

**IN THE SUPERIOR COURT OF FORSYTH COUNTY
IN THE STATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

AMENDMENT TO INTERNAL OPERATING PROCEDURE 98-12

IN RE: JURY EXCUSALS

Internal Operating Procedure 98-12 for the Superior Court and the State Court filed July 10, 1998, is amended as follows:

The following Guidelines, established by Order of the Court dated March 22, 1985, and filed of record March 25, 1985, are hereby continued in full force and effect and are made an Internal Operating Procedure of the Bell-Forsyth Judicial Circuit.

ORDER

Pursuant to O.C.G.A. § 15-12-1, the Clerk of Superior Court of Forsyth County is hereby appointed and empowered to excuse jurors pursuant to the guidelines established herein.

GUIDELINES

PERMANENT EXCUSE

A. Permanently mentally or physically disabled persons

Upon certificate by juror, physician, guardian (or someone standing in similar relationship to the juror), on the form provided in the Forsyth County Clerk of Court's office, that juror is permanently physically or mentally disabled, such juror shall be excused and shall not be re-scheduled for service. The Court hereby deems "permanent" physical or mental disability to be one for which there is no medically foreseeable or predictable improvement allowing jury service within the next eight months (the length of two (2) Bell-Forsyth Judicial Circuit terms).

B. The Clerk shall permanently excuse the following:

Grand Jurors disqualified pursuant to O.C.G.A. § 15-12-60(b)(1) (present or recent elected state or local officials).

Grand Jurors disqualified pursuant to O.C.G.A. § 15-12-60(b)(2) (convicted felon, not pardoned nor civil rights restored).

Non-Residents of the County.

The Clerk shall further, prior to any revision or update, supply a list of all jurors so excused to the Chairman of the Jury Commission.

DEFERRALS - Except for permanently mentally or physically disabled persons, all jurors shall be deferred to a date and time certain within that term or the next succeeding term or such term as provided in paragraph II (D)(1).

A. “Public ... Order”

Any person who shows that he will be engaged during his term of service in work necessary to the public health, safety or good order shall be entitled to one deferral if the request is made over one week before scheduled service. For purposes of this subsection, all persons employed in occupations previously exemptible under now repealed O.C.G.A. § 15-21-1(a) and (d) or O.C.G.A. § 14-12-1.1(b) (1 through 6) may be so deferred as well as those similarly employed. It is further provided that active reservists or military orders and legislators while the General Assembly is in session (O.C.G.A. § 15-12-2) shall be deferred under this subsection.

B. “Good Cause”

The following shall be entitled to one deferral on request:

- a. receipt of summons less than one week before service;
- b. contagious or other temporary debilitating illness; and
- c. death or acute illness in immediate family.

2. The following shall be entitled to unlimited deferrals upon request:

- a. full time students enrolled and taking classes or exams, provided they complete and execute an affidavit on a form provided by the Clerk of Court;
- b. primary caregivers having active care and custody of a child under four

years of age, who execute an affidavit on a form provided by the court stating such person is the primary caregiver having active care and custody of a child under four years of age and stating that such person has no reasonably available alternative child care;

The following may be deferred in the discretion of the Clerk:

- a. extreme temporary business hardship or emergency;
- b. extreme temporary personal hardship (e.g. planned operation, pre-paid vacation, etc.); and
- c. subsequent deferrals for any of the previous categories.

Juror from Preceding Term

Any juror who served at the preceding term in any capacity shall not be eligible to serve as a Traverse Juror, but may serve as a Grand Juror. Upon drawing and recording and summoning any such juror contrary to O.C.G.A. § 14-12-4, he will be deferred until the next term.

D. Second Deferral

1. The following may be deferred in the discretion of the Judge:

Under extreme temporary business hardship or emergency by the juror offering an alternative, and the judge and the juror agreeing to a certain date to serve. Upon agreement, the juror being required to sign an Order stating date juror will serve, the Order will be filed into the Clerk's office and a copy will be maintained in the office of the Chief Judge of the Superior Court.

III **DISCRETION** - Clerk should exercise discretion reluctantly, considering only the following criteria:

- A. extent of hardship;
- B. number of jurors expected versus needed; and
- C. promptness of request within juror's ability.

IV An excusal not covered by the guidelines herein should be referred to the presiding judge. If there is no presiding judge, such excusals should be referred to the chief judge.

DOCUMENTATION -

The Clerk shall complete a list of all excusals and deferrals at the completion of each session of Court. Such list should include the reason(s) for excusal which may be done by category. The number of times deferred should be listed for those deferred more than once. Such record shall be submitted to the presiding judge for approval. If there is no presiding judge such record shall be submitted to the chief judge. Such record shall be placed on the Minutes of the Court.

All previous Orders on jury service are hereby rescinded.

SO ORDERED, this 8th day of November, 2001.

Richard S. Gault, Chief Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit

Jeffrey S. Bagley, Judge
Forsyth Superior Court
Bell-Forsyth Judicial Circuit

David L. Dickinson, Judge
State Court
Bell-Forsyth Judicial Circuit