

IN THE SUPERIOR COURT OF PAULDING COUNTY
STATE OF GEORGIA

STANDING ORDER REGARDING 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 the Superior Court of Paulding County, Georgia, (hereinafter referred to as "County").

1.

Court or its designee of the Board of Jury Commissioners

The Clerk of Superior Court shall serve as Clerk of the Board of Jury Commissioners and shall implement and maintain the jury selection and jury drawing process in accordance with the law and the orders of this Court.

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PAULDING COUNTY, GA
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TREVA W. SHELTON, CLERK
PAULDING COUNTY
SUPERIOR COURT

2.

Funding for Jury Operations

The 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.

3.

County Master Jury List

(a) Effective July 1, 2012, the Board of Jury Commissioners shall receive the County Master Jury List annually from the Council of Superior Court Clerks of Georgia. Such lists shall constitute the jury list of the County effective as of July 1 of each such year.

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Trevva W. Shelton, Clerk of Superior Court

- (b) The Board of Jury Commissioners and 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 List.
- (c) Neither the Jury Commissioners nor the Clerk to the Board shall add or delete names for the Master List.
- (d) Effective July 1, 2012, all juries in all the courts of the County shall be drawn from the Master List.

4.

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) "Inactive" 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. Removal shall be accomplished by flagging 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.
- (d) 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.

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- i. Any person who shows that he or she will be engaged during his or her term of jury duty 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 current jury duty may have his or her jury service deferred or excused by the Court or its designee. Such person shall execute an affidavit stating the facts substantiating the request.
- 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 deferred until issuance of summons for the next available jury trial week that coincides with such person's availability, or excused, if no date coincides with such person's availability over the following 12 months. Such person shall provide proof of enrollment and school calendar.
- 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 stating that such person has no reasonably available alternative child care shall be excused from jury duty.
- iv. Any person who is a primary teacher in a home study program meeting the requirements as provided by law who executes an affidavit stating that such person has no reasonably available alternative for the child or children in the home study program shall be deferred until issuance of summons for the next available jury trial week that coincides with such person's availability, or excused if no date coincides with such person's availability over the following 12 months. Such person shall provide proof of home study program and school calendar.
- v. Any person who is the primary unpaid caregiver for a person over the age of six; who executes an affidavit stating that such person is responsible for the care of a person with such physical or cognitive limitations that he or

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she is unable to care for himself or herself and cannot be left unattended and that there is no reasonably available alternative to provide for the care shall be excused from jury duty. In addition such person shall furnish a statement of a physician, or other medical provider, supporting the 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 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 legislator in the General Assembly shall be excused from such service during attendance in the Legislature.
- viii. Any person who has a documented temporary medical condition that would prevent attendance on the dates for which presence is required for service shall be deferred until issuance of summons for the next available jury trial week that coincides with such person's availability over the following 12 months. A statement from a physician stating such fact shall be presented prior to 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.

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- 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 person who was summoned for grand jury duty who does not meet the additional statutory qualifications for grand jurors shall be excused.
- xii. Any excuses or deferrals for jurors summoned for death penalty cases will be handled only as instructed by the Judge to whom the case has been assigned.
- xiii. Nothing herein shall prevent a Judge of the Superior Court from granting deferral of service of a juror for other good cause shown.
- xiv. Any affidavits for excusal and deferral shall be as determined by the Court or its designee.
- xv. Any subsequent change or amendment to the laws governing jury service are incorporated herein by reference and excuses and deferrals shall be made accordingly until further order of the Court.

4. The following listed reasons for the inactivation are established.

- i. Any person who is 70 years of age or older shall be entitled to be inactivated from jury service. The request shall be accompanied by an affidavit providing such information as the board may require. The board of jury commissioners shall inactivate such person. The Court or its designee may temporarily grant such inactivation pending final inactivation by the board of jury commissioners.
- 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

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- iv. Any person identified as a convicted felon who has not had their 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 documented permanent medical condition that would prevent attendance for jury service shall be permanently inactivated. A statement from a physician stating such fact shall be presented to the Court or its designee prior to inactivation.
- ix. Any affidavits for inactivation shall be as determined by the Court or its designee.

5.

County Master List Maintenance

- (a) The Clerk may perform local maintenance of the Master Lists 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 the residence or mailing address information of a person on the Master List.
- (c) The Clerk may update the name of a person upon identifying such person has had a name change by virtue of marriage or judgment of a court.

6.

Recurring and Repetitive Service

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- (a) No person shall serve on the trial jury 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. For purposes of this paragraph a year shall be any consecutive twelve month period.
- (b) Any person who has served as a juror shall be ineligible for the next succeeding term of the Court.
- (c) No other restrictions shall be implemented so as to avoid or limit the recurring or repeat service of any person within any given period of time.
- (d) If a term of court is not held for any reason jurors scheduled for appearance may be excused and not deferred but shall otherwise be subject to random selection as part of the master list.
- (e) 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.

7.

Transitional Issues to Master Lists

- (a) On and after July 1, 2012, upon court order, the Clerk shall choose a random list of persons from the county master jury list to comprise the venire for a term of court. Any jurors chosen and actually summoned prior to July 1, 2012, shall remain eligible to comprise the venire for a term commencing after July 1, 2012. The order directing a selection using the jury list in effect prior to July 1, 2012 for appearance subsequent to July 1, 2012 shall specifically provide for choosing jurors using the list in effect prior to July 1, 2012.
- (b) Persons chosen and deferred prior to July 1, 2012 to date certain after July 1, 2012 shall continue to be a part of the venire for the term to which they were reset. Persons chosen and deferred prior to July 1, 2012 but not to a date certain after July 1, 2012 shall be

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excused from such service and shall not be deferred but shall otherwise be subject to random selection as part of the master list.

- (c) Persons chosen and deferred prior to July 1 of any given year following 2012 to a date certain after July 1 shall continue to be a party of the venire for the term to which they were reset. Persons chosen and deferred prior to July 1 of any given year following 2012 but not to a date certain after July 1 shall be excused from such service and shall not be deferred.
- (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 2012 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.

8.

Computer Jury Management System

- (a) Pursuant to O.C.G.A. § 15-6-61 the Clerk 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 system. No unauthorized personnel shall be allowed to tamper with, alter, or use any of the files pertaining to the jury management system.
- (b) The County shall provide the 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 lists shall be entered into the jury management system under the direction of the Clerk.
- (d) Adequate backup copies of the master 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.

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- (e) Annually, following July 1 of each year, the Clerk shall create and store a backup copy of the List which was used the previous year. Such copy shall be available for examination upon order of the Court.
- (f) Potential jurors shall be chosen for appearance using the jury management system by randomly selecting names from the master list in a manner that does not 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 program designed to provide each eligible person in the master list an equal chance of being selected unless such person is ineligible for service for such term as provided for by this Order.
- (g) The selection process shall be conducted following an order of the Court specifying the number or jurors required, the type of jurors, grand or trial, and the date and time of the required service. The Clerk is authorized to enter the required data and to start the selection process in accordance with the order of the Court.

9.

Selection of Grand Jurors

- (a) Grand jurors shall be chosen and summoned using the same methods as for selection of trial jurors following the issuance of an order.
- (b) 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 their 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 their proposed service.
 3. If such person is 18 years of age or older.

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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.

(c) The Court or its designee shall excuse any person summoned for grand jury duty that does not meet the additional statutory qualifications for grand jurors.

10.

Juror Information

(a) On and after July 1, 2012, upon request of a party or his or her attorney, the Clerk shall make available for review by such persons the county master jury list.

(b) Except as provided for above, jury list data, including, but not limited to persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, ethnicity, or other confidential identifying information in the county master list shall not be required to be subject to public disclosure. The Clerk or jury commissioners shall make such information available for examination pursuant to order by the Court in connection with a challenge to the array.

11.

Juror Questionnaires

(a) The Court or its designee shall determine if and when juror questionnaires shall be used and the content of the same. In the event questionnaires are employed in connection with potential grand jurors the questions as provided in paragraph 10 shall be propounded.

(b) Juror questionnaires shall be confidential and shall be exempt from public disclosure. Any questionnaires shall be provided to the court and to the parties at any stage of 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 shall only

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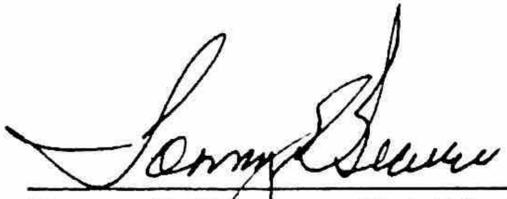
be used by the parties for the purposes of pursuing a claim, defense, or other issue in the case.

12.

Summoning Jurors

The Clerk shall be authorized to mail all summonses by first class mail addressed to the prospective jurors' most notorious places of abode at least 25 days prior to the date of the court the prospective jurors shall attend.

SO ORDERED, this 11th day of August, 2017.



Tony S. Beavers, Chief Judge
Superior Court
Paulding Judicial Circuit



Dean C. Bucci, Judge
Superior Court
Paulding Judicial Circuit



T. David Lyles, Judge
Superior Court
Paulding Judicial Circuit

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Treon W. Snelton, Clerk of Superior Court

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