

House Bill 167 (AS PASSED HOUSE AND SENATE)

By: Representatives Barnes of the 84<sup>th</sup>, Post 2, Dodson of the 84<sup>th</sup>, Post 1, Hill of the 81<sup>st</sup>, Jordan of the 83<sup>rd</sup>, Buckner of the 82<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the division and allocation of duties among the judges of the superior courts  
2 of the Clayton Judicial Circuit; to provide for the power, authority, discretion, and  
3 performance of duties of the judges; to provide for the selection, service, and tenure of the  
4 chief judge of the circuit; to provide for the filling of vacancies in the position of chief judge;  
5 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The judges of the superior courts of the Clayton Judicial Circuit of Georgia in transacting the  
10 business of said courts and in performing their duties and responsibilities shall share, divide,  
11 and allocate the work and duties to be performed by each. In the event that a majority of the  
12 judges cannot reach agreement in any respect thereof, the decision of the chief judge shall  
13 be controlling. The chief judge shall appoint the judge of the juvenile court as provided by  
14 law. The judges of the superior courts of the Clayton Judicial Circuit shall have and they are  
15 hereby clothed with full power, authority, and discretion to determine from time to time, and  
16 term to term, the manner of calling the dockets or fixing the calendars and order of business  
17 in said courts. They may assign to one or more of said judges the hearing of trials by jury  
18 for a term, and the hearing of all other matters not requiring a trial by jury to one or more of  
19 the other judges, and they may rotate such order of business at the next term. They may  
20 conduct trials by jury at the same time in the same county or otherwise within said circuit,  
21 or they may hear chambers business and motion business at the same time at any place within  
22 said circuit. They may provide in all respects for holding the superior courts of said circuit  
23 so as to facilitate the hearing and determination of all the business of said courts at any time  
24 pending and ready for trial or hearing. In all such matters relating to the business of said  
25 courts, and making appointments as authorized by law where the judges thereof cannot reach

1 a majority decision, the opinion or order of the chief judge as hereinafter defined shall control.

2 **SECTION 2.**

3 (a) The superior court judge of the Clayton Judicial Circuit who has served the longest time  
4 as a superior court judge of the Clayton Judicial Circuit shall be the chief judge of the circuit  
5 effective the date hereof. Said chief judge shall serve until December 31, 2006. Thereafter  
6 the position of chief judge shall be rotated, with each term consisting of four years. The  
7 chief judge for the term beginning January 1, 2007, shall be the superior court judge (other  
8 than the chief judge who has just completed his or her term) who has served the longest  
9 continuous time as a superior court judge of the Clayton Judicial Circuit. If a judge has  
10 previously served as chief judge, the length of service for such judge shall be defined as his  
11 or her service as a superior court judge of the Clayton Judicial Circuit since the conclusion  
12 of his or her last term as chief judge. In the event there are two or more judges who have the  
13 same length of service, then the judge who has been admitted to the bar of the State of  
14 Georgia the longest time shall serve as chief judge.

15 (b) Should a judge be eligible and qualify to serve as chief judge but decline to do so, or  
16 should a judge while serving as chief judge desire to resign such position, he or she shall do  
17 so by notifying the other superior court judges of the Clayton Judicial Circuit in writing, and  
18 in such event, the next superior court judge in line would assume the position of chief judge.

19 (c) In the event of a vacancy in the position of chief judge during that judge's term by death,  
20 resignation, or other disqualification of the current chief judge, then the next judge in line  
21 would assume the duties of chief judge for the remainder of that term and such judge  
22 assuming the duties would then serve the ensuing full four-year term as chief judge.

23 **SECTION 3.**

24 Nothing herein enumerated shall be deemed to limit or restrict the inherent powers, duties,  
25 and responsibilities of superior court judges provided by the Constitution and statutes of the  
26 State of Georgia.

27 **SECTION 4.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law  
29 without such approval.

30 **SECTION 5.**

31 All laws and parts of laws in conflict with this Act are repealed.