

IN THE SUPERIOR COURT OF CHATHAM COUNTY, GEORGIA
EASTERN JUDICIAL CIRCUIT

~~FILED IN OFFICE
2018 SEP 13 P 1:
CLERK, SUPERIOR CT
CHATHAM COUNTY, GA~~

In Re: Standing Order # _____
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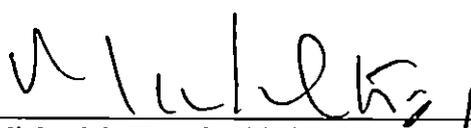
ORDER

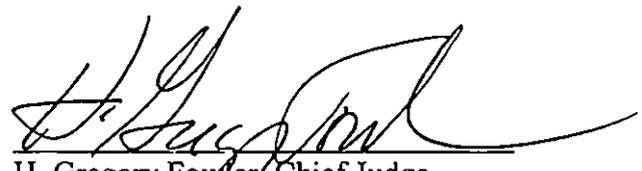
The Superior Court of Chatham County, Eastern Judicial Circuit of Georgia, with the concurrence of the State Court of Chatham County and the Probate Court of Chatham County, by and through the chief judges of the respective courts, do hereby establish the following Standing Order relating to the summoning, selection and management of grand and petit juries in this judicial circuit. The rules and procedures for summoning, selection and management of said juries are contained in the Standard Operating Procedure attached hereto and incorporated herein. Such rules and procedures may be amended from time to time with the approval of the chief judges of the respective courts. This rule and the attached operating procedure are designed to comply with OCGA § 15-12-40 et. seq., U.S.C.R. 1, U.St.C.R. 1 and U.R.P.C. 10.11.

This Order and the attached Standard Operating Procedure supersede the Order Adopting Circuit Jury Rules filed on November 6, 2014.

A copy of this Order and the attached Standard Operating Procedure shall be kept on file in the Clerk's office of each of the courts and in the office of the Court Administrator of each court.

SO ORDERED this 13th day of September, 2018.


Michael L. Karpf, Chief Judge, Superior Court
Eastern Judicial Circuit of Georgia


H. Gregory Fowler, Chief Judge,
State Court of Chatham County


Thomas C. Bordeaux, Jr., Judge,
Probate Court of Chatham County

FILED IN OFFICE:
2018 SEP 13 P 1:39
Dianne M. Mabry
CLERK, SUPERIOR CT.
CHATHAM COUNTY, GA

STANDARD OPERATING PROCEDURE

FOR THE MANAGEMENT OF THE GRAND AND TRIAL JURIES FOR THE SUPERIOR, STATE, AND PROBATE COURTS OF CHATHAM COUNTY, GEORGIA, EASTERN JUDICIAL CIRCUIT

- I. AUTHORITY: Pursuant to the authority of Title 15 of the Official Code of Georgia Annotated and the Rules of the Supreme Court of Georgia, this Standard Operating Procedure ("SOP") is established to provide for the efficient and orderly management of the jury operations in the Superior, State, and Probate Courts of Chatham County, Georgia ("the County"). Attached hereto is the June 6, 2018 Supreme Court Jury Composition Rule and Appendix ("the Rule").

- II. REVIEW PROCESS: When changes to the SOP may be required, a committee comprised of the Superior Court Administrator, Clerk of Superior Court, Jury Manager, and any other person deemed necessary shall prepare a plan that includes recommendations with respect to the necessity and desirability of modification to this SOP. These recommendations will be submitted to the Chief Judges of the circuit for approval.

- III. EXEMPTION, EXCUSAL, DEFERRAL, AND INACTIVATION OF JURORS
 - A. DELEGATION OF AUTHORITY: Pursuant to O.C.G.A §§ 15-12-1.1 and 15-12-12, authority to defer and excuse jurors according to the guidelines as set forth in this SOP is hereby granted to the Superior Court Administrator's Deputy Court Administrator/Jury Manager (referred to as Jury Manager hereafter) and to such members of the Jury Service Division staff as may be designated by the Jury Manager from time to time. The Chief Judge and/or the judge of the court to which the juror has been summoned shall also have the authority to defer, excuse, and inactivate jurors as otherwise allowed by O.C.G.A § 15-12-1.1.

 - B. GUIDELINES FOR EXEMPTIONS, EXCUSALS, DEFERRALS, AND INACTIVATION
 1. GENERAL POLICY: Except for permanently mentally or physically disabled persons, all excusals shall be deferred unless as otherwise provided in this SOP. Any subsequent excusals shall be made based upon good cause shown at the time of the subsequent request for excusal or deferral.

 2. EXEMPTIONS: Exemptions from jury service shall be in accordance with O.C.G.A § 15-12-1.1 and the Rule.

 3. EXCUSALS: Excusals from jury service shall be in accordance with O.C.G.A § 15-12-1.1 and the Rule.

 4. DEFERRALS: Requests for deferral of trial jury service to a future date may be granted at the discretion of the Jury Manager (or designee) to a week within the current term of court for which the juror was summoned or the next succeeding term of court. Longer postponements and second deferral requests will only be granted if written verification and supporting documentation of the extenuating circumstances are provided to and approved

by the Jury Manager (or designee). Those summoned during the last two terms of court before the next master jury list is utilized and who request a postponement according to the above specifications will be deferred until they are randomly selected from a new jury master list when reasons prevent their ability to serve during the remaining trial weeks utilizing the present jury master list.

5. DEATH PENALTY CASES: Excusals and deferrals for those summoned as part of a death penalty panel will be granted only with the approval of the judge presiding over that case. Jurors who are deferred from another week to a week during which a death penalty trial is taking place will not be included on the death penalty trial panel unless the presiding judge decides otherwise.
6. INACTIVATION: The Jury Manager may inactivate a juror in accordance with O.C.G.A. §§ 15-12-1.1(a)(1) and 15-12-40 and the Rule.
7. AFFIDAVIT EQUIVALENT: The completed and signed Juror Exemption/Deferral Form provided with the summons will be considered equal to an affidavit when signed by the individual; a notary is not required. The appropriate completed affidavit or sworn statement must be submitted by mail, email attachment, fax, or in person.

IV. RECURRING AND REPETITIVE SERVICE

- A. No person shall serve on the trial jury of any court for more than four weeks in any one year unless he or she is actually engaged in the trial of a case when the four weeks expire, in which case he or she shall be discharged as soon as the case is decided. For the purposes of this paragraph, a year shall be the period of September 1 through August 31 of the next year.
- B. Any person who has served as a trial or grand juror at any session of the superior or state courts shall be ineligible for duty as a juror until the next succeeding county master jury list has been received by the clerk. For the purposes of this paragraph, a person will be deemed to have served on a trial jury if that person was selected to serve on a trial jury and was sworn, regardless of whether the trial proceeded to a verdict. A person will be deemed to have served on a grand jury if that person was selected to serve on a grand jury and was sworn.

V. OATHS FOR TRIAL AND GRAND JURIES

A. TRIAL JURY OATHS

1. VOIR DIRE: Prior to commencing voir dire, each panel shall take the oath provided in O.C.G.A. § 15-12-132.
2. CIVIL AND DOMESTIC JURIES: In all civil and domestic cases, the trial jury shall take the oath provided in O.C.G.A. § 15-12-138.

3. CRIMINAL JURIES: In all criminal cases, the trial jury shall take the oath provided in O.C.G.A. § 15-12-139.
4. GRAND JURY OATH: Prior to examining prospective grand jurors as to their qualifications to serve as provided in O.C.G.A. §§ 15-12-4 and 15-12-60, the presiding judge, the district attorney, or the clerk shall administer the oath provided in O.C.G.A. § 15-12-66.

VI. CHATHAM COUNTY MASTER JURY LIST

- A. CERTIFICATION: The County's new master list of jurors will be sent to the County no later than July 1 every year as specified in the Supreme Court Jury Composition Rule. The written certification of the yearly County master jury list will be provided to the County after payment of the subscription invoice presented to the County in conjunction with the delivery of the County master jury list as provided by O.C.G.A § 15-12-40.1. If the certification indicates that the inclusiveness measure is less than 85%, the Chief Judge of the Chatham County Superior Court will determine how to proceed.
- B. PERMANENT STORAGE: Each year's County master jury list will be preserved and stored permanently in the computerized jury management system upon certification, along with the past year's jury file records, pursuant to O.C.G.A. § 15-6-61 and the Rule. Regular maintenance and backup of the system to safeguard the master jury list from loss or destruction will be completed by the Information and Communications Services (ICS) personnel or any future vendor contracted to maintain the jury management system.
- C. EXCEPTION LIST: The list of all jurors who have been exempted from jury service in Chatham County according to the specifications of the Rule will be kept and stored by the County's jury management system as the County's "exception" list. This "exception" list will be transferred yearly to the Council according to the specifications sent to the Jury Manager by the Council, prior to the next master list being formed by the Council.
 - a. NOTE: On July 30, 2018, it came to the Court's attention that the County's "exception" list contained a gender coding error, wherein 8,179 records of women who requested and were granted exemptions were coded as "unknown" rather than "female," resulting in a mismatch with the Council's master jury list. This in turn resulted in the inclusion in the County master jury list of the records of 8,179 women who should have been exempted. As the Council only amends the master jury list once a year, these names cannot be immediately flagged as exempted in the master list. Therefore, the Court orders that the records of the 8,179 women who had been granted exemptions be flagged as such in the 2018 master jury list, so as to preclude those women from being unnecessarily summoned for jury service.
- D. DISQUALIFIED JURORS: Jurors disqualified in accordance with O.C.G.A. § 15-12-1.1 will be excused or inactivated and not drawn again following the specifications found in the Rule. Persons in the current master jury list found to be deceased or no longer residing in the County

are individually excused and not allowed to be selected. The names of those individuals found to be deceased will be included in the exception list sent to the Council.

E. DUPLICATE RECORDS: When a duplicate record is found and individually verified in the current master jury list, one of such records will be flagged as a duplicate and excused or inactivated, while the other record is designated as the surviving record and remains active. This type of inactivation shall not be carried over to any subsequent master jury lists or exception lists.

F. TRANSITIONAL ISSUES

1. The verification and implementation process of the yearly County master jury list should be completed at least a month prior to the first week that jurors from that master list will be required to report, allowing time to select and notify those summoned. A new master jury list shall be used to summon jurors as specified in the Rule. During that verification and implementation process, the current County master jury list will continue to be used. Once the first selection from the new master list has been completed, all subsequent potential jurors summoned will be drawn from the newly certified master jury list.
2. During the interim period between when the exception list is sent to the Council (April or May) and when the next master jury list is in use (September), the individuals who are permanently excused or inactivated according to the specifications of the Rule may still be included in the next master jury list. These interim exemptions are carried over to the following year's master jury list to inactivate those individuals' records again. Any inactivated records found to remain in the next year's master jury list will be included in the subsequent exception list sent to the Council.

Last updated August 8, 2018