

**IN THE STATE COURT OF CHEROKEE COUNTY  
STATE OF GEORGIA**

**STANDING ORDER FOR CASE ASSIGNMENT  
CIVIL AND CRIMINAL  
CALENDARING AND SCHEDULING OF CASES**

This order is necessary to comply with U.S.C.R. Rule 3, (3.1 through 3.4), Rule 8 (8.1 through 8.6), Rule 32 (32.1 and 32.2), O.C.G.A. § 17-8-1, § 17-7-91 and § 5-3-30.

The purpose of this order is to provide a random case assignment system, which will equally divide all cases among the now three (3) judges of the State Court; to prevent any person from choosing the judge to whom any action is assigned; and to maintain the exclusive control of such action by the assigned judge.

**CIVIL**

Cases shall be assigned upon filing on a random/equal basis by the Clerk of Court using the Excel 2007 program or similar program updates. Prior to assignment no person shall be able by any means or contrivance to effect which judge a case is to be assigned.

Judges are to only consider a filed, numbered matter assigned to them individually. Exceptions to this rule would include recusal, request for assistance by assigned judge and acceptance by an assisting judge, and consideration of orders of a ministerial nature (rule nisi settings, defaults, garnishment payouts, etc.). Written orders are preferred for a recusal request or request for assistance. Nothing contained in this order shall be construed as affecting the validity of any judicial act performed by any judge of State Court in matters presented to any judge. In the event a particular judge has conducted hearings, or considered a matter and directs that this matter be retained by that judge or other similar cases in parties or issues for judicial economy should be

retained by a particular judge, that assignment may be accomplished by order between the judges. Each judge shall have a civil calendar clerk who will be responsible for scheduling all civil jury trials for that judge. Notices for jury trial, order of cases for trial and setting of hearing dates for motions shall be the responsibility of the civil calendar clerk.

Non-jury calendars shall be prepared by the Clerk of Court from those cases with written rule nisi settings and appeals from Magistrate Court for the assigned judge's regular non-jury trial dates on the yearly calendar.

### **CRIMINAL**

All criminal accusations and uniform traffic citations are to be filed with the Clerk of Court and assigned a case number. The clerk will use the Excel 2007 program or similar program updates to assign the case among the three (3) State Court judges on a random/equal basis. Prior to assignment, no person shall be able by any means or contrivance to effect which judge a case is to be assigned. Judges will only consider matters which are filed and assigned to them individually except as called for under this order or by further written order between the judges. In all cases involving co-defendants, all co-defendants shall be assigned to the judge originally assigned the lowest case number involved in the incident.

For the arraignment of cases, all cases are to be filed with and assigned a case number and judge by the Clerk of Court. Dates for arraignment are to be given from the yearly calendar prepared by the Court Administrator. The clerk shall prepare an arraignment calendar for those dates and shall comply with O.C.G.A. § 17-7-91 for the mailing of notice to the defendant and defendant's attorney.

Exceptions to the above rule will include the DUI court arraignments. Judge W. Alan Jordan will preside at those dates unless a Pro Hac Vice replacement is needed. Pleas on filed cases will be heard and accepted. The cases that are DUI court eligible will remain on the DUI court arraignment calendars until counsel is retained or appointed, discovery is available and counsel has indicated if the DUI Court Program will be accepted by the defendant. All the cases moved from the DUI court arraignment calendar will

be assigned a judge under the regular assignment rules upon filing of the accusation. New court notices will be sent by the clerk to defendant, or if represented to the defendant's counsel, and any bondsperson after the filing of the accusation and placed on the assigned judge's arraignment calendar.

All cases going to the Misdemeanor Drug Court Program shall be transferred to Judge A. Dee Morris for the handling of the case to its completion.

Non-jury calendars will be prepared by the Clerk of Court for the assigned judge on those matters.


Jury calendars will be prepared by the Clerk of Court. The criminal calendar clerk for the assigned judge will be responsible for scheduling all criminal jury trials for that judge. All motions and pleas from the calendar will be scheduled only by the judge's calendar clerk.


Nothing contained herein shall be construed as affecting the validity of any judicial act performed by any judge of this court as to matters before the court or as limiting or prohibiting any judge of this court from handling matters before the court.

The State Court judges may assist each other and be utilized by each other whenever it is called for to conduct the business of the court notwithstanding individual case assignments. A written order where called for may be used to note the reason for the deviation from the standard assignment rule.

This order shall be filed with the Clerk of Court and recorded on the minutes. It may be amended by the judges of State Court as appropriate and shall remain in effect through any successions in office of the judges named herein.

SO ORDERED this 4 day of ~~February~~ <sup>March</sup>, 2013.

  
W. Alan Jordan, Chief Judge  
Cherokee County State Court

  
A. Dee Morris, Judge  
Cherokee County State Court

  
Michelle LH Homier, Judge  
Cherokee County State Court