

JUDICIAL COUNCIL OF GEORGIA

General Session Supplemental Materials

Friday, April 23, 2021
10:00 a.m. – 12:00 p.m.



By Remote Conferencing

Suggested Guidance for Judges and Attorneys for Resolving Discovery Disputes

Consistent with the obligations set forth by USCR 6.4(B), the parties shall meet and confer in person, virtually, or by telephone in a good faith effort to resolve any discovery disputes. The parties shall abide by this requirement. In the event this requirement is not met the parties may submit a discovery dispute as defined below. The moving party shall certify that multiple requests were made over a reasonable period of time in a variety of formats without a substantive response such that the failure to respond would not appear to be due to outside issues.

Judges shall encourage and may require parties to submit any discovery dispute to the Court using the process outlined in this guidance before filing any discovery motion. The Court may also provide that if a party does not comply with an applicable standing order or scheduling order, then upon motion, sanctions may be awarded by the Court.

Judges shall encourage and may require that all motions to compel discovery, for a protective order, or for sanctions to be submitted in the form of a Notice of Discovery Dispute (which shall be limited to 2 pages) prior to the filing of the motion. The Notice of Discovery Dispute shall conform substantially with the requirements of Uniform Superior Court Rule 6.4(A) and (B) and the additional guidelines suggested below. Either party may petition the Court by submitting a Notice of Discovery Dispute after fully complying with the requirements of Uniform Superior Court Rule 6.4.

In the event the parties are unable to resolve the dispute after conducting the Rule 6.4(B) conference, either party may submit a Notice of Discovery Dispute to the Court which shall include the following:

- (a) a brief description of the nature of the discovery dispute, *i.e.*, dispute regarding document production of business records, dispute over trade secrets, matters that are irrelevant, protective order to limit the scope of examination of a non-party witness or expert, scope of notice to produce to expert, timing and order of deposition;
- (b) the efforts the parties have made to confer and resolve the issue and any partial agreements reached; and
- (c) the specific relief requested, and any special authority relied upon.

The opposing party must respond to the Notice of Discovery Dispute within 96 hours, or such other time provided by the Court, using the same format as the Notice of Discovery Dispute.

Upon the filing of a party's Notice of Discovery Dispute and any response, the Court, may fashion such relief as appropriate. If the Court has not responded to the Notice of Discovery Dispute within ten (10) days, either party may file a discovery motion.



Supreme Court State of Georgia

NATHAN DEAL JUDICIAL CENTER

Atlanta 30334

Judicial Council Meeting April 23, 2021

The Supreme Court of Georgia and the State Bar Executive Committee held their annual joint meeting last week. I want to thank the Bar and President Dawn Jones for hosting another productive meeting.

The Court, through liaison Justices Nels Peterson and Carla Wong McMillian, has been reviewing amendments to the uniform rules. We appreciate your complying with the internal process we set up in 2019 asking that each class of court consult with Darron Enns at the Administrative Office of the Courts (AOC) on the preparation of all proposed rules or deviations from uniform rules, emergency rules, or experimental rules prior to submission to the Clerk of the Supreme Court.

This will be the last regular meeting of the Judicial Council before the Court of Appeals goes through a change in leadership. I want to express my appreciation to Chief Judge Christopher McFadden for his leadership and for all the help and support he has given to the judiciary and to me during these last few years. The Supreme Court looks forward to working with Judge Brian Rickman, who will be sworn in as Chief Judge on June 24, on the many issues that affect both appellate courts.

I am very proud to report about the next initiative of the Chief Justice's Commission on Professionalism related to raising awareness about suicide by members in the legal community. The remote program scheduled on April 30, 2021, from 2:00 - 5:00 p.m. will facilitate a statewide conversation about the startling trend of suicide in the legal community. Its main objective is to make the case that death by suicide is preventable and it is OK for lawyers, judges, and other members of the legal community to ask for help. It will also encourage professionals battling depression to seek assistance through various resources presented during the discussion.

I want to especially express my appreciation to Governor Kemp and the General Assembly for working with the Judicial Branch to provide sufficient funding this past year – and sparing us significant reductions – as we navigated the difficult steps in addressing the pandemic while still fulfilling our obligation to reduce expenditures.

I also want to thank the Governor and the General Assembly for their support this year of four legislative proposals pursued by the Judicial Council to aid in our response to the pandemic. All four were approved.

As I explained in my State of the Judiciary speech in March, once the governor lifts the Statewide Public Health Emergency, by law, our Statewide Judicial Emergency must also soon come to an end. Throughout the pandemic, we have suspended the statutory speedy trial deadlines as part of our Statewide Judicial Emergency. A critical piece of legislation that passed this year was Senate Bill 163, which allows for the continued tolling of statutory speedy trial requirements where necessary. As you know, we have now begun resuming jury trials which were suspended for a year, and we face the challenge of clearing a substantial backlog of criminal cases. Senate Bill 163 will allow courts that cannot practicably comply with statutory speedy trial requirements to continue to toll those deadlines until the demand can be met.

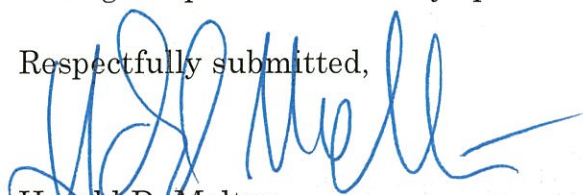
House Bill 635 includes three proposals developed by the COVID-19 Task Force, including authorization for the use of alternative locations for superior and state courts when a contractual relationship exists between the facility and the governing authority; allowance of bench trials by approval of the court; and expanded statutory authority for district attorneys to use accusations as formal charging instruments.

As I said, all four of these items reached final passage, and I want to thank everyone who worked with us on these necessary tools that will assist the judicial branch address the effects of the pandemic.

Since 2018, when I became Chief Justice, I have had the pleasure of working with the Judicial Council on the major developments in the court system. Nothing, however, has surpassed working with you throughout this last year as we tried to navigate this pandemic. I told the legislature in my State of the Judiciary address that it has been my honor, and one of the highlights of my professional career, to work with such a cohesive group of justices, judges, court administrators, lawyers, and others who have worked so hard this past year to keep our courts open and the work of the judiciary on track, all while going the extra mile to ensure everyone's safety.

When I say goodbye at the end of June, it will have been 16 years since I first began serving on the Supreme Court of Georgia. Last month, the Court elected Presiding Justice Nahmias to be my successor, and there is no one better to take the helm of this Council. The Court also elected Justice Michael Boggs to be the next Presiding Justice, and he too will serve the Council well. I want to express deep appreciation to the members of this Council for the privilege of serving with you and most especially for the steadfast support I received as we dealt with the many issues that came up during the pandemic – in my opinion and in my heart, you are second to none.

Respectfully submitted,



Harold D. Melton
Chief Justice, Supreme Court of Georgia