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Rebecca G. Crowe
Clerk of Court
Bryan County Georgia

IN THE STATE COURT OF BRYAN COUNTY

STATE OF GEORGIA

**STANDING ORDER NO. 2025-2 REGARDING
CASES INVOLVING SELF-REPRESENTED LITIGANTS IN CIVIL ACTIONS**

The State Court of Bryan County has experienced a significant increase in its caseload commensurate with the rapid growth of Bryan County's population. A substantial portion of these cases involve at least one self-represented litigant who, due either to technological limitations or unfamiliarity with court procedures, does not utilize the Court's electronic case filing system.

In recognition of this reality, the Clerk of the State Court has implemented a policy permitting paper filings from such individuals. However, this accommodation has created an unintended consequence: when self-represented litigants submit paper filings, they are not registered with the Court's electronic filing system and consequently do not receive electronic notification of subsequent filings, including notices of hearings and Court orders.

Despite the Court's standard directive that the Clerk provide paper copies of such notices to a self-represented litigant's last known address, multiple instances have occurred where these individuals failed to receive timely notice of hearings or other critical filings, whether due to clerical oversight or other factors. These communication failures have necessitated the Court's setting aside orders granting judgment against self-represented litigants who failed to appear at hearings, upon later discovery that proper notice was not effectuated. This has also resulted in the Court having to reschedule such hearings and the need for all parties who had already appeared before the Court as ordered, having to reappear, thus clogging the Court's dockets.

These procedural deficiencies have created substantial obstacles to the Court's efficient administration of justice, resulting in unnecessary delays, duplicative proceedings, and potential prejudice to all parties involved.

Conclusions of Law

The State Court of Bryan County, as a court of record within Georgia's unified judicial system, possesses both express statutory authority and inherent judicial power to promulgate orders governing its internal procedures and case administration. O.C.G.A. § 15-7-43(b) (2024).

I.

This Court's authority to regulate its proceedings derives from multiple sources. First and foremost, "every court has inherent powers essential to its function" as a judicial tribunal. *Bloomfield v. Liggett & Myers, Inc.*, 230 Ga. 484, 486, 198 S.E.2d 144, 145 (1973). Among the powers expressly enumerated by statute is the authority "to control, in the furtherance of justice, the conduct of its officers and all other persons connected with a judicial proceeding before it, in every matter appertaining thereto." O.C.G.A. § 15-1-3(4) (2024). The General Assembly has further vested courts with the power "to amend and control [their] processes and orders so as to make them conformable to law and justice," O.C.G.A. § 15-1-3(6) (2024), and "to correct [their] own proceedings before final judgment." O.C.G.A. § 15-1-3(7) (2024).

State courts operate under "the general laws and rules of practice, pleading, procedure, and evidence applicable to the superior courts of this state," O.C.G.A. § 15-7-43(b) (2024), including those governing "the execution and enforcement of judgments." O.C.G.A. § 15-7-43(c) (2024). Pursuant to these provisions, a trial court maintains "broad discretion in regulating and prescribing the manner in which the business of the court

will be conducted." *Butler v. State*, 172 Ga. App. 405, 406, 323 S.E.2d 628, 629 (1984); accord *Ford Motor Credit Co. v. Williams*, 194 Ga. App. 405, 406, 390 S.E.2d 640, 642 (1990). Indeed, "[m]uch latitude of discretion must be allowed the courts as to their mode of conducting business." *Ellis v. Cameron & Barkley Co.*, 171 Ga. App. 211, 214, 319 S.E.2d 38, 40 (1984) (quoting *Hatcher v. State*, 18 Ga. 460, 460 (1855)). This discretion "will not be interfered with unless flagrantly abused." *In re McLarty*, 152 Ga. App. 399, 404, 263 S.E.2d 194, 197 (1979); see also *Kellar v. State*, 226 Ga. 432, 433, 175 S.E.2d 654, 656 (1970).

The inherent power of a court encompasses the authority "to control its proceedings and manage the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Bloomfield*, 230 Ga. at 486, 198 S.E.2d at 145-46. As this Court has recognized, such discretion "is necessarily confided to the judge." *Ellis*, 171 Ga. App. at 214, 319 S.E.2d at 40.

II.

Additionally, the Uniform Superior Court Rules explicitly authorize the promulgation of Standing Orders "as to matters not addressed by the uniform rules and which are not inconsistent with a uniform rule." Unif. Super. Ct. R. 1.2(E) (2024). This authority extends to "orders governing electronic filing, and similar matters," *id.*, provided that "actual notice of such order is provided to all parties." *Id.* Moreover, courts "may continue to maintain practices and standing orders to regulate the internal processes of the court in matters which are not susceptible to uniformity, which relate only to internal procedure, and which do not affect the rights of any party substantially or materially." Unif. Super. Ct. R. 1.2(B) (2024).

Of paramount importance is the principle that "no person shall be denied access to the court nor be prejudiced in any way for failure to comply with a standing order of which the person does not have actual notice." Unif. Super. Ct. R. 1.2(F) (2024).

Therefore, based upon the foregoing statutory provisions and decisional law establishing the general and inherent powers of courts in this State to control their proceedings and regulate their business—and specifically the provisions of the Uniform Superior Court Rules authorizing standing orders on matters such as electronic filing where not inconsistent with uniform rules and upon actual notice—this Court possesses the requisite legal authority to issue a standing order governing the administration of cases involving self-represented litigants and filings in the Court's electronic filing system, provided such order comports with applicable laws and uniform rules, and appropriate notice is furnished to affected parties.

ORDER

WHEREFORE, upon consideration of the foregoing findings of fact and conclusions of law, this Court hereby determines that the current practices of the Office of the Clerk of Court, and of the Court generally, are insufficient in some instances to provide timely notice to self-represented individuals of hearings and other filings in the Court's case files. The Court appreciates the efforts that are being made by members of the Clerk's Office to address this situation. However, these deficiencies result in duplicative efforts and materially impair this Court's ability to administer justice efficiently. See O.C.G.A. § 9-11-5(b) (2024) (requiring that service upon a party not represented by an attorney shall be made by delivering a copy to the party or by mailing it to the party's last known address); *Wilkes v. Ricks*, 126 Ga. App. 266, 190 S.E.2d 603

(1972) (holding that parties are entitled to their day in court when notice requirements are overlooked).

IT IS THEREFORE ORDERED, effective immediately upon the entry of this Order, as follows:

1. When interacting with any self-represented litigant, whether by accepting paper filings from the individual or otherwise, personnel of the State Court Clerk's office shall obtain and record both an electronic mail address and physical mailing address for said litigant where notices should be sent along with a phone number. In doing so, members of the Office of the Clerk are directed to use the attached Self-Represented Litigation Information Form to aid them in this task.
2. All self-represented individuals are hereby ordered to provide such information to the Office of the Clerk of the State Court of Bryan County immediately upon request, and even if such a request is not made, so that notice of case filings may be provided to such individuals.
3. The deputy clerk shall provide the obtained contact information to the Court's Administrator, Amber Merriam at amerriam@bryancountyga.gov, and Staff Attorney, Hector M. Delgado at hdelgado@bryancountyga.gov as soon as practicable.
4. In all future cases involving a self-represented litigant who is not registered with the Court's electronic case filing system, the Clerk or her deputies are directed to provide a copy of any filings by the Court, including Orders and Notices, to the litigant by first class mail at the litigant's last known address.
5. Personnel of the State Court Clerk's office are further directed to publish a copy of this Order prominently within that Office and provide a copy of this Order to all

self-represented litigants upon their making any filings into a State Court case outside of the Court's electronic case filing system. Said Personnel shall either file a copy of this Order, or notate the case file, to evidence that a copy of this Order has been provided to such self-represented litigants.

6. The Court's Administrator is also directed to publish a copy of this Order on the Court's website, www.bryancountystatecourt.org.

SO ORDERED, this 1st day of May, 2025.



HON. BILLY E. TOMLINSON
Judge, State Court of Bryan County
State of Georgia

Self-Represented Litigant Information Form

_____ (Name)

_____ (Street Address)

_____ (City, State & ZIP)

_____ (Email Address)

_____ (Phone Number)