

**UNIFORM RULES**

**SUPERIOR COURTS OF THE  
STATE OF GEORGIA**



**COUNCIL OF SUPERIOR COURT JUDGES**

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**Rule 6.4. Failure to Make Discovery and Motion to Compel Discovery**

(A) Motions to compel discovery in accordance with OCGA § 9-11-37 shall:

(1) Quote verbatim or attach a copy as an exhibit of each interrogatory, request for admission, or request for production to which objection is taken or to which no response or insufficient response is provided;

- (2) Include the specific objection or response claimed to be insufficient;
  - (3) Include the grounds for the objection (if not apparent from the objection); and,
  - (4) Include the reasons supporting the motion. Any objections shall be addressed to the specific interrogatory, request for admission, or request for production and shall not be made generally.
- (B) Prior to filing a motion seeking resolution of a discovery dispute, counsel for the moving party shall confer with counsel for the opposing party and any objecting person or entity in a good faith effort to resolve the matters involved. At the time of filing the motion, counsel shall also file a statement certifying that such conference has occurred and that the effort to resolve by agreement the issues raised failed. This rule also applies to motions to quash, motions for protective order and cases where no discovery has been provided.

Amended effective November 28, 1996; amended effective May 15, 2014.

## **RULE 9. TELEPHONE AND VIDEO-CONFERENCING\***

\*See [Supreme Court Order \(March 27, 2020\)](#) temporarily amending Superior Court Rules 9.1, 9.2 (C) and 9.2 (E) (4).

### **Rule 9.1. Telephone Conferencing**

The trial court on its own motion or upon the request of any party may in its discretion conduct pre-trial or post-trial proceedings in civil actions by telephone conference with attorneys for all affected parties. The trial judge may specify:

- (A) The time and the person who will initiate the conference;
- (B) The party which is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and
- (C) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

Adopted effective July 15, 2004.

### **Rule 9.2. Video-Conferencing**

(A) The following matters may be conducted by video-conference:

1. Determination of indigence and appointment of counsel;
2. Hearings on appearance and appeal bonds;
3. Initial appearance hearings;
4. Probable cause hearings;
5. Applications for arrest warrants;
6. Applications for search warrants;
7. Arraignment or waiver of arraignment;
8. Pretrial diversion and post-sentencing compliance hearings;
9. Entry of pleas in criminal cases;
10. Impositions of sentences upon pleas of guilty or *nolo contendere*;
11. Probation revocation hearings in felony cases in which the probationer admits the violation and in all misdemeanor cases;
12. Post-sentencing proceedings in criminal cases;
13. Acceptance of special pleas of insanity (incompetency to stand trial);

14. Situations involving inmates with highly sensitive medical problems or who pose a high security risk;
15. Testimony of youthful witnesses;
16. *Ex-parte* applications for Temporary Protective Orders under the Family Violence Act and the Stalking Statute; and
17. Appearances of interpreters.

Notwithstanding any other provisions of this rule, a judge may order a defendant's personal appearance in court for any hearing.

(B) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all criminal proceedings, the defendant and defense counsel shall be provided with a private means of communications when in different locations.

(C) Witnesses. In any pending matter, a witness may testify via video conference. Any party desiring to call a witness by video conference shall file a notice of intention to present testimony by video conference at least thirty (30) days prior to the date scheduled for such testimony. Any other party may file an objection to the testimony of a witness by video conference within ten (10) days of the filing of the notice of intention. In civil matters, the discretion to allow testimony via video conference shall rest with the trial judge. In any criminal matter, a timely objection shall be sustained; however, such objection shall act as a motion for continuance and a waiver of any speedy trial demand.

(D) Recording of Hearings. A record of any proceedings conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, upon the consent of all parties, that portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.

(E) Technical Standards. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;
2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method;
3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and
4. The location from which the trial judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video conference. The court shall accommodate any request by interested parties to observe the entire proceeding.

Adopted effective July 15, 2004.



## SUPREME COURT OF GEORGIA

March 27, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

### IN RE: SUPERIOR COURT RULES

For the duration of the statewide judicial emergency declared by the Chief Justice and any modifications and extensions thereof, the following provisions of the Uniform Superior Court Rules are hereby clarified and/or amended as follows:

Uniform Superior Court Rule 9.1, which provides for the use of telephone conferences in pre-trial and post-trial proceedings in civil cases, also provides for the use of video conferences to the extent it provides for telephone conferences. All such conferences shall comply with applicable constitutional requirements.

Uniform Superior Court Rule 9.2 (C) is hereby waived to the extent that it imposes notice requirements beyond those ordinarily required by law or rule for proceedings conducted in-person.

Uniform Superior Court Rule 9.2 (E) (4) is hereby waived to the extent that it requires that the public have access to the location at which a judge is presiding over a video conference, provided that:

(a) Notice shall be given to the parties and the public that a proceeding will occur wholly by remote video conference;

1. Such notice may be given by a website posting or similar means.

2. In the event a court provides public access to a livestream of all proceedings to which the right of open courts applies, the livestream may constitute such notice, provided that notice of the livestream itself is provided through the websites of one or more of the following: the court; the clerk of court; the Council of Superior Court Judges; and the local bar association(s), if any.

(b) If a party or a member of the public objects to the remote proceeding, the court shall sustain or overrule such objection prior to conducting the proceeding; and

(c) The public shall be given an opportunity to view the remote video conference, such as by joining the video conference (although unable to participate), through a livestream, or through substantially similar means.

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk