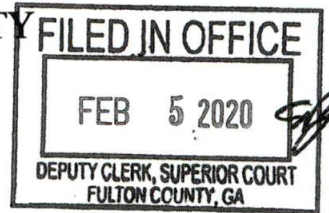


IN THE SUPERIOR COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT



STANDING TRIAL MANAGEMENT  
ORDER FOR CIVIL CASES IN  
JUDGE M'BURNEY'S DIVISION

2020EX 000093

*(REVISED 5 February 2020 -- supersedes all previous versions)*

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

1. Contacting the Court

Monica Sullivan Niles, Staff Attorney, is your principal contact all trial matters. She can be reached at [monica.niles@fultoncountyga.gov](mailto: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. The mere act of filing a conflict letter does not release a party from appearing at trial nor does it automatically result in a continuance. Should a matter that takes precedence over the trial of a case in this Division resolve before or during the trial calendar in this Division, the case in this Division is subject to being called to trial.

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 trial continuance being granted.

3. Consolidated pre-trial order

Parties seeking a jury trial must submit to Ms. Niles a consolidated pre-trial order at least three weeks before the trial calendar begins. (The specific due date will be included in the published trial calendar.) Unless the parties otherwise agree, Plaintiff/Petitioner shall be responsible for consolidating the pre-trial order. All other parties shall provide their portions of the consolidated pre-trial order to the Plaintiff/Petitioner no later than two business days prior to the due date. *Failure to submit a pre-trial order will be deemed an election to proceed with a bench trial.*

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 1-D is equipped with somewhat antiquated evidence presentation technology. It is trial counsel'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 not 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 import their own equipment, although this will require the issuance of 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**. If a party filing a motion *in limine* believes that the motion will require a hearing lasting more than an hour, the party must alert the Court so that the prospective jurors' schedule can be properly managed.

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

Counsel shall submit to the Court all proposed *voir dire* questions **at least two business days before the beginning of the trial calendar**. Submissions should be made via e-mail in Microsoft Word format to Ms. Niles, with a courtesy copy e-mailed to all opposing parties. 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 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. 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 requests for strikes for cause after all questioning, but prior to beginning peremptory strikes.

Peremptory strikes will be silent. Plaintiff(s) will strike first. Parties are free to strike from 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 and conserve our taxpayers' funds, 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 along with three copies of the party's exhibit list. The exhibit list 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 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 attorney presenting an exhibit or other item to a witness is free to approach that witness without seeking leave of the Court.

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).

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 written questions for witnesses at the close of the parties' examination. The Court and counsel will review all such submissions; the Court will then pose those questions it deems proper. *Hernandez v. State*, 299 Ga. 796, 799 (2016).

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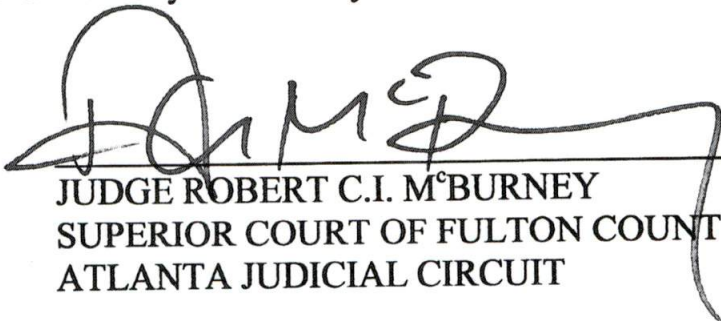
13. Jury charges/verdict form

Counsel must submit to the Court any proposed jury charges **prior to jury selection**. In addition to e-filing proposed charges, the parties must also e-mail a copy, in Microsoft Word format, to Ms. Niles by this deadline. 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. One or more copies of the final 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 5<sup>th</sup> day of February 2020.



JUDGE ROBERT C.I. M'BURNEY  
SUPERIOR COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT