

**OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

**STANDING ORDER  
FOR ADMINISTRATIVE LICENSE SUSPENSION HEARINGS**

This Standing Order shall apply in all administrative license suspension cases pending before the undersigned administrative law judge.

**Conflict of an Attorney Representing a Driver:**

When an attorney has an appearance conflict, the attorney shall provide written notice of the conflict at least **seven days** prior to the scheduled hearing date. The notice of conflict shall comply in all respects with Uniform Superior Court Rule 17.1. Ga. Comp. R. & Regs. 616-1-2-.41(2).

If the conflict is resolved, the attorney shall appear at the hearing as scheduled.

If the conflict is not resolved, the **driver shall be required to appear** at the hearing. If the driver fails to appear at the hearing, the driver may be found in default and the appeal may be dismissed. Ga. Comp. R. & Regs. 616-1-2-.30(1).

**Conflict of an Arresting Officer:**

When an arresting officer has been subpoenaed to testify in another court on the scheduled hearing date, the officer shall provide written notice of the conflict at least **seven days** prior to the scheduled hearing date or immediately upon service of the subpoena, whichever is later.

If the conflict is resolved, the officer or representative shall appear at the hearing.

**A notice of conflict shall be served on the opposing party** at the same time it is filed with the Office of State Administrative Hearings (OSAH).

**A continuance request contained within a notice of conflict will not be granted on the appearance conflict alone if good cause for continuance is not otherwise established.** Ga. Comp. R. & Regs. 616-1-2-.41(1)(a) and (b).

**Continuances**

A motion for continuance shall only be granted upon a showing of good cause, and shall not be granted simply because the parties or their counsel agree. Ga. Comp. R. & Regs. 616-1-2-.41(1)(a).

**No party is excused from attendance until the undersigned has issued either an oral or written order granting the party's request.**

The Department of Driver Services electronically transmits administrative license suspension referrals to OSAH for docketing. After docketing, the OSAH clerk issues notices of hearing throughout the month up until the cut-off date for such notices. The cutoff date is currently 14 business days prior to the scheduled hearing. Accordingly, at a minimum, a notice of hearing should be issued no later than 16 actual days prior to a hearing and should be received in the mail within 13 actual days of a hearing.

**Given the potentially short notice period for notices issued near or on the cutoff date, the normal time of 10 days allowed to respond to such a motion is shortened to 2 business days.** Ga. Comp. R. & Regs. 616-1-2-.16(2). If such a motion is unopposed, no response is necessary.

Electronic submissions of motions for continuance and responses to those motions are authorized either by email to the judge's case management assistant with Word or PDF attachment or by facsimile. Electronic submissions are strongly encouraged in lieu of telephone calls to the judge's case management assistant. Such submissions provide a paper trail of communications and a new case management system will eventually allow their attachment to an electronic file.

If a continuance is granted, the parties are directed to appear at the next routine calendar scheduled for their geographic location unless the judge schedules the hearing for an alternate date. Information regarding the time and location of routine calendars is available on the OSAH website. No new notices will be issued unless an alternate date is indicated.

### **Attorney Leave of Absence**

The approval of attorney leave of absence in other court does not constitute approval of a leave of absence for OSAH. For a leave of absence to be recognized at OSAH, the leave of absence must be filed with the OSAH clerk. Upon such a filing, the OSAH clerk will attempt to honor that leave request by not scheduling a case during the leave period.

If OSAH is properly notified of the leave of absence and a case is inadvertently scheduled during the attorney's leave, it is the attorney's responsibility to provide notice of the scheduling error at least **seven days** prior to the scheduled hearing date and to notify the opposing party that the attorney has approved leave. Alternatively, a default order may be issued upon the attorney's non-appearance.

If the OSAH clerk was not properly notified of the leave of absence, the attorney must file a motion for continuance showing good cause for non-appearance. Ga. Comp. R. & Regs. 616-1-2-.41(1)(a).