

Mountain Judicial Circuit
Local Rules

updated August 26, 2026

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**IN THE SUPERIOR COURTS
MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA**

STANDING ORDER ADOPTING LOCAL RULES

The undersigned Judges of the Superior Courts of the Mountain Judicial Circuit (hereinafter the "Judges") enter this Order to adopt local rules pursuant USCR 1.2(B) and (E).

The Judges have previously, by Standing Order, provided for the procedures to be followed in the Circuit. However, in an effort to simplify and update the procedures, the Court has created local rules which are publicly available on the Circuit's website and which language is easily accessible to all litigants.

These Rules, as amended, shall be published on the publicly available website. All Parties and Counsel are bound by the Rules and are expected to abide by them under penalty of contempt. There is no requirement of further notice or service except for service of the Domestic Relations Standing Order (addressed in Local Rule IV(d)).

All Parties and Attorneys for all Parties are expected to be familiar with the Local Rules and the Uniform Superior Court Rules applicable in their cases.

The Judges of this Circuit strongly encourage all litigants to seek legal representation. Self-Represented litigants will be required to follow the Local Rules and the Uniform Superior Court Rules. Self-Represented litigants may find resources on the website of this Circuit and other Circuits in the State of Georgia, but the Court, the Court's staff, and the staff of the Clerk of Court may not provide legal advice.

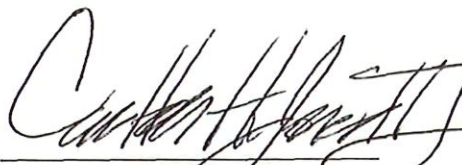
It is, therefore, ORDERED:

The Local Rules attached hereto shall be the operating procedures of the Superior Courts of the Mountain Judicial Circuit. The Local Rules set forth in this Standing Order supersede all previous Local Rules established by any previous standing order.

The Clerk shall spread this order upon the minutes.

IT IS SO ORDERED, this 16th day of March, 2026.

	
William R. Oliver, Chief Judge Superior Courts Mountain Judicial Circuit	B. Nichole Carswell, Judge Superior Courts Mountain Judicial Circuit


Carlton H. Jones, III, Judge Superior Courts Mountain Judicial Circuit

Local Rule II(a): Service of Motions on Court / Courtesy Copies

The Court is not aware of filings unless you send the Court a Courtesy copy of the filings. You will not receive a ruling unless you send a Courtesy copy to the assigned judge's chambers.

Parties should contact the assigned judge's judicial assistant of the assigned judge to confirm the judge's preferred format for the Courtesy copy.

Parties need only serve a motion seeking specific relief or the response to the motion (e.g. Motions for Summary Judgment). The Parties moving the Court for relief or responding to such relief are responsible for sending a copy to the Court.

Leaves of absence and conflict letters should also be sent to the judge's office.

Filing on PeachCourt or other e-filing systems does not constitute notice to the Court.

Local Rule II(b): Proposed Judgments and Orders

Unless otherwise directed by the Court, all proposed judgments and orders prepared following hearings shall be presented to the presiding judge's office within ten days of the date of the hearing or announcement of settlement.

All proposed judgments and orders must be served upon all parties.

If the order is not submitted within ten days, the judge will place the matter on the calendar for a status conference.

All proposed judgments and orders must comply with Uniform Superior Court Rule 36.4.

Local Rule II(c): Electronic Signatures

The judges may utilize secure programs which allow them to sign orders electronically. Only the judge personally may effectuate the electronic signature. No other person, including judicial staff, is permitted to effectuate the judge's signature.

The Clerk of Court is authorized to accept both original signatures and electronic signatures, as the original, when sent via email from the Judge and/or Judge's staff.

Local Rule II(d): Exhibits

All documentary exhibits shall be filed on PeachCourt or other e-filing system prior to or immediately following any hearing. The exhibits shall be labeled with the identifying information used during the hearing (e.g. P-1 or D-1).

The filing party is responsible for redacting all protected identifiers pursuant to the Uniform Superior Court Rules.

Local Rule II(e): Presiding Judge/ Duty Judge

The Court may institute a schedule for a presiding judge to handle emergency matters, such as petitions for protective orders.

The Court will publish an internal schedule setting a presiding judge for days as determined by the judges (e.g. vacation days, days surrounding holidays, seminar days).

Litigants may contact the judges' offices or the offices of the Clerks of Court to determine which judge is on duty.

**IN THE SUPERIOR COURTS OF THE MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA**

**STANDING ORDER REGARDING USE OF GENERATIVE ARTIFICIAL
INTELLIGENCE AND CERTIFICATION OF CITATIONS IN BRIEFS AND
PROPOSED ORDERS**

This Standing Order governs the use of generative artificial intelligence ("AI") tools in the preparation of all briefs, proposed orders, and other written submissions filed in this Court, and it applies to all attorneys, parties, and *pro se* litigants. Artificial Intelligence (AI) refers to tools that use machine learning to analyze and process large amounts of data. Generative AI is a subset of AI that mimics human intelligence by generating new content based on prompts and patterns learned from massive data sets.

Certification:

Any attorney or party proceeding without an attorney ("*pro se* litigant") who uses generative AI in *any capacity* to prepare, draft, or review a filing shall disclose such use in the document with the following certification:

This document was generated with the assistance of [*identify AI tool(s) used, e.g., Chat GPT, Perplexity/ Claude/ etc.*].

I hereby certify under penalty of perjury that, despite reliance on an AI tool, I have independently reviewed this document to confirm accuracy, legitimacy, and use of good and applicable law.

I hereby certify under penalty of perjury that every citation to law, case, statute, or the record in this document has been verified as accurate and that it exists as cited and for the proposition cited.

The above certification must appear at the end of the document, before the signature block.

Compliance:

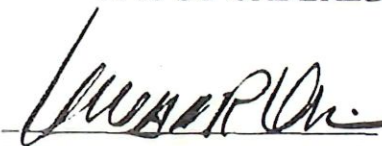
Failure to comply with this Order may result in the Court taking appropriate action, including without limitation striking the filing, imposing sanctions, or disciplinary referral.

Mistake, lack of technical expertise, or time constraints will not be accepted as good faith excuses for noncompliance.

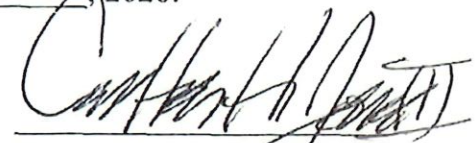
The use of AI does not relieve any attorney or "pro se" litigant of their ethical obligations and/or professional obligations such as Georgia Rules of Professional Conduct 1.1 and 3.1.

This Order is effective immediately and applies to all filings submitted after the date of entry.

IT IS SO ORDERED, this 16TH day of MARCH, 2026.


William R. Oliver, Chief Judge
Superior Courts
Mountain Judicial Circuit


B. Nichole Carswell, Judge
Superior Courts
Mountain Judicial Circuit


Carlton H. Jones, III, Judge
Superior Courts
Mountain Judicial Circuit

Local Rule III(a): Civil Cases

Civil cases shall be assigned to a judge based on the rules and charts in this subsection.

Civil cases are assigned based on the first letter of plaintiff's surname or the first letter of plaintiff entity's name, except for child support enforcement actions, forfeitures, and condemnation cases.

Civil forfeiture and condemnation cases shall be assigned pursuant to the first-listed defendant's surname or the first letter of defendant entity's name.

Child support enforcement actions brought by the Division of Child Support Services are assigned based on the county in which the case is filed. Child support enforcement actions filed in Banks County shall be assigned to Judge Oliver. Child support enforcement actions filed in Habersham County shall be assigned to Judge Jones. Child support enforcement actions filed in Rabun County shall be assigned to Judge Oliver. Stephens County child support enforcement actions shall be assigned to Judge Carswell.

Local Rule III(b): Criminal Cases

Criminal cases shall be assigned to a judge based on the following rules and charts. The rules set forth in this section also apply to bond hearings.

Criminal cases shall be assigned based on the first letter of the Defendant's surname.

If a matter has multiple Defendants, the case shall be assigned based on the surname of the first Defendant listed. The fact that one Defendant enters a plea or is otherwise removed from the case does not change the assignment of the case.

Judges may accept pleas in another judge's assigned case if the assigned judge consents.

If the assigned Judge recuses from a criminal matter with multiple Defendants, the case against all Defendants shall be transferred to the new judge.

Local Rule III(c): Case Assignment Chart

Case Assignment		
Judge Carswell	Judge Jones	Judge Oliver
A	B	C
E	D	J
G	F	L
I	H	M
R	K	N
S	Q	O
W	T	P
Z	X	U
	Y	V

Local Rule III (d): Recusal Case Assignment Chart

When a judge recuses from a matter, the case will be assigned to another judge according to the following:

Judge Carswell		Judge Jones		Judge Oliver	
Judge Jones	Judge Oliver	Judge Carswell	Judge Oliver	Judge Carswell	Judge Jones
A	E	B	D	C	J
G	I	F	H	L	M
R	S	K	Q	N	O
W	Z	T	X	P	U
		Y		V	

Local Rule IV(a): Electronic Filing

All counties in the Mountain Judicial Circuit utilize PeachCourt for electronic filing in civil cases.

The Clerk of Court may accept paper pleadings from self-represented litigants. The Clerk shall ensure those pleadings are uploaded and accessible on PeachCourt.

Adoptions shall not be filed electronically, as adoptions are not public records. Adoptions must be filed by submitting paper pleadings to the Clerk of Court.

The Uniform Superior Court Rules govern what information may and may not be filed electronically and what portions of pleadings must be redacted. Redactions are the responsibility of the filing party.

Local Rule IV(b): Scheduling Hearings for Less Than Two Hours/ Civil Motions Calendars

If the anticipated time required for a hearing is less than two hours, the party may schedule the matter for a Civil Motions Day. Civil Motions Days are scheduled once per month in each county for each judge.

Any party may set a pending civil motion that is expected to take less than two hours for hearing on a civil motions calendar in the county in which the matter is pending by contacting and requesting the Clerk of Court place the matter on the calendar.

The scheduling party shall file a Notice of Hearing identifying the date, time, and the nature of the hearing (e.g. contempt, temporary custody, oral argument on motion for summary judgment).

The Rule Nisi or Notice of Hearing shall, immediately upon scheduling, be served on the opposing party, and a certificate of service shall be filed evidencing service.

The scheduling of a matter on the civil motions calendar shall constitute a good-faith certification by the scheduling party or counsel that the hearing of the entire matter, including the opposing party's case, will not exceed two hours.

The Clerk of Court shall maintain a Civil Motions Day Calendar.

Upon the call of the calendar, the parties shall announce whether the matter is contested or uncontested and the amount of time required for hearing the matter. If the parties fail to conclude the matter within the estimated time, the matter shall be recessed until the Court completes the remainder of the matters calendared for that day.

Local Rule IV(c): Scheduling Hearings Expected to Exceed Two Hours

If more than two hours is required for a hearing, the matter must be scheduled through the assigned Judge's Chamber. All case information, including the parties' names, the county, the case number, the matter to be heard, and the amount of time needed shall be provided to the Judicial Assistant.

After the hearing is scheduled, a Rule Nisi must be submitted to the Judge's Chamber within five (5) days. The scheduled time is waived if the Court does not receive the Rule Nisi within five (5) business days.

If a matter that is set for a hearing settles prior to the scheduled hearing, it is the parties' responsibility to notify the assigned Judge's Chamber.

Local Rule IV (d): Emergency/Expedited Matters

All requests for emergency relief or an expedited hearing will be decided on written, filed pleadings. When required by law, such pleadings must be verified or accompanied by an affidavit. A Courtesy copy of the pleadings, along with a proposed order including a Rule Nisi, shall be sent to the assigned judge upon filing.

Local Rule IV(e): Domestic Cases

The Court's Standing Order in Domestic Relations Cases applies to all domestic relations cases including but not limited to divorces, child custody cases, contempt, modifications, child support, paternity, legitimation. A copy of the Domestic Relations Standing Order must be served by the filing party on all opposing parties.

All parties in divorce cases must attend and file with the Clerk of Court proof of attendance at the Seminar for Divorcing Parents. There may be contempt penalties imposed on any party who fails to attend the Seminar.

Mediation is required prior to the scheduling of a final hearing in all contested domestic cases.

IN THE SUPERIOR COURTS
MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA

STANDING ORDER IN DOMESTIC RELATIONS CASES

This order shall apply to all domestic relations actions. The filing party shall attach this Standing Order to the original pleading and service copies. The Clerk of Superior Court shall provide litigants with copies of this Order for this purpose.

When an action for divorce or separate maintenance is pending, neither party shall sell, mortgage, create a lien upon, increase the amount of debt secured by, trade, damage, destroy, contract to sell, or otherwise dispose of or remove from the jurisdiction of this court any property or assets in which either party has an interest. Parties are not prohibited from transactions in the ordinary course of business for fair value (for example, payment of routine household expenses or reasonable attorney's fees). Neither party shall disconnect any utility providing service to the home of the other party. Neither party shall make any change to any insurance presently in effect which protects the parties, or children or property of the parties.

Except in an emergency affecting the health or welfare of the child(ren) neither party shall permit the minor child(ren) of the parties to be removed from this State for more than eight days. Neither party shall remove the child(ren) from the school in which the child(ren) is enrolled at the time of filing. The foregoing shall not apply where an order providing for custody/visitation is in effect prior to the filing of the action.

The Parties are prohibited from doing, or attempting to do, or threatening to do, any act which injures, vilifies, molests, or harasses the adverse party.

Prior to a final hearing or trial, the parties in all contested cases (except for Child Support Enforcement and Contempt) shall participate in mediation or a Judicially Hosted Settlement Conference. Mediation is NOT required in cases in which domestic violence is alleged unless the case is specifically assigned by the court to a qualified mediator.

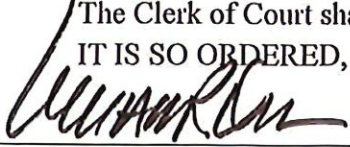
In all cases involving minor children, all parties shall successfully complete the program entitled "Seminar for Divorcing Parents" prior to the final hearing. A party residing outside the circuit may substitute any seminar approved by the Ninth Judicial Administrative District Office of Dispute Resolution. A certificate of attendance is valid for three years. A schedule of seminar dates and the amount of fees may be obtained from the Ninth Judicial Administrative District's website (www.adr9.com). The following types of cases are exempt from the foregoing requirement: domestic violence, U.R.E.S.A., uncontested visitation modifications, uncontested child support modifications.

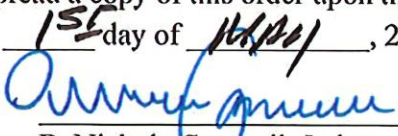
Pursuant to Pace v. Pace, 287 Ga. 889 (2010), parties are hereby on notice that any evidence presented at an interlocutory or temporary hearing in a domestic relations case may be considered by the court at subsequent hearings in the same case, including at the final hearing.

The Judges of the Mountain Judicial Circuit recommend that all parties seek the advice of a lawyer who is familiar with domestic relations law. All parties shall review and comply with the applicable Uniform Superior Court Rules and the Mountain Judicial Circuit Local Rules.

The Clerk of Court shall spread a copy of this order upon the minutes.

IT IS SO ORDERED, this 15th day of March, 2025.


William R. Oliver, Chief Judge
Superior Courts
Mountain Judicial Circuit


B. Nichole Carswell, Judge
Superior Courts
Mountain Judicial Circuit


Carlton H. Jones, III, Judge
Superior Courts
Mountain Judicial Circuit

Local Rule IV(g): Uncontested Domestic Cases

All domestic cases involving children shall attach a child support worksheet with all applicable schedules, child support addendum, and parenting plan to any proposed order submitted to the Court as is required by Georgia law.

If the terms of the agreement are in compliance with the statutory guidelines and are without significant deviations of any kind, the parties may request a final judgment and decree without a hearing by filing a motion for judgment on the pleadings and an affidavit with the statutorily required evidence. In order for the Court to consider the motion, a courtesy copy of the motion, affidavit, settlement agreement, all other supporting documentation, and a proposed final judgment and decree shall be sent to the assigned Judge's Chamber. If all requirements are satisfied, the Court will set the matter for hearing.

If the terms regarding child support or parenting time require significant deviation from the statutory guidelines or ask the Court to adopt an agreement that is not customary, the parties should schedule an uncontested hearing with the Clerk on a Civil Motions Day as set forth in Local Rule IV(b).

Local Rule IV(h): Standard Visitation Schedule

Where an order of a Court in the Mountain Judicial Circuit references a "Standard Visitation Schedule", the Court means the non-custodial parent shall have the following visitation:

- Every other weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday;
- On the child's birthday, at least two daytime hours of visitation with the child;
- On the parent's birthday, at least two daytime hours of visitation with the child(ren);
- On Thanksgiving Day:
 - o In odd-numbered years from 8 a.m. until 1 p.m.
 - o In even-numbered years from 1 p.m. until 6 p.m.;
- During Christmas vacation, a period of five days:
 - o In odd-number years, 8 p.m. on December 20th until 8 p.m. on December 24th
 - o In even-numbered years, 8 p.m. on December 24th until 8 p.m. on December 29th.
- In even-numbered years on July 4th from 8 a.m. until 6 p.m.
- In odd-numbered years on Labor Day from 8 a.m. until 6 p.m.
- Two weeks during the summer vacation.

The non-custodial parent shall pick up the minor child at the residence of the custodial parent at the beginning of the visitation period. The non-custodial parent shall return the child to the residence of the custodial parent at the conclusion of the visitation period.

Local Rule IV(i): Protective Orders

For purposes of this Rule, Protective Orders include orders issued on family violence petitions pursuant to Chapter 13 of Title 19, stalking petitions pursuant to Chapter 5 of Title 16, and dating violence petitions pursuant to Chapter 13A of Title 19.

A courtesy copy of all petitions for a protective order shall be emailed by the Advocate, Clerk, or Attorney to the assigned Judge's Chamber at the time of filing along with the proposed ex parte order.

Petitions for Protective Orders will be considered based solely upon the verified Petition and Exhibits. The Court will not receive testimony. The Petitioner shall set forth sufficient and particularized facts supporting the requested relief, including the dates, acts, and circumstances of the allegations which must be detailed and specific.

Petitions must be typed or written legibly. The Court cannot consider pleadings it is unable to read.

If the Court grants ex parte relief, the signed Temporary Protective Order (TPO) shall be returned to the original filing party. It shall be the responsibility of the filer to e-file the signed TPO through PeachCourt. Upon acceptance by the Clerk of Court, the filer will receive an automated, file-stamped copy generated by the PeachCourt system. The filer is further responsible for ensuring timely service of the filed TPO upon all parties in accordance with applicable law and court rules. Proof of service shall be filed with the Clerk as required.

Requests to dismiss twelve-month protective orders will not be granted without a hearing. A hearing will be set upon the Court's receipt of a filed motion to dismiss setting forth the reasons the Petitioner wishes the order dismissed. The party requesting the dismissal shall submit a copy of the motion and a Rule Nisi setting the Motion for a hearing to the assigned Judge's Chamber.

Local Rule IV(j): Family Violence Intervention Program

The Family Violence Intervention Program (FVIP) is a 24-week program that is designed to rehabilitate family violence offenders by holding them accountable and prioritizing victim safety.

Information regarding certified FVIP providers may be found at <https://gcfv.georgia.gov/family-violence-intervention-programs/enroll-family-violence-intervention-program>. Information regarding the Circuit's Compliance Coordinator may be found on the Circuit's website.

FVIP may be ordered in any protective order.

Compliance Hearings are to be scheduled to ensure a party has enrolled in, is attending, or has completed the FVIP as ordered. At the Compliance Hearing, the FVIP Compliance Coordinator reports to the Court the status of all matters on the FVIP compliance calendar.

The FVIP Compliance Coordinator may excuse the attendance of parties who are in compliance with the Court's order.

Local Rule IV(k): Child Support Enforcement

Child Support Enforcement calendars are prepared and distributed by the prosecuting officer.

Local Rule IV(l): Civil Pre-Trial

Civil Pre-Trials are held twice a year, once in the January Term of Court and once in the July Term of Court.

Any case that has been pending for six months or longer and all condemnation cases (no matter the time they have been pending) will appear on the civil pre-trial calendar.

When the civil pre-trial calendar is published, the Court will request a Pre-Trial Information Form from every party in each case on the civil pre-trial calendar. If the Court receives the requested Pre-Trial Information Form, attendance at calendar call is not required.

The Parties shall use the pre-trial order form from the Uniform Superior Court Rules.

If a Pre-Trial Conference is requested, the requesting party shall coordinate with the opposing party and schedule the conference with the Judge's Chamber. Lead counsel for the parties are required to attend pre-trial conferences.

After Calendar Call, a Non-Jury and Jury Calendar will be published. All parties on each calendar will be notified by mail at the record address filed with the Clerk of Court.

All parties on a jury calendar shall submit a Consolidated Pre-Trial Order. The consolidated pre-trial order form can be found in the Uniform Superior Court Rules.

Pre-trial orders are not required in non-jury cases unless the Court orders otherwise.

If a continuance from a non-jury or jury calendar is requested, a Motion for Continuance shall be filed, and the Motion and a proposed order shall be submitted to the Judge's Chamber for consideration.

If a case is on a non-jury trial calendar and is expected to take longer than two hours, the parties shall contact the assigned Judge's Chamber to specially set the matter.

If the Court does not receive a pre-trial information form and any party requesting relief fails to appear at Calendar Call, the case or a portion of the case may be dismissed for want of prosecution.

Local Rule IV(m): Adoptions

Original pleadings shall be filed with the Clerk of Court.

A Courtesy copy of all pleadings shall be sent to the assigned Judge's Chamber. Attorneys or the self-represented litigant should contact the assigned Judge's Chamber if there is a question as to the preferred format of the courtesy copy. The filer shall submit a Rule Nisi when the matter is ready for a hearing.

Upon receipt and review of the courtesy copy of the adoption, the Judge's office will notify the filer if there are issues that must be addressed before the adoption can be finalized. If the matter is ready for a hearing, the assigned judge will complete the Rule Nisi and return it to the filer.

To schedule a hearing in an adoption, the Petitioner shall submit a Rule Nisi to the assigned Judge's Chamber. When submitting the Rule Nisi, the Petitioner must state whether the adoption is contested or uncontested. If the Petitioner anticipates the matter may be contested, the Petitioner shall send an estimate of how much time the hearing may last to assist the Judge's Chamber in scheduling.

Background check results are received by the Clerk of Court. Upon receipt, the background check results will be filed by the Clerk's Office. The Clerk's Office shall forward a copy of the background check to the assigned Judge's Chamber. If the Petitioner has a question regarding the receipt of background check results, the Petitioner should contact the Clerk's Office.

Proposed orders appointing investigators or seeking a waiver of investigation must be sent to the assigned Judge's Chamber for signature.

Proposed final orders on all adoption cases shall be sent to the assigned Judge's Chamber in the preferred format at least one business day before the scheduled hearing.

Rule IV(n): Mediation in Civil Cases and Alternative Dispute Resolution Programs

Alternative Dispute Resolution (i.e. mediation or a judicially hosted settlement conference) is required prior to the scheduling of trial (whether it be a bench trial or jury trial) in all contested civil matters, with the exception of habeas, contested adoptions, civil forfeiture, contempt, and/or child support enforcement cases. All other civil cases shall be required to attend alternative dispute resolution prior to trial.

Alternative Dispute Resolution is required in all contested domestic matters except those cases involving allegations of abuse or other forms of domestic violence. In cases involving abuse, an express waiver must be obtained from the assigned Judge.

A final hearing will not be scheduled in a domestic or civil matter without proof of compliance with this Rule.

Local Rule IV(o): Prison Habeas Cases

The Clerk of Court shall send the assigned Judge's Chamber copies of pleadings by self-represented petitioners in habeas cases.

Following a final hearing in a habeas case, the parties shall have thirty days from the date of receipt of the transcript of the hearing to submit briefs or proposed orders to the Court.

**IN THE SUPERIOR COURTS
MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA**

**STANDING ORDER ESTABLISHING PROCEDURE FOR APPOINTMENT OF
SPECIAL PROCESS SERVERS AND RESCINDING PRIOR PERMANENT
APPOINTMENTS**

Effective upon issuance of this order, all prior appointments of permanent process servers within the Mountain Judicial Circuit are hereby declared null and void. The Mountain Judicial Circuit will no longer maintain, renew, or accept applications for the appointment of permanent process servers.

Henceforth, the Courts of the Mountain Judicial Circuit shall consider the appointment of private process servers solely on a case-by-case basis, in accordance with O.C.G.A. § 9-11-4(c).

Any party seeking to utilize a private process server must submit an application to the presiding Judge assigned to the matter, accompanied by a verified affidavit establishing the individual's qualifications, experience, and suitability to serve process in the specific case.

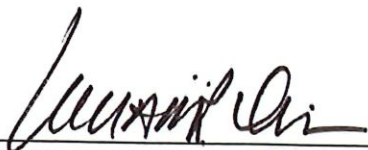
Failure to comply with the requirements of this Standing Order will result in the denial of appointment for the requested private process server.

It is, therefore, **ORDERED**:

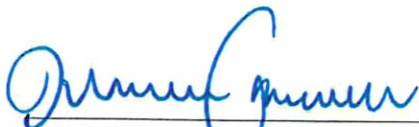
The Local Rule set forth in this Standing Order supersede all previous Local Rules established by any previous standing order.

The Clerk shall spread this order upon the minutes.

SO ORDERED this 3rd day of December, 2025.



William R. Oliver, Chief Judge
Superior Courts
Mountain Judicial Circuit



B. Nichole Carswell, Judge
Superior Courts
Mountain Judicial Circuit



Carlton H. Jones, III, Judge
Superior Courts
Mountain Judicial Circuit

Local Rule V(a): Electronic Filing

The Banks County Clerk of Court does not currently permit electronic filing in criminal cases.

The Habersham County Clerk of Court utilizes EZ-filing.net for electronic filing in criminal cases and also accepts paper pleadings.

The Rabun County Clerk of Court utilizes PeachCourt for electronic filing.

The Stephens County Clerk of Court utilizes PeachCourt for electronic filing.

All Clerks of Court may accept paper pleadings from self-represented parties.

Local Rule V(b): Arraignment

Arraignment may be waived in writing by counsel for defendant.

A waiver of arraignment is an entry of appearance.

An entry of appearance, other than as authorized by Uniform Superior Court Rule 4.13, will be considered as an entry of appearance that requires a motion and order to withdraw as provided for in Uniform Superior Court Rule 4.3.

There is no exception to this Rule for appointed counsel.

If a waiver is filed, the attendance of both counsel and defendant are excused.

If arraignment is waived, any pretrial motions shall be filed within ten days of the date that was set for arraignment.

Local Rule V(c): Motions

There is a Criminal Motions Day scheduled during each trial term to hear any pending motions filed in a criminal case. If the anticipated time required for a hearing on a pending criminal motion is more than two hours, the moving party shall contact the assigned judge's office to specially schedule the matter. The purpose of this Rule is to ensure all matters pending in a case shall be heard promptly so that the case may proceed to trial without delay.

For any criminal case in which a motion is filed, it shall be the responsibility and obligation of the moving party to cause a Rule Nisi to issue by the presiding Judge, for the hearing of any such pending motion(s) on the specified Criminal Motions Day for that trial term (except for those matters where the anticipated time for the hearing exceeds two hours as set forth above). The Rule Nisi shall be issued and filed with the Clerk of Court's office, along with a Certificate of Service showing service upon the non-moving party. Once the signed Rule Nisi is filed, the clerk's office shall add the case to the Criminal Motions Day calendar. If a Rule Nisi is not issued, the Motion(s) will not be scheduled or heard on the subject Criminal Motion Calendar Day. For any criminal case appearing on the criminal trial calendar, if there is a pending motion that was not scheduled and brought for hearing on the specified Criminal Motions Day for that term (as required heretofore), or specially scheduled on another date prior to trial, any such pending motion shall be considered abandoned, absent good cause shown. The fact that a Motion was not scheduled and/or heard on the Criminal Motions Day shall not be sufficient cause to delay trial of the case.

The Clerk of Court is responsible for the preparation and publishing of the Criminal Motions Day Calendar. On Criminal Motions Days, for any case that has been properly noticed as required heretofore, the assigned Assistant District Attorney, Counsel for the Defendant, and the Defendant shall appear in person; however, incarcerated Defendants may appear virtually. A moving party's failure to attend a properly noticed Motion hearing on the Criminal Motions Day without notice of conflict or permission of the Court shall constitute a waiver of motions.

It shall be the responsibility of Counsel for Defendant to complete and serve the production orders for any incarcerated defendant.

Preliminary motions shall be particularized sufficiently in advance of any scheduled hearing to allow the State time to secure the attendance of any necessary witnesses. Pursuant to Local Rule II(a), the moving party shall send a courtesy copy of the motion to the Court in advance of the motions' hearing.

Local Rule V(d): Status Reports

The Court may notice a status report conference on any criminal matter, indicted or unindicted, if the Court is concerned about the status of the case. Matters will be placed on the Criminal Motions Days. When a matter is noticed for a status report, the assigned Assistant District Attorney and Defense Counsel shall appear and provide the Court with information regarding the case status.

Local Rule V(e): Calendars

The Clerk of Court shall create and distribute criminal calendars, including the arraignment, motions, and pre-trial calendar call calendars, to all parties and to the Court.

The District Attorney's Office shall publish, distribute, and serve the probation calendar.

The Court shall publish, distribute, and serve the trial calendar.

In any case where an incarcerated defendant's attendance is necessary (e.g. plea), the party desiring that the defendant be transported to court is responsible for ensuring the attendance of the defendant (e.g. transport orders).

The Court will not sua sponte issue transport orders.

The assigned Assistant District Attorney and Defense Counsel shall appear in person at the call of the case. The defendant may appear virtually if the defendant is incarcerated, not entering a plea, and the defendant's case does not have pending motions.

Virtual court links will be sent to the jail and the Department of Corrections by the Judge's Chamber.

Local Rule V(f): Bonds

Upon receipt of a first appearance notice from magistrate court or upon receipt of a courtesy copy of a bond motion, the Judge's Chamber will set a bond hearing.

Notice of the bond hearing will be provided to the jail, the District Attorney, and Defense Counsel.

Local Rule V(g): Continuances

Continuances from a Calendar Call may be granted only by the Court.

All parties and counsel must appear for a calendar call unless the party files a written motion for continuance and receives a signed order from the Court prior to Calendar Call.

The moving party shall provide the Court with a written proposed continuance order with any request for continuance, whether the request is made by written motion before calendar call or orally at calendar call. If the request is made orally at calendar call, the moving party must provide the proposed order to the Court on the day of the calendar call. The proposed order shall state whether the request is by consent, without objection, or over objection.

A continuance is not effective unless and until the Court approves and signs the proposed order.

Local Rule V(h): Jurors

Prior to the date of trial, the Clerks of Court are authorized to grant excusals for the reasons permitted by law. O.C.G.A. § 15-12-1.1.

In all capital death penalty cases, exemption from jury duty shall be considered only by the Court and a written order shall be entered as to the disposition of all requests for excusal in capital cases.

All jurors who fail to appear for jury duty will be served with a notice to appear before the Court to explain the juror's failure to appear. Pursuant to O.C.G.A. § 15-12-10, jurors who fail to appear for jury duty may be punished for contempt of Court.