Program Rule of Procedure approved by the local Alternative Dispute Resolution Board. Copies of the Local Program Rule may be obtained from the DRC. The Center may be contacted by calling 404-370-8194.

## **11) NEW PROCEDURES AND AMENDMENTS**

New procedures and amendments may be adopted from time to time by a majority vote of the ten superior court judges. The court administrator shall be responsible for recording all new procedures and amendments and distributing them to each judge.

## **12) SUPERIOR COURT E-MAIL POLICY**

All messages generated on, received by, or transmitted via the County's e-mail system by and between members and employees of the Superior Court, are considered to be the sole and exclusive property of the Superior Court.