

IN THE STATE COURT OF COWETA COUNTY

STATE OF GEORGIA

FILED IN OFFICE
CLERK OF STATE COURT

2024 AUG 16 PM 3: 29

STANDING ORDER REGARDING CIVIL AND CRIMINAL

COWETA COUNTY, GA
SHERIA W. EGROLES, CLERK

CASE ASSIGNMENT

This order is necessary to ensure compliance with U.S.C.R. Rule 3.1-3.4; U.S.C.R. Rule 8.1-8.6; U.S.C.R. 32.1-32.2; and O.C.G.A. §17-7-9; and §17-8-1.

PURPOSE OF ORDER

The purpose of this order is as follows: to provide a random case assignment system that will equally divide all cases amongst the three (3) judges of the State Court of Coweta County; to prevent any person from choosing the judge to whom any action is assigned; and to maintain exclusive control of such action by the assigned judge.

BRIEF HISTORY OF JUDGESHIPS

On May 30, 2024, Governor Brian P. Kemp swore in Matthew Stephen Swope as a judge for Coweta County State Court. Judge Swope filled the vacant seat created by the retirement of Judge John Herbert Cranford.

On July 9, 2024, Governor Brian P. Kemp swore in John Blake Cunningham as the third Coweta County State Court Judge. Judge Cunningham's position was created by House Bill 615 in 2023.

CIVIL CASE ASSIGNMENT – NEW FILINGS

Beginning September 1, 2024, any new civil filing with the Coweta County State Court Clerk's Office (herein after "Clerk's Office), including Petitions for Review from Magistrate Court, shall be assigned to each of the three State Court judges by a rotating system designed to allocate an equal number of cases to each judge. For example, Judge A, Judge B and Judge C. Although the Clerk's Office shall monitor the judge assignment rotation, the Clerk shall have

no power or discretion in determining the judge to whom any case is assigned. The assignment system is designed to prevent any person from manipulating or influencing the judge to whom an action is assigned. Neither the Clerk nor anyone employed with the Clerk's Office shall disclose to any person the judge to whom a case is or will be assigned until such time as the case is in fact filed and assigned.

CIVIL CASE ASSIGNMENT – EXISTING CASES

Beginning August 12, 2024, any open civil case that was previously assigned to Judge Harold Benefield or Judge John Herbert Cranford will be assigned to Judge Swope, except for one-third (1/3) of the open cases as of August 12, 2024, will be assigned to Judge Cunningham. The Clerk's Office shall maintain a list of cases transferred from Judge Swope to Judge Cunningham.

Beginning August 12, 2024, one-third of Judge VanPatten Poulakos' open civil cases will be assigned to Judge Cunningham. The Clerk's Office shall maintain a list of cases transferred from Judge VanPatten Poulakos to Judge Cunningham.

Judges shall only consider matters which are filed with the Clerk's Office, which are assigned case numbers from the Clerk's Office, and which are individually assigned to them. Exceptions to this rule includes the following: recusal; request for assistance by the assigned judge; and consideration of orders of a ministerial nature.

In the event a particular judge conducts a hearing or considers a matter and directs the matter to be retained by that judge or directs matters with similar parties or similar issues to be retained by the same judge for reasons of judicial economy, the assignment or the re-assignment of the case may be accomplished by an order between the affected judges.

All civil court dates for jury trial calendars, non-jury calendars and pre-trial calendars shall be established according to the master State Court yearly calendar. Each individual judge shall be responsible for scheduling court dates for any civil case on her or his caseload that requires a court date. The Clerk's Office shall prepare all civil calendars.

CRIMINAL CASE ASSIGNMENT – NEW CASES

Beginning November 8, 2024, all new criminal accusations and all newly issued uniform traffic citations shall be assigned to the three State Court judges by the Case Assignment Order (a separate order not included in the body of this order). The Case Assignment Order shall be signed by the Chief Judge of State Court each year and shall divide the calendar year into equal seven (7) day increments. Each increment shall be assigned to a State Court judge on a rotating basis. Each new criminal case judge assignment shall be determined by the offense date or incident date listed on the Case Assignment Order.

CRIMINAL CASE ASSIGNMENT – EXISTING CASES

Beginning August 12, 2024, any open criminal case that was assigned to either Judge Harold Benefield or Judge John Herbert Cranford will be assigned to Judge Swope. If a new document is filed with the Clerk's Office on a closed criminal case, that at the time of disposition was assigned to Judge Benefield or Judge Cranford, Judge Swope will be assigned the case to consider the new filing.

All court dates for criminal proceedings (including arraignment calendars, jury trials calendars, and motions calendars) are to be determined by the master State Court yearly calendar. All criminal calendars shall be prepared by the Clerk's Office and may list the cases alphabetically by each defendant's surname. The Clerk's Office shall comply with the notice requirements of O.C.G.A. §17-7-91 for all defendants and their attorneys.

In all cases involving co-defendants, all co-defendants shall be assigned to the judge originally assigned the lowest case number involved in the incident.

GENERAL ITEMS

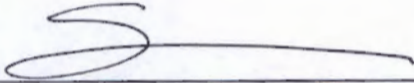
The State Court judges may assist each other as necessary to conduct the business of the court notwithstanding the individual case assignments. A written order may be used to memorialize the reason for deviation from the standard assignment rule.

The judge to whom any action is assigned shall have exclusive control of such action, except as provided in these rules, and no person shall change any assignment except by order of the judge affected and as provided in these rules. An assigned judge may transfer an assigned action to another judge with the latter's consent and by written order.

Nothing contained in this order shall be construed in such a manner as to affect the validity of any judicial act performed by any judge of State Court in matters presented to any judge.

This order shall be filed with the Clerk's Office and recorded in the minutes. It may be amended by the State Court judges when appropriate and shall remain in effect through the successions in office of the judges named herein.

So ordered this 16th day of August, 2024.



Seay VanPatten Poulakos, Chief Judge
State Court of Coweta County



Matthew S. Swope, Judge
State Court of Coweta County



John B. Cunningham, Judge
State Court of Coweta County