



Atlanta June 11, 2015

**The Honorable Supreme Court met pursuant to adjournment.**

**The following order was passed:**

It is ordered that new Uniform Magistrate Court Rule 7.5 (relating to admission pro hac vice), Rule 19 (relating to electronic filing), and Rule 20 (relating to sensitive information) be approved, and that Rule 15 (relating to telephone and video-conferencing) and Rule 31 (relating to designated agents) be amended, effective June 25, 2015, as follows:

**Rule 7.5 Admission Pro Hac Vice**

**A. Definitions**

(1) a. A "Domestic Lawyer" is a person not admitted to practice law in this state but who is admitted in another state or territory of the United States or the District of Columbia and not disbarred or suspended from practice in any jurisdiction.

b. A "Foreign Lawyer" is a person authorized to practice law by the duly constituted and authorized governmental body of any foreign nation but not authorized by the Supreme Court of Georgia or its Rules to practice law in the State of Georgia and is not suspended from practice in any domestic or foreign jurisdiction.

(2) A Domestic Lawyer or Foreign Lawyer is "eligible" for admission pro hac vice if that lawyer:

a. lawfully practices solely on behalf of the lawyer's employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work; or

b. neither resides nor is regularly employed at an office in this state; or

c. resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission pro hac vice or in other lawful ways and, in the case of a Foreign Lawyer, is and remains in the United States in lawful immigration status.

(3) A "client" is a person or entity for whom the Domestic Lawyer or Foreign Lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer's performance of services in this state.

(4) "This state" refers to Georgia. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts or incorporates this rule.

(B) Authority of Court To Permit Appearance By Domestic Lawyer or Foreign Lawyer in Court Proceeding. A court of this state may, in its discretion, admit an eligible Domestic Lawyer or Foreign Lawyer retained to appear in a particular proceeding pending before such court to appear pro hac vice as counsel in that proceeding.

(C) In-State Lawyer's Duties. When a Domestic Lawyer or Foreign Lawyer appears for a client in a proceeding pending in this state, either in the role of co-counsel of record with the in-state lawyer, or in an advisory or consultative role, the in-state lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to advise the client of the in-state lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the Domestic Lawyer or Foreign Lawyer.

(D) Application Procedure

(1) Verified Application. An eligible Domestic Lawyer or Foreign Lawyer seeking to appear in a proceeding pending in this state as counsel pro hac vice shall file a verified application with the court where the litigation is filed. The application shall be served on all parties who have appeared in the case and the Office of General Counsel of the State Bar of Georgia. The application shall include proof of service. The court has the discretion to grant or deny the application summarily if there is no opposition.

(2) Objection to Application. The Office of General Counsel of the State Bar of Georgia or a party to the proceeding may file an objection to the application or seek the court's imposition of conditions to its being granted. The Office of General Counsel or objecting party must file with its objection information establishing a factual basis for the objection. The Office of General Counsel or objecting party may seek denial of the application or modification of it. If the application has already been granted, the Office of General Counsel or objecting party may move that the pro hac vice admission be withdrawn.

(3) Standard for Admission and Revocation of Admission. The court has discretion as to whether to grant applications for admission pro hac vice and to set the terms and conditions of such admission. An application ordinarily should be granted unless the court or agency finds reason to believe that such admission:

- a. may be detrimental to the prompt, fair and efficient administration of justice,
- b. may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent,
- c. one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk,
- d. the applicant has engaged in such frequent appearances as to constitute regular practice in this state, or
- e. should be denied, if that applicant had, prior to the application, filed or appeared in an action in the courts of this state without having secured approval pursuant to the Uniform Magistrate Court Rules.

(4) Revocation of Admission. Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in Rule 7.5 (D) (3) above.

(E) Application

(1) Required Information. An application shall state the information listed in Appendix A to this rule. The applicant may also include any other matters supporting admission pro hac vice.

(2) Application Fee. An applicant for permission to appear as counsel pro hac vice under this rule shall pay a non-refundable fee of \$75 for each application for pro hac vice admission to any Magistrate Court payable to the State Bar at the time of filing the application.

(3) Annual Fee. Any Domestic Lawyer or Foreign Lawyer who has been granted admission pro hac vice before any court of this state shall pay an annual fee of \$200, regardless of the number of pro hac vice admissions, upon the first such admission, and on or before January 15 for each calendar year thereafter for so long as the Domestic Lawyer or Foreign Lawyer is admitted pro hac vice before any court of this state. The annual fee shall be payable to the State Bar of Georgia.

(4) Exemption for Pro Bono Representation. An applicant shall not be required to pay the fee established by Rule 7.5 (E) (2) and (E) (3) above if the applicant will not charge an attorney fee to the client(s) and is:

- a. employed or associated with a pro bono project or nonprofit legal services organization in a civil case involving the client(s) of such programs; or
- b. involved in a criminal case or a habeas proceeding for an indigent defendant.

(F) Authority of the Office of General Counsel of the State Bar of Georgia and Court: Application of Ethical Rules, Discipline, Contempt, and Sanctions

(1) Authority over Domestic Lawyer or Foreign Lawyer and Applicant.

a. During pendency of an application for admission pro hac vice and upon the granting of such application, a Domestic Lawyer or Foreign Lawyer submits to the authority of the courts and the Office of General Counsel of the State Bar of Georgia for all conduct relating in any way to the proceeding in which the Domestic Lawyer or Foreign Lawyer seeks to appear. The applicant, Domestic Lawyer or Foreign Lawyer who has obtained pro hac vice admission in a proceeding, submits to this authority for all that lawyer's conduct (i) within the state while the proceeding is pending or (ii) arising out of or relating to the application or the proceeding. An applicant, Domestic Lawyer or Foreign Lawyer who has pro hac vice authority for a proceeding, may be disciplined in the same manner as an in-state lawyer.

b. The court's and Office of General Counsel's authority includes, without limitation, the court's and State Bar of Georgia's Rules of Professional Conduct, contempt and sanctions orders, local court rules, and court policies and procedures.

(2) Familiarity With Rules. An applicant shall become familiar with the Georgia Rules of Professional Conduct, local court rules, and policies and procedures of the court before which the applicant seeks to practice.

(G) Temporary Practice. An out-of-state lawyer will be eligible for admission pro hac vice, or to practice in another lawful way only on a temporary basis.

(H) Conflicts. The conflicts of the Domestic Lawyer or Foreign Lawyer shall not delay any deadlines, depositions, mediation, hearings, or trials in connection with the case for which admission has been granted.

## **APPENDIX A**

The Domestic Lawyer's or Foreign Lawyer's application shall include:

- (1) the applicant's residence and business address;
- (2) the name, address and phone number of each client sought to be represented;
- (3) the courts before which the applicant has been admitted to practice and the respective period(s) of admission, and contact information as to each such court;
- (4) whether the applicant (a) has been denied admission pro hac vice in this state, (b) had admission pro hac vice revoked in this state, or (c) has otherwise formally been disciplined or sanctioned by any court in this state. If so, specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings; the date filed; and what findings were made and what action was taken in connection with those proceedings;
- (5) whether any formal, written disciplinary proceeding has ever been brought against the applicant by a disciplinary authority in any other jurisdiction and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings and contact information as to such person or authority; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;
- (6) whether the applicant has been held formally in contempt or otherwise sanctioned by any court in a written order for disobedience to its rules or orders, and, if so: the nature of the allegations; the name and contact information of the court before which such proceedings were conducted; the date of the contempt order or sanction; the caption of the proceedings; and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application);
- (7) the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in this state within the preceding two years; the date of each application; and the outcome of the application;
- (8) an averment as to the applicant's familiarity with the Georgia Rules of Professional Conduct, local court rules and court procedures of the court before which the applicant seeks to practice;
- (9) the name, address, telephone number and bar number of an active member in good standing of the bar of this state who will sponsor the applicant's pro hac vice request. The

bar member shall appear of record together with the Domestic Lawyer or Foreign Lawyer; and

(10) the Foreign Lawyer's application shall include an affidavit attesting that the applicant shall throughout the period of appearance pro hac vice comply with all relevant provisions of the United States immigration laws and shall maintain valid immigration status.

The Domestic Lawyer's or Foreign Lawyer's application may provide the following optional information:

(11) the applicant's prior or continuing representation in other matters of one or more of the clients the applicant proposes to represent and any relationship between such other matter(s) and the proceeding for which the applicant seeks admission.

(12) any special experience, expertise, or other factor deemed to make it particularly desirable that the applicant be permitted to represent the client(s) the applicant proposes to represent in the particular cause.

## **Rule 15. Telephone and Video-Conferencing**

### **15.1 Telephone-Conferencing**

The trial court on its own motion or upon the request of any party may in its discretion conduct pre-trial or post-trial proceedings in civil actions by telephone conference with attorneys for all affected parties. The trial judge may specify:

(A) The time and the person who will initiate the conference;

(B) The party which is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and

(C) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

### **15.2 Video-Conferencing**

(A) The following matters may be conducted by video-conference:

1. Determination of indigence and appointment of counsel;

2. Hearings on appearance and appeal bonds;

3. Initial appearance hearings and waiver of extradition hearings; subsection 15.2(E) 4 below notwithstanding, public access to these hearings may be provided by a video-conferencing system meeting the requirements of subsection 15.2 (E) 2 and 3;

4. Probable cause hearings;

5. Applications for and issuance of arrest warrants;

6. Applications for and issuance of search warrants;

7. Arraignment or waiver of arraignment;

8. Pretrial diversion and post-sentencing compliance hearings;
9. Entry of pleas in criminal cases;
10. Impositions of sentences upon pleas of guilty or nolo contendere;
11. Probation revocation hearings in felony cases in which the probationer admits the violation and in all misdemeanor cases;
12. Post-sentencing proceedings in criminal cases;
13. Acceptance of special pleas of insanity (incompetency to stand trial);
14. Situations involving inmates with highly sensitive medical problems or who pose a high security risk;
15. Testimony of youthful witnesses;
16. Ex-parte applications for Temporary Protective Orders under the Family Violence Act and the Stalking Statute; and
17. Appearances of interpreters.

Notwithstanding any other provisions of this rule, a judge may order a defendant's personal appearance in court for any hearing.

(B) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all criminal proceedings, the defendant and defense counsel shall be provided with a private means of communications when in different locations.

(C) Witnesses. In any pending matter, a witness may testify via video-conference. Any party desiring to call a witness by video-conference shall file a notice of intention to present testimony by video-conference at least thirty (30) days prior to the date scheduled for such testimony. Any other party may file an objection to the testimony of a witness by video-conference within ten (10) days of the filing of the notice of intention. In civil matters, the discretion to allow testimony via video conference shall rest with the trial judge. In any criminal matter, a timely objection shall be sustained; however, such objection shall act as a motion for continuance and a waiver of any speedy trial demand.

(D) Recording of Hearings. A record of any proceedings conducted by video-conference shall be made in the same manner as all such similar proceedings not conducted by video-conference. However, upon the consent of all parties, that portion of the proceedings conducted by video-conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.

(E) Technical Standards. Any video-conferencing system utilized under this Rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;
2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method;

3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and
4. The location from which the trial judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video-conference. The court shall accommodate any request by interested parties to observe the entire proceeding.

### **15.3 Court Reporting**

All court reporting, including a court's use of digital recording systems, shall be done in compliance with the Rules promulgated by the Judicial Council, as amended from time to time.

### **Rule 19. Electronic Filing**

(A) Availability. Electronic filing may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council.

(B) Documents that may be filed electronically. Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order.

(C) Signatures. An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic.

(D) Time of filing. An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) Electronic service. An electronically filed document is deemed served upon filing to all parties and counsel who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document's filing.

(F) System or user filing errors. If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) Force and effect. Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

### **Rule 20. Sensitive Information**

(A) In accord with OCGA § 15-10-54, and in order to promote public electronic access to case files while also protecting sensitive information, pleadings and other papers filed with a court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court shall include only:

- (1) The last four digits of a social security number;
- (2) The last four digits of a taxpayer identification number;
- (3) The last four digits of a financial account number; and
- (4) The year of an individual's birth.

(B) The responsibility for omitting or redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review filings for compliance with this rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may constitute a contempt of court and may subject them to sanctions or other disciplinary proceedings as appropriate.

(C) A party having a legitimate need for the above information may obtain it by requesting discovery from the court, as provided for by Rule 40 of these rules.

(D) This rule in no way creates a private right of action against a court, a clerk, counsel or any other individual or entity that may have erroneously included identifying information in a filed document that is made available electronically or otherwise.

### **Rule 31. Designated Agent for Civil Actions**

Any officer or full-time employee of a corporation, sole proprietorship, partnership or unincorporated association may be designated by such entity as agent for purposes of representing it in civil actions to which it is a party in magistrate court. An action on behalf of a corporation, sole proprietorship, partnership, or unincorporated association, except affidavits in attachment, may be filed and presented by such designated agent.

Said individual claiming to represent one of the aforementioned entities as its agent shall file with the court a sworn affidavit or otherwise provide supporting documents sufficient to establish to the court that said individual is in fact a bona fide officer or full-time employee of the entity that is a party to the action.

SUPREME COURT OF THE STATE OF GEORGIA  
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from  
the minutes of the Supreme Court of Georgia  
Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

 Clerk