

JAN 14 2025

IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

CHELE ALEXANDER
Clerk of Superior Court

Fulton County, Georgia



**STANDING TRIAL
MANAGEMENT ORDER FOR
CIVIL CASES IN JUDGE
McBURNEY'S DIVISION**

25EX-000145

(REVISED 14 January 2025 -- supersedes all previous versions)

*THESE DEADLINES ARE SPRINKLED THROUGHOUT THE ORDER
BUT ARE CONSOLIDATED HERE FOR YOUR CONVENIENCE:*

ITEM

DUE DATE

Conflict letter

Two weeks before trial

Pre-trial order

Date provided in trial notice

Motions *in limine*

One week before trial

Deposition objections

One week before trial

Proposed *voir dire*

Two business days before trial

Exhibits and exhibit list

Before jury selection

Witness list

Before jury selection

Proposed jury charges

Before jury selection

Proposed verdict form

Before jury selection

The following provisions govern the parties and their preparation for and presentation of the trial of their civil matter.

1. Contacting the Court

Monica Niles, Staff Attorney, is your principal contact for all pre-trial and trial matters. She can be reached at monica.niles@fultoncountyga.gov and 404-612-6912.

2. Conflicts/Continuances

All conflicts must be submitted at least two weeks before the trial calendar begins and must follow Uniform Superior Court Rule 17.1 in proposing a resolution of the apparent scheduling conflicts. The mere act of filing a conflict letter does not release you from appearing at trial nor does it automatically result in a continuance. Should a matter that takes Rule 17.1 precedence over your trial in this Division resolve before or during the trial calendar in this Division, your case in this Division is subject to being called to trial unless a continuance has been granted.

Continuances from trial calendars will be granted sparingly and only on the basis of clearly articulated exceptional circumstances. Requests to mediate the case, to engage in additional discovery, or to await the resolution of some other related case will typically not result in a continuance being granted.

3. Pre-trial order

Parties seeking a jury trial must submit to Ms. Niles via e-mail in Microsoft Word format a consolidated pre-trial order (PTO). The specific due date will be included with your trial notice. Unless the parties

otherwise agree, Plaintiff/Petitioner shall be responsible for consolidating the PTO. All other parties shall provide their portions of the PTO to Plaintiff/Petitioner no later than two business days prior to the due date. A Plaintiff's failure to submit its portion of the PTO may result in dismissal of its claims for want of prosecution. A Defendant's failure to submit its portion of the PTO may similarly result in dismissal of any counterclaims. A consolidated PTO is required for both jury and bench trials.

4. Court reporter

The parties must provide their own court reporter if they desire to have the trial taken down; the Court does not supply a court reporter for civil trials. Attorneys have an affirmative duty to notify their clients that failure to have the trial reported may have an adverse effect on any appeal.

5. Courtroom technology

Courtroom 8-D is equipped with mildly outdated evidence presentation technology, based on a Zoom connection between your device and the Court's devices. More specifically, there are average sized computer monitors at both counsel tables, the witness stand, the podium, and the bench, along with two larger screens for the jury. The witness stand monitor is a touch screen that witnesses can use to annotate digital exhibits. There is also an overhead projector that ties into the Zoom session for paper exhibits, although it can be a bit balky, especially for novice users. You may use any device with a wireless connection to link to the Zoom session that will be running during trial; you will share your digital exhibits through Zoom's Share Screen function.

It is each litigant's duty to ascertain whether that equipment will meet her needs. While the Court's staff, if asked nicely, will assist in

demonstrating the equipment, neither the Court nor its staff are certified experts in its operation. The parties are advised to familiarize themselves with this equipment before trial to avoid embarrassment and delay. Parties are also free to bring their own equipment, although this will require an order pursuant to Uniform Superior Court Rule 22. Any party seeking such an order must provide a proposed order to Ms. Niles at least one day before trial.

6. Motions in limine

Motions *in limine* must be filed no later than **one week before the beginning of the trial calendar**. Courtesy copies of those motions should be sent via e-mail to Ms. Niles. If a party filing a motion *in limine* believes that the motion will require a hearing lasting more than an hour, that party must alert the Court so that the prospective jurors' schedule can be properly managed. Please, please, please do not file boilerplate motions *in limine* that invoke out-of-date rules of evidence; that rely on cases that are no longer controlling; or that simply ask the Court to, in effect, follow the law. The Court will do its level best on that front, no motion required.

7. Depositions used at trial

If a party intends to rely on deposition testimony, that party must confer with all other parties **prior to trial** and attempt to agree on the testimony to be presented. If the parties cannot agree on what portions of the deposition testimony, if any, should be excluded, the objecting party must prepare a list of page and line numbers at issue and provide it to the Court **at the time it files its motions in limine** -- along with the relevant text from the deposition(s). Failure to comply with this

requirement will constitute a waiver of objection to the challenged deposition testimony.

8. Voir dire

The parties shall submit to Ms. Niles via e-mail all proposed *voir dire* questions **at least two business days before the beginning of the trial calendar**. Prior to the commencement of *voir dire*, the Court will discuss with the parties which questions will be permitted and which will be disallowed.

Voir dire will be conducted in the following manner: prospective jurors will be seated in the gallery in numerical order, twelve to a row; each prospective juror will have a card with his/her juror number on it. The Court will propound general questions (distilled from the questions submitted by the parties) to the entire panel. Prospective jurors will respond to the Court's questions by raising their cards. At the completion of general questioning, prospective jurors will be brought, one row at a time, into the jury box for follow-up questioning. Prior to any individual questioning, each of the twelve panelists will answer a series of biographical questions printed on the back of the juror number card. Counsel will then be permitted to conduct follow-up questioning. This follow-up questioning is limited to answers given in response to the general questions from the Court and the biographical information the jurors provide. If counsel are repeating each other or exploring areas outside the scope of the general questions, the Court may resume the role of questioner.

Plaintiff/Petitioner questions the entire first panel first, followed by Defendant/Respondent. (The parties alternate by panel, not by individual juror.) Defendant/Respondent then goes first with the second panel, and

the parties continue to rotate, panel by panel. This process will be repeated, twelve panelists at a time, until the Court determines that enough jurors have been qualified to permit peremptory striking to begin. The Court typically entertains motions to strike for cause only after all prospective jurors have been questioned.

Parties are free to exercise peremptory strikes from anywhere in the entire panel of qualified jurors; they need not decide first on Panel Member No. 1, then Panel Member No. 2, etc. Before striking begins, the Court will inform the parties of the universe from which they are to strike (*e.g.*, from No. 1 through No. 24). The same process will then be applied to the pool of potential alternate jurors.

Please note that, in an effort to respect our potential jurors' time, jury selection will continue through the lunch hour, so counsel and the parties are encouraged to stock the necessary provisions for that day. (Worry not: the Court will break for lunch on all subsequent trial days.)

9. Exhibits

Before jury selection begins, each party shall provide the Court with two copies of every expected exhibit (unless exhibits will be digital, in which case the Court needs only a single electronic copy) along with two copies of the party's exhibit list. Exhibit lists should include for each exhibit both the exhibit number/letter and a brief description of what the exhibit purports to be.

All exhibits and demonstrative evidence must be marked and exchanged prior to the start of trial. The parties must confer before trial concerning any issues of authenticity. Any known disagreement about the

admissibility of exhibits should be brought to the Court's attention before trial begins.

Counsel are under a continuing obligation to preview exhibits with opposing counsel before relevant witnesses are called to the stand. It is not an appropriate use of the jurors' time to have the parties reviewing proposed exhibits while the witness waits on the stand and the jurors sit idly in the box. An idle jury is a cranky jury.

An attorney presenting an exhibit or other item to a witness is free to approach that witness without seeking leave of the Court.

See Section 5 above for information on courtroom technology.

10. Witnesses

Any party that intends to call witnesses (or present deposition testimony) must provide two copies of a witness list to the Court and one copy to each opposing party prior to jury selection.

If a party calls a party-opponent for cross-examination during its case-in-chief, counsel for that party-opponent (and counsel for any other party) will be permitted to examine the party-opponent immediately following the cross-examination. *TGM Ashley Lakes, Inc. v. Jennings*, 264 Ga. App. 456, 467 (2003); O.C.G.A. § 24-6-611.

11. Interpreters

Pursuant to Uniform Superior Court Rule 7.3, any party needing an interpreter for a trial witness must notify the Ms. Niles at least five days before trial that an interpreter is needed (and the specific language skills required) so that the Court can arrange for proper services.

12. Juror questions during trial

Jurors will be permitted to submit anonymous written questions for witnesses at the close of the parties' examination of each witness. The Court and counsel will review all such submissions; the Court will then pose those questions it deems proper. Counsel will be permitted to follow up with each witness, limited to the topic(s) raised by the juror question(s). *Hernandez v. State*, 299 Ga. 796, 799 (2016).


13. Jury charges/verdict form

In addition to e-filing proposed jury charges, the parties must also e-mail a copy, in Microsoft Word format, to Ms. Niles before jury selection. If a party is seeking any pattern charges, the party need only list the pattern charge numbers and titles; the Court will supply the relevant pattern language. Non-pattern requests or modified pattern requests should be submitted in full text along with citations to authority (or acknowledgment of complete fabrication).

At the charge conference, the Court will provide a proposed draft charge and will hear argument from the parties as to what language should be added to or removed from the proposed charge. A copy of the final written charge will go out with the jury during deliberations.

The parties must also submit their proposed verdict forms to Ms. Niles, again via e-mail in Microsoft Word format, prior to jury selection.

SO ORDERED this 14th day of January 2025.



JUDGE ROBERT C.I. MCBURNEY
SUPERIOR COURT OF FULTON COUNTY