

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES FOR SUPERIOR COURT,
APPROVED FOR FIRST READING, JANUARY 22, 2025**

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Rule 7.3. Interpreters

(A) In all civil and criminal cases, the party or party's attorney shall inform the court in the form of a notice of the need for a qualified interpreter, if known, within a reasonable time — at least 5 days where practicable—before any hearing, trial, or other court proceeding. Such notice shall be filed and shall comply with any other service requirements established by the court. The notice shall (1) designate the participants in the proceeding who will need the services of an interpreter, (2) estimate the length of the proceeding for which the interpreter is required, (3) state whether the interpreter will be needed for all proceedings in the case, and (4) indicate the language(s), including sign language for the Deaf/Hard of Hearing, for which the interpreter is required.

(B) Upon receipt of such notice, the court shall make a diligent effort to locate and appoint a licensed interpreter, at the court's expense, in accordance with the Supreme Court of Georgia's Rule on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. If the court determines that the nature of the case (e.g., an emergency) warrants the use of a non-licensed interpreter, then the court shall follow the procedures as outlined in the Supreme Court of Georgia's Commission on Interpreters' Instructions for Use of a Non-Licensed Interpreter. Despite its use of a non-licensed interpreter, the court shall make a diligent effort to ensure that a licensed interpreter is appointed for all subsequently scheduled proceedings, if one is available.

(C) If a party or party's attorney fails to timely notify the court of a need for a court interpreter, the court may assess costs against that party for any delay caused by the need to obtain a court interpreter unless that party establishes good cause for the delay. When timely notice is not provided or on other occasions when it may be necessary to utilize an interpreter not licensed by the Supreme Court of Georgia's Commission on Interpreters (COI), the Registry for Interpreters of the Deaf (RID), or other industry-recognized credentialing entity, such as a telephonic language service or a less qualified interpreter, the court should weigh the need for immediacy in conducting a hearing against the potential compromise of due process, or the potential of substantive injustice, if interpreting is inadequate. Unless immediacy is a primary concern, some delay might be more appropriate than the use of an interpreter not licensed by the COI, RID, or other recognized credentialing entity.

(D) Notwithstanding any failure of a party or party's attorney to notify the court of a need for a court interpreter, the court shall appoint a court interpreter whenever it becomes apparent from the court's own observations or from disclosures by any other person that a participant in a proceeding is unable to hear, speak, or otherwise communicate in the English language to the extent reasonably necessary to meaningfully participate in the proceeding.

(E) If the time or date of a proceeding is changed or canceled by the parties, and interpreter services have been arranged by the court, the party that requested the interpreter must notify the court 24 hours in advance of the change or cancellation. Timely notice of any changes is essential in order to cancel or reschedule an interpreter, thus precluding unnecessary travel by the interpreter and a fee payment by the court. If a party fails to timely notify the court of a change or cancellation, the court may assess any reasonable interpreter expenses it may have incurred upon that party unless the party can show good cause for its failure to provide a timely notification.

(F) At the onset of the proceeding or trial, the parties and the interpreter shall advise the Court of any prior involvement by the interpreter in the case so that the court can determine if such involvement may impact the ability to interpret this case. Challenges to the appointment of the interpreter shall be made at that time.

(G) Parties shall use reasonable due diligence to prepare various evidentiary matters which may require advance translation to avoid a delay in the proceedings or a continuance.

(H) Documents: Interpreters translate spoken language, whereas translators translate written documents. Interpreters appointed by the court may be able to translate relatively simple writings. However, parties shall use their best reasonable efforts to have written documents translated before trial. In the event a court-appointed interpreter determines that an accurate translation cannot be made regarding documents offered in the time allowed or requires the need for a translator, the interpreter shall advise the court. Said notice shall be made part of the official record of the case. The court shall determine issues connected with delay, continuance, and the admissibility of such translation.

(I) Audio & video recordings: Translating recordings may be significantly more complex than “in-person” translation. An accurate extemporaneous translation of audio and video recordings may not be possible. Parties shall use their best reasonable efforts to ensure that such recordings can be translated before trial or may require a written transcript. In the event that a court-appointed interpreter determines that (1) an accurate translation cannot be done regarding recordings offered in court in the time allowed, or (2) the accuracy of translation requires a written transcript regarding a recording offered in court, the interpreter shall advise the court. Said notice shall be made part of the official record of the case. The court shall determine issues connected with delay, continuance, and the admissibility of such translation.

(J) Interpreters appointed for court proceedings shall be subject to this rule rather than Article V. Appointment of Interpreters, Rules for Legal Interpreting, Judicial Council of Georgia, and the Standing Committee on Court Interpreters.

Rule 17.1. Method of Resolution

(B) When an attorney is scheduled for a day certain by trial calendar, special setting, ~~or~~ court order (including a subpoena compelling his or her appearance to testify), scheduling order issued by the Hearing Panel of the Judicial Qualifications Commission, or written invitation issued by the Investigative Panel of the Judicial Qualifications Commission to appear in two or more courts (trial or appellate; state or federal) or any proceeding or meeting before either Panel of the Judicial Qualifications Commission, the attorney shall give prompt written notice as specified in (A) above of the conflict to opposing counsel, to the clerk of each court and to the judge before whom each action is set for hearing (or, to an appropriate judge if there has been no designation of a presiding judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by (B)(1)-(4) as to each case arranged in the order in which the cases should prevail under this rule. In the absence of objection from opposing counsel or the courts affected, the proposed order of conflict resolution shall stand as offered. Should a judge wish to change the order of cases to be tried, such notice shall be given promptly after agreement is reached between the affected judges.

Attorneys confronted by such conflicts are expected to give written notice such that it will be received at least seven days prior to the date of conflict.

Absent agreement, conflicts shall be promptly resolved by the judge or the clerk of each affected court in accordance with the following order of priorities:

(1) Criminal (felony), all proceedings or meetings before either Panel of the Judicial Qualifications Commission, and habeas actions shall prevail over civil actions. Criminal actions in which a demand for speedy trial has been timely filed pursuant to O.C.G.A. §§ 17-7-170 and/or 17-7-171 shall automatically take precedence over all other actions unless otherwise directed by the court in which the speedy trial demand is pending;

(2) Jury trials and all proceedings or meetings before either Panel of the Judicial Qualifications Commission shall prevail over non-jury matters, including trials and administrative proceedings;

(3) Within the category of non-jury matters, the following order of priority shall apply: (a) hearings with dependency case time limitations required by OCGA § 15-11-102 and termination of parental rights hearings, (b) trials, and (c) all other non-jury matters, including appellate arguments, hearings, and conferences.

(4) Within each of the above categories only, the action which was first filed shall take precedence.

Rule 25.3. Duty of the Trial Judge

When a judge is presented with a motion to recuse, or disqualify, accompanied by an affidavit, the judge shall temporarily cease to act upon the merits of the matter and shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming any of the facts alleged in the affidavit to be true, whether recusal would be warranted. If it is found that the motion is timely, the affidavit sufficient and that recusal would be authorized if some or all of the facts set forth in the affidavit are true, another judge shall be assigned to hear the motion to recuse. The allegations of the motion shall stand denied automatically. The trial judge shall not otherwise oppose the motion. In reviewing a motion to recuse, the judge shall be guided by ~~Canon 3 (E)~~Rule 2.11 of the Georgia Code of Judicial Conduct.

Rule 43. MANDATORY CONTINUING JUDICIAL EDUCATION (MCJE)

Rule 43.1. Program Requirements

(A) Every superior court judge, including senior superior court judges, shall attend approved creditable judicial education programs or activities, totaling a minimum of twelve hours every year. Every superior court judge must attend at least one of the Superior Court conferences every two years. At least one hour of the mandated twelve hours per year shall be devoted to the topic of legal or judicial ethics or legal or judicial professionalism. If a judge completes more than twelve hours for credit in any calendar year, the excess credit shall be carried over and credited to the education requirements for the next succeeding year only.

(B) Each new judge must attend the pertinent Institute of Continuing Judicial Education (ICJE) in-state program of instruction for new judges or its locally administered individual new judge orientation course. Either activity must be attended as soon as possible after the judge's election or appointment and, preferably, before hearing cases, but in any event, within one year after assuming office. Each new judge is also encouraged to attend a nationally-based basic course for general jurisdiction trial judges.

(C) Additionally, every judge is encouraged to attend national or regional specialty, graduate or advanced programs of judicial and legal education.

(D) Qualifying creditable judicial education programs and activities shall include:

(1) Programs sponsored by the Institute of Continuing Judicial Education of Georgia;

(2) Programs of continuing legal education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency, such as all Institute of Continuing Legal Education (ICLE) programs;

(3) Additional programs approved on behalf of the Council of Superior Court Judges by its Committee on Mandatory Continuing Judicial Education;

(4) Courses at a Georgia-based law school, whether for credit or not, that qualify an individual for a degree or to sit for the Georgia bar examination;

(5) Teaching any of the above;

(6) Service on the Judicial Qualifications Commission (JQC) or the State Bar Disciplinary Board for legal or judicial ethics or legal or judicial professionalism credit.

(E) For teaching, the following credits shall be given:

(1) Three additional hours for each hour of instructional responsibility as a lecturer when no handout paper is prepared, and six hours for each hour of lecture when a handout paper is required.

(2) Two hours for each hour as a panelist or mock trial judge.

(3) When the same lecture or other instructional activity is repeated in a single calendar year, additional credit shall be given equivalent to the actual time spent.