

General question for Court of Appeals

Address:

Q: What is the mailing address for the Court. What hours is the NDJC open?

A: 330 Capitol Ave., S.E.
1st Floor, Suite 1601
Atlanta, Georgia 30334

A: NDJC opens from 8:30 - 4:30 PM

Address Update

Q: How do I update my address?

A: E-filers update their information through their e-file account.
Paper pro-se filers should send in a change of address via mail or by bringing it into the office.

Filing Fees:

Q: Can I file as a pauper?

A: Yes, There is a paupers affidavit form listed under helpful documents and listed in the sample forms under the citizens guide on the court's website. This form must be filled out and notarized.
-Paupers affidavit form must accompany the filing in lieu of the payment.

Q: How much does the filing fee cost?

**(Only Filings requiring fees for filing:
Briefs/Applications/Emergency Motions)**

A: \$300 civil
\$80 Criminal
(When e-filing there is a \$10 service charge in addition to the filing fee.)

Q. How and when can I pay the filing fee?

When filing the brief/Application/Emergency Motion

A. Refer them to Rule 5.

Rule 5. Filing Fees/Affidavit of Indigence.

(a) Fees.

Filing fees are:

(1) \$80 in all criminal cases (this includes appeals from probation revocation and juvenile delinquency cases); and

(2) \$300 in all civil cases.

Filing fees accrue upon the docketing of a direct appeal or an application for discretionary or interlocutory appeal. The fees shall be paid by the applicant or appellant or their counsel no later than the filing of the application or, in the case of direct appeals, at the time of the filing of the original brief of the appellant.

(b) Exceptions to Payment of Fees.

Filing fees shall not be required when:

(1) The applicant/appellant is pro se (not represented by counsel) and is incarcerated at the time of the filing;

(2) Counsel for the applicant/appellant was appointed because of indigency and, at the time costs would be due, counsel files a statement that he or she was appointed or the record contains a notice of the appointment of an attorney from the Georgia Public Defender Council; or

(3) The applicant/appellant or counsel for the applicant/appellant files an affidavit of indigency that includes an original signature and a proper jurat on the form provided by the Court (forms may be obtained from the Clerk's office or from the Court's website) and the affidavit is approved by the Court. Each case filed in this Court requires a separate affidavit.

The Clerk shall not receive an application or original brief of the appellant unless filing fees have been paid or one of the exceptions to this rule has been met. Applications or original briefs accompanied by an affidavit of indigency are accepted by the Clerk on a conditional basis until the affidavit of indigency is approved by the Court. If an affidavit is rejected by the Court, filing

fees shall be paid within 5 days of the date the affidavit is denied or the application or original brief of appellant will be deemed rejected for filing.

(c) Special Fee Exception.

If the Court grants an interlocutory or discretionary application, additional filing fees are not required to file an appellant's original brief in the direct appeal.

(d) Payment Methods.

All required fees may be paid by credit card with any electronic filing or by check or money order if a paper filing is made. Counsel may pre-pay filing fees by submitting a check prior to the electronic submission. The Clerk is not responsible for any cash accompanying a filing.

Sample Forms:

Q: Are there sample forms available?

A: Yes, on the citizens guide listed under helpful documents on the court's website.

Pro Se Registration and e-filing:

Q: How do I become an e-filer as a Pro se?

A: We can issue you a pro-se ID #. First ask if they have received a docket notice. If yes, inform them that their pro-se ID # is listed on their notice of docketing.

A: A Pro se bar number can be created by going to System Management - Add an Attorney - Obtain and enter their name, address, and phone number. Do NOT enter an email address. The Pro se Party will do this when they complete their registration. Next, check the Admitted to Court of Appeals, Enter that days date ,Select State of Ga. Bar Status as Active Member in Good Standing ,Click Submit. A Pro se bar number will be generated. Provide this number to the party. Advise them to go to the e-Fast system, scroll down to register where they will then set up their profile and password.

Q: How long do I have to e-file the filing electronically?

A: Filers have until 11:59 PM to submit their filing. However, they run a risk of filing after hours on their last day. If their filing is not in compliance with the court's rules and it is returned they would loose their date for filing. The only filing this does not apply to is MFR's. These must be received by 4:30 pm on the due date.

Attorney Questions

Q: I'm an out of state attorney, how do I apply for Pro Hac Vice?

A: Refer them to Rule 9 (c) Appearance Pro Hac Vice/Courtesy Appearance. Additionally, in the eFaST system they will need to select Filing Category: MOTION and then Filing Type: TO REQUEST PRO HAC VICE/COURTESY APPEARANCE - 04-532

Q: How do I add an attorney to the case?

A: An attorney may be listed as party to the case by either signing the Brief/Motion or by filing a Notice of Appearance

Q: How do I obtain admission to the Court?

A: On the court website, under About the Court, See Attorney Admission to the Court. Attorney will find the instructions along with the application. Information will be generated to Lisa and others via email.

Q: I cannot login to my efast profile. It says my credentials are corrupt.

A: We can reset your password and email you a temporary one to login with. Once you are logged in, you can change the password to one of your choosing.

****If you do not know how to do a password reset and cc their new email we can teach you as soon as you tell us****

Q: How do I cite to the record?

A: See COA rule 25(2)

Q: Is my record/case file still there with the COA?

A: Check record retention note on docket or records tab for electronically filed records.

Q: How can an additional attorney be placed on the docket?

A: File notice of appearance or entry of appearance.

A: MFR's

Per Rule 37 (a) Physical Preparation.

Motions for reconsideration shall be prepared in accordance with Rule 24, Preparation of Briefs. Motions for reconsideration and responses to motions for reconsideration shall be limited to 4,200 words. Each submission must contain the following certification just above the signature block of the submitting attorney. "This submission does not exceed the word count limit imposed by Rule 24." The person signing the certificate may rely on the word count of the word-processing system used to prepare the brief.

Copies and Records:

Q: How do I obtain copies of filings?

A: Copies may be purchased through www.gaappeals.us, About the Court/Records Store. Copies are \$1.50 per page. \$4.00 for an index.

Q: How do I review records?

A: Records may be downloaded by the attorney of record as listed on docket by going to their case & clicking on record pay fee.

Appeal and Applications

Q. How do I file an appeal as Pro se?

A. Direct to Citizens Guide: We can not advise which type of appeal should be filed but can direct them to the Citizen's Guide for information.

Q: Has my application been docketed or processed?

A: Look on case Management & give docket date.

Q: What classification should I select?

A: Pick what you think best for what is being appealed. If the docket clerk thinks it should be something different the clerk can update the classification.

Q: How do I know if my application is timely?

A:

Discretionary's

Per Rule 31.

(a) Filing Deadline.

An application for discretionary appeal must generally be filed in this Court within 30 days of the date of the entry of the trial court's order being appealed, although pursuant to OCGA § 44-7-56,

a discretionary application involving a dispossessory action must be filed within seven days of the entry of the trial court's order. The trial court's order is entered on the date it is filed with the trial court clerk.

Interlocutory's

Per Rule 30. Interlocutory Applications.

(a) Filing Deadline.

An application for interlocutory appeal shall be filed in this Court within 10 days of the entry of the trial court's order granting the certificate for immediate review. The trial court's order is entered on the date it is filed with the trial court clerk.

*Note: When counting days. The clerks office goes by the stamped filed date issued on the order being appealed. When counting days you start with the next day from the stamp date as day 1 you then count the weekends when counting. If the deadline falls on a Sat or Sun the filer would have the Monday to file unless it is a holiday then it would fall to the next date.

Q: The case has been settled. How can I withdraw my appeal or application?

A: To withdraw an appeal or application this must be requested in motion format to the court for review and judgment.

NT- Files Motion to withdraw

EE- Files Motion to dismiss

Q: Can I add an exhibit to my application already filed or additional material.

A: Filers may file a supplement to the application explaining to the court what is being supplemented, attach word count and a certificate of service for their filing. Submit the supplement then individually submit their supplemental exhibits.

Q: The filer made a typo in their application filing. How do they correct it?

A: The filer may file an amended application, include word count and certificate of service for the filing. They do not need to re submit exhibits unless they need to amend an exhibit.

Q: Filer does not see the option to file a response -

A: Filings are submitted under the category selection: Application
Filing type Response to application. Submit Response.
Exhibits are filed separate from the response and individually.

Q: Are responses required in an application if so how long do they have to file?

A: Responses are not required. The filer has 10 days from the date of docketing the application to file their response. If it's past the deadline they may still submit their response. As long as it's pending the court will take the response into consideration.

Docketing and Filing Questions:

Q: Has my case been docketed from the lower court yet?

A: A docket search can be made by the inquiring party on our court's website. If you they can not find it or it's not found on our docket, you can search in TCR Rejections in Proxy email by entering the county the case is from in the Subject line search. If you don't find it there, or if it is there and they have questions as to why it was returned please forward the call to Susan or Anuva, depending on type of case.

Q: Can I view the filings in my case or vice versa for other side?

A: Party's listed on the case are able to view all filings. Non party's not listed are not able to view and may purchase a copy through the court store on line or come to the court for review.

Q: My order is signed by a clerk and not a Judge. Why?

A: Above your case number on the order it reads "The Court of Appeals hereby passes the following order". The 15 Judges are the court. The signature is just the clerk of court certifying that your order is a true and exact copy of the order the Judges on your panel issued in your case. The clerk did not make the decision in your case

Q: Why was my cases dismissed?

A: Review order/opinion

Q: Is my case still pending?

A: D is for docketed- Still pending and no ruling has been made

P is for pending

J- Judgment issued

F- Final- No more filings may be accepted into the case

C- pending cert in Supreme Court- SC has jurisdiction.

Q: When will my case be heard? When is my court date?

A: Oral argument is only heard if requested and granted.

Brief/Motion's

Q: When is my brief due?

A: Nt's brief is due 20 days from the docket date, EE's brief is due 20 days from docketing of NT brief or 40 days from docket date, which ever is longer.

If deadlines falls on a weekend or a court holiday, they are given the next business day to file.

Q: Why was my Brief/Motion returned?

A: Reason can be found listed under "Returned Filings" in the docket as well as in the email you received notifying you that the filing was returned.

Q: When will my Motion be answered?

A: Motions are reviewed and responded to by the Judges on your panel. The clerk's office will receive an order when the motion has been decided.

Q: What if I made an error in my brief when I filed it? How can I fix it?

A: You may file a motion to amend your brief and if granted you can file your amended brief.

Note: You may attach your amended brief to your motion. However, if granted you would still need to file your amended brief into the case.

Court Time lines:

Q: How long does the court have to make a ruling on applications?

A: Discretionary- 30 days

Interlocutory-45 days

The court can rule at any time this is just how long the court has to reach a judgment.

Q: When will my direct appeal be decided?

A: Please provide your case number and we can give you the deadline for a decision. It may not take the full time allotted for the Court to reach a decision, but it must be decided by the deadline.

**The term the case is docketed to is listed in the General Tab to the right of the Docket Date.

Once you have this term, you can find the deadline on gaappeals.us by clicking on "Dates & Calendars" and then "Court Term Dates". Scroll down and find the term their case is docketed to and the deadline for a decision will be listed there.**

Q: What judges or judge is my case assigned to?

A: We can only give out the panel of all three judges. Never give out the assigned judge.

Q: Can MFR's can be e-filed?

A: Yes, As long as they are submitted before 4:30 pm on the day they are due. Keep in mind they run a risk on filing on their last day. If something is not in compliance with the court's rules it could get returned and then the filer would be out of time to file.

*MFR's are due 10 day's from the court's judgment for the application.

Q; When will the Remittitur be issued?

A: They are issued 15 days after judgment unless an MFR or Cert to Supreme Court is filed.