

**IN THE SUPERIOR COURTS OF THE  
CORDELE JUDICIAL CIRCUIT  
(BEN HILL, CRISP, DOOLY, AND WILCOX COUNTIES)**

**STATE OF GEORGIA**

**AMENDED STANDING ORDER 2012-01 (Amended 7/01/14)**

**JURY MANAGEMENT**

Pursuant to the authority of Title 15 of the Official Code of Georgia Annotated and the Rules of the Supreme Court of Georgia, this Order is established to provide for the efficient and orderly management of jury operations in the Superior Courts of the Cordele Judicial Circuit.

**1.**

**Definitions**

- (a) The term "County" shall refer to each respective county individually.
- (b) The term "Clerk" shall refer to each respective Clerk of Superior Court individually.
- (c) The term "Council" shall refer to the Council of Superior Court Clerks.
- (d) "County master jury list" means a list compiled by the Council of names of persons, including their addresses, city of residence, dates of birth, and gender, eligible for trial or grand jury service.
- (e) "State-wide master jury list" means a comprehensive master list that identifies every person of this state who can be determined to be prima facie qualified to serve as a trial or grand juror.
- (f) "Venire" means the list of persons summoned to serve as trial or grand jurors for a particular term of court.

**2.**

**Funding for Jury Operations**

Each individual County shall provide necessary funding for adequate staff, equipment, supplies, a jury management computer system, and the master jury list to insure expeditious implementation and continuation of the provisions of this Order through operations of the Clerk's office on a year to year basis. The County governing

authority shall cause the annual subscription invoice for the county master jury list to be promptly paid so as to facilitate certification of the master jury list.

3.

**County Master Jury List**

- (a) After July 1, 2011, the Council of Superior Court Clerks shall compile a state-wide master jury list. The Council shall facilitate updating of all information relative to jurors on the state-wide master jury list and county master jury lists. On and after July 1, 2014, each Clerk shall obtain its county master jury list from the Council. The Council shall disseminate, in electronic format, a county master jury list to the respective Clerk once each calendar year.
- (b) Effective July 1, 2012, all juries in all the courts of the County shall be drawn from the master jury list. The Clerk shall choose a random list of persons from the county master jury list to comprise the venire; provided, however, that jurors summoned prior to July 1, 2012, shall remain eligible to comprise the venire.

4.

**County Master Jury List Maintenance**

- (a) The Clerk shall not add or delete names from the county jury list, but may excuse, defer, or inactivate names of jurors known to be ineligible or incompetent to serve pursuant to O.C.G.A. §15-12-1.1. The Clerk may perform local maintenance of the master jury list by notation or flagging of jurors who have been excused, deferred or inactivated as provided by law or this Order. The reason for a permanent inactivation shall be included as a notation or flag. In the maintenance of the lists, no names shall be actually removed or deleted from the lists.
- (b) The Clerk may update residence or mailing address information of a person on the master jury list.
- (c) The Clerk may update the name of a person upon verifying that such person has had a name change by virtue of marriage or judgment of a court.

5.

**Computer Jury Management System**

- (a) Pursuant to O.C.G.A. §15-6-61 (21), the Clerk of Superior Court shall acquire, keep and maintain an automated computer based jury management system that facilitates the maintenance, operation, and usage of the county master jury list and system.



- (b) The County shall provide necessary funding for equipment, software, supplies and maintenance for such computer system to insure the effective continuation of the jury processes of the Court.
- (c) The county master jury lists shall be entered into the jury management system under the direction and control of the Clerk.
- (d) Adequate backup copies of the master jury lists shall be periodically saved to such media as directed by the Clerk and placed in the vault of the Clerk's office or other secure location for safekeeping or restoration in case of loss for any reason.
- (e) Annually, following July 1 of each year, the Clerk shall create and store a backup copy of the master jury list which was used for the previous year. Such copy shall be available for examination upon order of the Court.

6.

#### Choosing of Trial Jurors

- (a) The Clerks of Superior Court of the Cordele Judicial Circuit, including the counties of Ben Hill, Crisp, Dooly, and Wilcox, are hereby authorized to choose and summons jurors in a timely fashion and in accordance with O.C.G.A. §§15-12-62.1 and 15-12-120.1 and the Rules of the Supreme Court of Georgia.
- (b) Trial juries shall be chosen from the county master jury list. The Clerk shall summon a sufficient number of jurors necessary to conduct the business of the Court. Said number shall be determined by the Clerk after consultation with the presiding judge(s) for the term. The Clerk shall choose the names of persons to serve as trial jurors for the trial of civil and criminal cases in the Court. Such trial jurors shall be summoned in the same manner as provided in O.C.G.A. §15-12-65.1.
- (c) Potential jurors shall be chosen for appearance using the jury management system by randomly selecting names from the master jury list in a manner that does not deliberately or systematically exclude identifiable or distinct groups to serve at a particular term of court. Names shall be chosen for a term of court by the use of a random number generator computer program designed to provide each eligible person in the master jury list an equal chance of being selected unless such person is ineligible for service for such term as provided for by this Order.

7.

#### Summoning Jurors

- (a) Without further Order of the Court, the Clerk shall be authorized to mail all summons by first-class mail addressed to prospective jurors' most notorious place



of abode at least 25 days prior to the date of the court the prospective trial jurors shall attend and at least 20 days prior to the date of the court the prospective grand jurors shall attend.

- (b) When from challenge or from any other cause there is not a sufficient number of persons in attendance to complete a panel of trial jurors, the Clerk shall choose and cause to be summoned additional prospective trial jurors.
- (c) If juries have not been chosen for any regular term of the superior court and there is not sufficient time for choosing and summoning prospective trial and grand jurors to serve at the regular term, the judge of the superior court for the county in which the failure has occurred, by order passed at chambers, may adjourn the court to another day, may require the requisite number of prospective trial and grand jurors to be summoned, and may enforce their attendance at the term so called.

8.

Selection of Grand Jurors

- (a) The Clerk shall choose a sufficient number of persons to serve as grand jurors from the county master jury list in the same manner as trial jurors are chosen. The Clerk, not less than 20 days before the commencement of each term of court at which a regular grand jury is empaneled, shall issue summonses by mail to the persons chosen for grand jury service.
- (b) In any term of court when the public interest requires it, the Court, on application of the district attorney, may empanel one or more concurrent grand juries.
- (c) Prior to empaneling, swearing, and charging the grand jury, the presiding judge and the district attorney may examine prospective grand jurors as to their qualifications to serve as provided in O.C.G.A. §§ 15-12-4 and 15-12-60. Such examination shall be conducted after the administration of the preliminary oath. Any prospective grand juror who is not qualified to serve shall be excused by the presiding judge.
- (d) Prior to examination, the presiding judge, the district attorney, or the Clerk shall administer the following oath or affirmation to prospective grand jurors: "You shall give true answers to all questions as may be asked by the Court or the district attorney concerning your qualifications to serve as a grand juror."
- (e) When from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the empaneling of grand jurors, the presiding judge shall order the Clerk to choose at random from the names of persons summoned as trial jurors a sufficient number of prospective grand jurors necessary to complete the grand jury.



- (f) In the event that juror questionnaires are employed by the Clerk, potential grand jurors shall be asked the following questions relating to their qualification as grand jurors:
1. If such person has resided in the County for at least six months preceding the time of his proposed service.
  2. If such person is the current holder of any elective office in state or local government or held any such office within two years preceding the time of his or her proposed service.
  3. If such person is 18 years of age or older.
  4. If such person has been convicted of a felony and has not had his or her civil rights restored.
  5. If such person has been judicially determined to be mentally incompetent.
- (g) The Clerk shall excuse any person summoned for grand jury duty who does not meet the additional statutory qualifications for grand jurors.

9.

**Delegation of Authority to Defer, Excuse, and Inactivate Jurors**

Pursuant to O.C.G.A. §15-12-1.1, the authority to defer and excuse jurors according to the guidelines as set forth in this Order is hereby delegated to the Clerk of Superior Court and to such members of the staff of the Clerk as may be designated by the Clerk from time to time. Except for permanently mentally or physically disabled persons, all excuses shall be deferred to a date and time certain within that term or the next succeeding term.

10.

**Guidelines for Deferral, Excusal and Inactivation of Jurors**

- (a) 'Defer' shall mean a postponement of a person's jury service until a later date.
- (b) 'Excuse' shall mean the grant of a person's request for temporary exemption from jury service.
- (c) 'Inactivate' shall mean removing a person's name and identifying information who has been identified on the county master jury list as a person who is permanently prevented from being chosen as a trial or grand juror because such person is statutorily ineligible or incompetent to serve as a juror or who has requested inactivation pursuant to O.C.G.A. §15-12-1.1.



(d) Removal shall be accomplished by flagging such person in the Master Jury List so as to exempt such person from being thereafter selected for jury service. A person who is statutorily ineligible and inactivated may subsequently become eligible for service by elimination of the statutory impediment.

(e) The Court hereby establishes the following guidelines for deferrals and excusals:

1. Except for permanently mentally or physically disabled persons, all excusals shall be deferred unless as otherwise provided in paragraph 3 below.
2. Any subsequent excusals shall be made based upon good cause shown at the time of the subsequent request for excusal or deferral.
3. The following listed reasons for temporary excusal and deferral are established:
  - i. Any person who shows that he or she will be engaged during his or her term of jury duty as a trial or grand juror in work necessary to the public health, safety, or good order or who shows other good cause why he or she should be exempt from jury duty may have his or her jury service deferred or excused by the judge of the court to which he or she has been summoned or by the Clerk. It shall be the duty of the Clerk to provide affidavits for the purpose of requesting a deferral of or excusal from jury service.
  - ii. Any person who is a full-time student at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be excused or deferred as the circumstances require.
  - iii. Any person who is the primary caregiver having active care and custody of a child six years of age or younger, and who executes an affidavit on a form provided by the Court stating that such person is the primary caregiver having active care and custody of a child six years of age or younger and stating that such person has no reasonably available alternative child care, and who requests to be excused or deferred shall be excused or deferred from jury duty.
  - iv. Any person who is a primary teacher in a home study program, as defined in O.C.G.A. §20-2-690(c), who, during the period of time the person is teaching, requests to be excused or deferred from jury duty and executes an affidavit on a form provided by the court stating that such person is the primary teacher in the home study



program and stating that such person has no reasonably available alternative for the child or children in the home study program shall be excused or deferred from jury duty.

- v. Any person who is the primary unpaid caregiver for a person over the age of six; who executes an affidavit on a form provided by the court stating that such primary caregiver is responsible for the care of a person with such physical or cognitive limitations that he or she is unable to care for himself or herself and cannot be left unattended and that the primary caregiver has no reasonably available alternative to provide for the care; and who requests to be excused or deferred shall be excused or deferred from jury duty. Any person seeking the exemption shall furnish to the court, in addition to the aforementioned affidavit, a statement of a physician, or other medical provider, supporting the affidavit's statements related to the medical condition of the person with physical or cognitive limitations.
- vi. Any person on ordered military duty which requires such person to be at least 50 miles from his or her home or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of a copy of a valid military identification card and execution of an affidavit for deferral or excusal. Such person shall be an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.
- vii. Any person summoned to serve as a juror in any court of this state shall be excused from such service during his attendance as a legislator in the General Assembly.
- viii. Any person who has a temporary medical condition that would prevent attendance on the date(s) for which presence is required for service shall be deferred or excused from jury duty. A statement from a physician documenting such condition shall be presented to the Clerk prior to deferral or excusal unless the temporary medical condition arises suddenly or is such as to prevent the person from being able to present such documentation prior to deferral or excusal, in which case the Clerk in her discretion may accept such documentation after deferral or excusal.
- ix. Any person who will be traveling out of the county, having made travel or accommodation arrangements that cannot be reasonably altered, shall be deferred from jury duty.



- x. Any person who is a sole proprietor whose business will suffer an extreme hardship without such person's presence for the dates required for jury service shall be deferred from jury duty.
  - xi. Any affidavits for excusal and deferral shall be as determined by the Clerk.
4. In the event that a death penalty case will be tried at a particular term of court, the Superior Court Judge scheduled to preside over said trial shall excuse or defer jurors.
5. The following listed reasons for inactivation are established:
- i. Any person who is 70 years of age or older shall be entitled to request that the Clerk excuse such person from jury service in the county. Upon such request, the Clerk shall inactivate such person. The request for excusal shall be made to the Clerk in writing and shall be accompanied by an affidavit providing the person's name, age, and such other information as the Clerk may require. The Clerk shall make available affidavit forms from the purposes of this subsection.
    - 1. Upon receipt of an affidavit from a person 70 years of age or older, the Clerk shall flag for inactivation said person in the local jury maintenance system.
  - ii. Any person identified as being a noncitizen of the United States shall be inactivated.
  - iii. Any person identified as not having attained the age of 18 years shall be inactivated.
  - iv. Any person identified as a convicted felon who has not had his or her civil rights restored shall be inactivated.
  - v. Any person identified as being declared mentally incompetent by a Court shall be inactivated.
  - vi. Any person identified as a nonresident of the County shall be inactivated.
  - vii. Any person identified as deceased shall be inactivated.
  - viii. Any person who has a documented permanent medical condition that would prevent attendance for jury service shall be permanently



Juror Questionnaires

- (a) Prospective trial and grand jurors in all counties may be required to answer written questionnaires, as may be determined and submitted by the judges of such counties, concerning their qualifications as jurors. The Court shall determine if and when juror questionnaires shall be used and the content of the same. In propounding the court's questions, the court may consider the suggestions of counsel. In the court's questionnaire and during voir dire examination, judges should ensure that the privacy of prospective jurors is reasonably protected and that the questioning by counsel is consistent with the purpose of the voir dire process.
- (b) Juror questionnaires shall be confidential and shall be exempt from public disclosure; provided, however, that jury questionnaires shall be provided to the Court and to the parties at any stage in the proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall be made a part of the record under seal. The information disclosed to a party pursuant to this subsection shall only be used by the parties for purposes of pursuing a claim, defense, or other issue in the case.

Jury Service

- (a) No person shall be allowed to serve on the trial jury of the superior 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.
- (b) Any person who has served as a trial or grand juror at any session of the superior court shall be ineligible for duty as a juror until the next succeeding county master jury list has been received by the Clerk.
- (c) If a term of court is not held for any reason jurors summoned shall serve at the next succeeding term.
- (d) If jurors are summoned to a term of court and after the jurors' appearance all cases scheduled to be tried have been settled, continued, or are otherwise not subject to trial, the jurors scheduled for appearance shall be excused from further service and not be deferred.
- (e) If any person is duly summoned to appear as a trial or grand juror at court and neglects or refuses to appear, or if any juror absents himself or herself without leave of court, such neglect, refusal, or absence may, after notice and hearing, be punishable as contempt of court.




Transitional Issues to Master Jury Lists

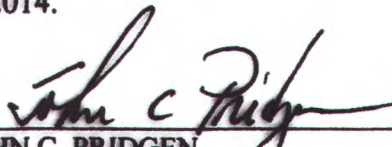
- (a) On or after July 1, 2012, the Clerk shall choose a random list of persons from the county master jury list to comprise the venire for a term of court.
- (b) Any jurors chosen and actually summoned prior to July 1 of each year shall remain eligible to comprise the venire for a term of court commencing after July 1. The Clerk of Superior Court is allowed to use the Master Jury List in effect on June 30 to select and summons jurors for a trial to commence on or after July 1 so long as the summons are actually mailed on or before June 30.
- (c) Persons chosen and deferred prior to July 1 of any given year to a date certain after July 1 shall be excused from such service and shall not be deferred but shall otherwise be subject to random selection as part of the Master Jury List.
- (d) Permanent excusals or inactivations granted following submission of the permanent excusal list to the Council of Superior Court Clerks in February and/or March shall be noted or flagged as inactivated in the county master list effective July 1, 2012 and shall be caused to not be subject to selection.

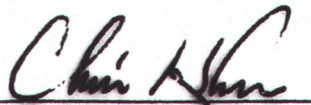
15.

The foregoing Jury Management plan is hereby approved and adopted as Amended Standing Order 2012-01 (Amended 7/1/2014) of the Superior Courts of the Cordele Judicial Circuit and supercedes any and all prior plans, rules, and Orders governing the selection of jurors in and for the counties in the Cordele Judicial Circuit, including Ben Hill County, Crisp County, Dooly County, and Wilcox County. The Clerk of the Superior Court is ordered to record the same on the minutes of the Superior Court of her respective county.

SO ORDERED, THIS 25<sup>th</sup> DAY OF JUNE, 2014.

  
 ROBERT W. CHASTEEN, JR.  
 JUDGE OF SUPERIOR COURTS  
 CORDELE JUDICIAL CIRCUIT

  
 JOHN C. PRIDGEN  
 JUDGE OF SUPERIOR COURTS  
 CORDELE JUDICIAL CIRCUIT

  
 T. CHRISTOPHER HUGHES  
 JUDGE OF SUPERIOR COURTS  
 CORDELE JUDICIAL CIRCUIT