

I N T E R N A L O P E R A T I O N S M A N U A L
OF THE
C O U R T O F A P P E A L S
OF THE
S T A T E O F G E O R G I A

Effective January 1, 1995

Revised June 30, 1995

*Revised
10-17-96*

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(A) Disqualifications

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INTERNAL OPERATIONS MANUAL
THE COURT OF APPEALS OF GEORGIA

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3-12-96

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as of 6/30/95

I. DUTIES

A. CHIEF JUDGE

1. The Chief Judge shall be chosen by the judges of the court for a term of two years; and thereafter, automatic rotation of the office of the Chief Judge among the members of the court shall be based on seniority of service on the Court of Appeals. If a vacancy occurs for any reason, a successor shall be chosen promptly and his/her term shall begin as of the date of such selection. In the event a judge leaves the court for any reason, his/her successor shall not stand in his/her stead of priority in serving as Chief Judge, but the successor goes to the bottom of the list as junior judge. A judge on becoming eligible for selection as Chief Judge may waive all or any part of the term to which he/she is entitled.
2. If the Chief Judge is absent or otherwise unable to discharge his/her duties, the judge next in the line of succession for Chief Judge is authorized to perform any emergency or otherwise urgently required duty of the Chief Judge pending his/her return to duty.
3. The Chief Judge is responsible for the administration of the court and the dispatch of its business. The responsibilities include:
 - a. Insures that major policies and procedures for the operation of the court have been established by a majority vote of the judges thereof, and acts within the scope of such authority.
 - b. Presides at meetings of the Executive Council and when the court is en banc, and shall prepare and distribute a written agenda for the court the day prior to the meeting.
 - c. Supervises fiscal affairs, accounting, planning, preparation, and presentation of the budgets; and renders financial reports to the court and required agencies.
 - d. Initiates policies concerning the court's internal operations and its position on external matters affecting the court.

I. DUTIES

A. CHIEF JUDGE

1. The Chief Judge shall be chosen by the judges of the court for a term of two years; and thereafter, automatic rotation of the office of the Chief Judge among the members of the court shall be based on seniority of service on the Court of Appeals. If a vacancy occurs for any reason, a successor shall be chosen promptly and his term shall begin as of the date of such selection. No judge shall serve more than two years as Chief Judge unless it be by later progressing his way up in priority and seniority of rotation behind the most junior judge serving on the court during his tenure as Chief Judge. In the event a judge leaves the court for any reason, his successor shall not stand in his stead of priority in serving as Chief Judge, but the successor goes to the bottom of the list as junior judge. A judge on becoming eligible for selection as Chief Judge may waive all or any part of the term to which he is entitled.
2. If the Chief Judge is absent or otherwise unable to discharge his duties, the judge next in the line of succession for Chief Judge is authorized to perform any emergency or otherwise urgently required duty of the Chief Judge pending his return to duty.
3. The Chief Judge is responsible for the administration of the court and the dispatch of its business. The responsibilities include:
 - a. Insures that major policies and procedures for the operation of the court have been established by a majority vote of the judges thereof, and acts within the scope of such authority.
 - b. Presides at meetings of the Executive Council and when the court is en banc, and shall prepare and distribute a written agenda for the court the day prior to the meeting.

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- e. Appoints standing and special committees to aid in the administration of the court.
- f. Represents the court in its relations with the Supreme Court, other agencies of government, the bar, general public, news media, and ceremonial functions.
- g. Appoints Special Prosecutors in bar disciplinary matters.
- h. Schedules rotating staff attorneys.
- i. Supervises preparation of an annual statistical analysis report reflecting caseload of the court, and such other periodic reports deemed necessary by the court.
- j. Performs such other administrative duties as may be required and which are not otherwise provided for by law or rule.

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B. EXECUTIVE COUNCIL

1. Shall be composed of the Chief Judge and the three Presiding Judges and shall act on all matters referred to the Chief Judge and Council as provided by committee assignments.
2. If not otherwise provided, shall determine which administrative matters should be presented to the full court.
3. Advise and counsel the Chief Judge on matters relating to the court.
4. If a tie vote occurs on a matter under consideration by the Chief Judge and Council, the matter shall be referred to the full court.
5. Purchases of \$500 or more shall be submitted to the Executive Council for consideration and approval.

- c. Supervises fiscal affairs, accounting, planning, preparation, and presentation of the budgets; and renders financial reports to the court and required agencies.
- d. Initiates policies concerning the court's internal operations and its position on external matters affecting the court.
- e. Appoints standing and special committees to aid in the administration of the court.
- f. Represents the court in its relations with the Supreme Court, other agencies of government, the bar, general public, news media, and ceremonial functions.
- g. Performs those functions specifically designated in the "Rules of the Court of Appeals."
- h. Appoints Special Prosecutors in bar disciplinary matters.
- i. Schedules rotating law assistants.
- j. Supervises preparation of an annual statistical analysis report reflecting caseload of the court, and such other periodic reports deemed necessary by the court.
- k. Performs such other administrative duties as may be required and which are not otherwise provided for by law or rule.

Source:
Minutes 2/19/85

B. EXECUTIVE COUNCIL

1. Shall be composed of the Chief Judge and the three Presiding Judges and shall act on all matters referred to the Chief Judge and Council as provided by committee assignments.
2. If not otherwise provided, shall determine which administrative matters should be presented to the full court.
3. Advise and counsel the Chief Judge on matters relating to the court.
4. If a tie vote occurs on a matter under consideration by the Chief Judge and Council, the matter shall be referred to the full court.
5. Purchases of \$500 or more shall be submitted to the Executive Council for consideration and approval. (Source: Minutes of 3/27/85)

Source:
Minutes 2/19/85

C. AUDIT COMMITTEE

Judge in Charge: _____

1. Receives, examines, and distributes to all judges copies of audits received from the State Auditor.
2. Prepares response, if necessary, for consideration of the court and signature of the Chief Judge.
3. Conducts such internal or external audits as deemed necessary.
4. Periodically examines fiscal officer's journal, ledger, or similar records to see that postings are current; examines expenditures for supporting documents, and checks any fiscal record deemed necessary.
5. Makes all reports and recommendations directly to the full court.
6. Responsible for preparation of draft and amendments on section pertaining to the audit committee in the Manual for Internal Operations.

Source:
Minutes 2/19/85

D. EN BANC SECRETARY

1. The judge most junior in service on the court shall be the secretary.
2. The secretary shall prepare the minutes and submit them to the Chief Judge who will preliminarily check them for correctness and return them to the secretary. Copies of proposed minutes will then be sent to each judge prior to next scheduled meeting.
3. The minutes will be presented to the next en banc and after approval shall be placed in the En Banc Minute Book.
4. The en banc secretary shall keep the Official Minute Book, which shall consist of all past minutes which are still available from any judge and minutes of all meetings after they are approved at the following meeting. Minutes shall be summaries of discussions. (Source: Minutes of 1/16/85)

E. HISTORICAL RECORDS

Revised 3-12-94

The clerk/court administrator:

1. Prepares and maintains records, pictures, news stories, and documents of an historical nature pertaining to the court.
2. Prepares and revises as necessary a brochure to include a narrative history, list of past judges, and pictures and biographies of judges presently on the court.
3. Searches for and obtains old group photographs of judges and places them in a room or area designated by the court en banc.
4. The clerk/court administrator shall be responsible for the preparation and drafting of amendments on sections pertaining to historical records in the manual for Internal Operations.

F. LEGISLATION

Judge in Charge: _____

1. Keeps current with and explains all bills in a timely fashion that should be brought to the attention of the full court.
2. Maintains a file on laws or code sections that are called to his/her attention as being in conflict by other members of the court, such as those which contain typographical errors, are incomprehensible, or otherwise in need of revision, as discovered in preparation of opinions, and prior to each session of the Legislature discusses with the full court those laws that should be brought to the attention of appropriate legislators.
3. The clerk/court administrator shall be responsible for drafting any amendments on this section pertaining to legislation for the Internal Operations Manual as well as being responsible for adopting a procedure to facilitate paragraph 2 above.

G. EMERGENCY MOTIONS JUDGE

Judge in Charge: _____

1. The judge designated as the Emergency Motions Judge is authorized to handle on an ex parte and immediate manner

Source:
Minutes 2/19/85

E. HISTORICAL RECORDS

Judge in Charge: _____

1. Prepares and maintains records, pictures, news stories, and documents of an historical nature pertaining to the court.
2. Prepares and revises as necessary a brochure to include a narrative history, list of past judges, and pictures and biographies of judges presently on the court.
3. Searches for and obtains old group photographs of judges and places them in a room or area designated by the court en banc.
4. Responsible for preparation of draft and amendments on section pertaining to historical records in Manual for Internal Operations.

Source:
Minutes 2/19/85

F. LE ISLATION

Judge in Charge: _____

1. Keeps current with and explains all bills in a timely fashion that should be brought to the attention of the full court.
2. Maintains a file on laws or code sections that are called to his attention as being in conflict by other members of the court, such as those which contain typographical errors, are incomprehensible, or otherwise in need of revision, as discovered in preparation of opinions; and prior to each session of the Legislature discusses with the full court those laws that should be brought to the attention of appropriate legislators.
3. Responsible for preparation of a draft, for inclusion in the Manual for Internal Operations, of a procedure to facilitate paragraph 2 above.

Revised
3-12-96

e. Determines that all personnel are sufficiently trained to perform their assigned duties and that the clerk and deputy clerk are sufficiently knowledgeable with every operation of the office to the extent that they could perform such functions in the absence of an employee or in an emergency.

2. Insures office personnel adheres to all written rules, procedures, policies and laws, particularly the office policies of the clerk's office, Court of Appeals of Georgia (a copy of which is in the clerk's office and the fiscal officer's office and incorporated herein by reference.)
3. Receives and acts on all complaints from judges, attorneys, or other persons having contact with the clerk's office.
4. Assigns Floating Administrative Assistants in accordance with the floater assignment policy.
5. Receives and acts on all requests for reservations for the conference room, courtroom and the banc room. (Source: Minutes, June 1995 Banc meeting)

I. PLANNING AND FACILITIES MANAGEMENT

The clerk/court administrator:

1. Projects and prepares plans for:
 - a. Renovation of existing space when needed.
 - b. Work load in a 5-year increments.
 - c. Future space requirements.
 - d. Future judicial and support personnel.
 - e. Extensive renovation or replacement of furniture and equipment requiring special budgetary request.
2. Prepares cost estimate to effectuate plans the full court believes should be actively pursued.

Source:
Minutes: 2/19/85

G. EMERGENCY MOTIONS JUDGE

Judge in Charge: _____

1. The judge designated as the Emergency Motions Judge is authorized to handle on an ex parte and immediate manner those matters of urgency in which there is no pending case. Included in such category are:
 - a. Mandamus petitions clearly under the jurisdiction of this court. *deleted*
 - b. Applications for stay.
 - c. Motions for extension of time that have become an emergency through no fault or neglect of the petitioner.
 - d. Other motions of a similar nature.
2. If doubt exists as to whether a particular motion should be handled routinely or specially, the clerk's office shall immediately cause the material to be hand carried to the Emergency Motions Judge for decision.
3. In his absence, the most senior judge present is authorized to act.

those matters of urgency in which there is no pending case. Included in such category are:

- a. Applications for stay.
 - b. Motions for extension of time that have become an emergency through no fault or neglect of the petitioner.
 - c. Other motions of a similar nature.
2. If doubt exists as to whether a particular motion should be handled routinely or specially, the clerk's office shall immediately cause the material to be hand carried to the Emergency Motions Judge for decision.
 3. In his or her absence, the most senior judge present is authorized to act.

H. OFFICE OF THE CLERK/COURT ADMINISTRATOR

Judge in Charge: _____

1. The clerk/court administrator of the Court of Appeals shall be responsible for the general oversight of operation of the clerk's office in consultation with the judge in charge to include:
 - a. Planning for layout, work flow, more efficient equipment, and future requirements projected for the court.
 - b. Determines appropriate number of persons needed for the most efficient and economical operation of the clerk's office.
 - c. Resolves matters of personnel discipline, termination of employment, and employment of replacement personnel. Proposed personnel actions pertaining to the clerk or deputy clerk shall be presented to the court en banc. No employee with 15 years' service, or more, shall be involuntarily separated without approval of the court.
 - d. Recommends personnel salary changes to the Chief Judge and Executive Council. If considered favorably, the matter will be presented to the court en banc.

*Changed
11-94*

- e. Determines that all personnel are sufficiently trained to perform their assigned duties and that the clerk and deputy clerk are sufficiently knowledgeable with every operation of the office to the extent that they could perform such functions in the absence of an employee or in an emergency.
2. Insures office personnel adheres to all written rules, procedures, policies and laws, particularly the office policies of the clerk's office, Court of Appeals of Georgia (a copy of which is in the clerk's office and the fiscal officer's office and incorporated herein by reference.)
 3. Receives and acts on all complaints from judges, attorneys, or other persons having contact with the clerk's office.
 4. Assigns Floating Administrative Assistants in accordance with the floater assignment policy.
 5. A Floating Administrative Assistant shall be assigned to the Office of the Chief Judge on the following basis:
 - a. The Chief Judge shall have a Floating Administrative Assistant assigned to his/her office two days out of every week, one day prior to every month's Banc meeting, the day of Banc and two days after the Banc meeting.
 - b. The Chief Judge shall have a Floating Administrative Assistant assigned to his/her office one week prior to the date of the annual Judges retreat and for one week following the judges return.
 - c. The assignment of a Floating Administrative Assistant for the Chief Judge shall be on a rotating basis as determined by the schedule maintained by the Clerk/Court Administrator. Any conflicts with Floating Administrative Assistant assignments shall be resolved by the Judge-In-Charge of the Clerk's Office.

1-1-76

6. Floating Administrative Assistants shall be assigned to the individual offices on the following priority basis:
- a. A judge's office that will be without an administrative assistant takes precedence over a judge's office who wants a floater to assist an administrative assistant.
 - b. If two or more judges' offices seek the assistance of a floater and each judges' office will be without that office's administrative assistant, then the office which requests first will have precedence over those offices requesting later. Requests received concurrently will be assigned based on seniority.
 - c. If two or more judges' offices seek the assistance of a floater to assist the administrative assistant, then the office which requests first will have precedence over those offices requesting later.
 - d. If a judge's office has an emergency situation which will require the use of the judge's administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes March 22, 1994).
 - e. If any floating administrative assistant is not assigned to a particular judge's office on any day, or finishes an assignment prior to the end of the day, the Clerk/Court Administrator shall assign the floater in accordance with written requests received in the Clerk's office on that day. If any floating administrative assistant remains unassigned after all written requests have been filled, said administrative assistant shall be assigned by the Clerk/Court Administrator to a task in the clerk's office. (Source: Minutes, May 1995 Banc meeting).
7. Receives and acts on all requests for reservations for the conference room, courtroom and the banc room. (Source: Minutes, June 1995 Banc meeting)

- Revised 5/10/10
- e. Determines that all personnel are sufficiently trained to perform their assigned duties and that the clerk and deputy clerk are sufficiently knowledgeable with every operation of the office to the extent that they could perform such functions in the absence of an employee or in an emergency.
 2. Insures office personnel adheres to all written rules, procedures, policies and laws, particularly the office policies of the clerk's office, Court of Appeals of Georgia (a copy of which is in the clerk's office and the fiscal officer's office and incorporated herein by reference).
 3. Receives and acts on all complaints from judges, attorneys, or other persons having contact with the clerk's office.
 4. Assigns Floating Administrative Assistants in accordance with the floater assignment policy.
 5. The floaters from the clerk's office to the individual offices shall be assigned on the following priority basis:
 - a. The first priority assignment is designated to the Chief Judge and clerk/court administrator for the two days immediately preceding each month's Banc meeting.
 - b. A judge's office that will be without an administrative assistant takes precedence over a judge's office who wants a floater to assist an administrative assistant.
 - c. If two or more judges' offices seek the assistance of a floater and each judge's office will be without that office's administrative assistant, then the office which requests first will have precedence over those offices requesting later.
 - d. If two or more judges' offices seek the assistance of a floater to assist the administrative assistant, then the office which requests first will have precedence over those offices requesting later.
 - e. If a judge's office has an emergency situation which will require the use of a the judge's

administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes March 22, 1994).

- f. If one or more of the court's floating administrative assistants are not assigned to a particular judge's office on any day, said floating administrative assistant shall contact first the office of the chief judge then the office of the other judges in descending order of seniority, to offer their services to the judge's office. If one or more of the floating administrative assistants, after having reported to the judges' offices, still have no particular assignment for such day, said administrative assistants shall report to the clerk/court administrator for assignment in the clerk's office.

I. PLANNING AND FACILITIES MANAGEMENT

The clerk/court administrator:

1. Projects and prepares plans for:
 - a. Renovation of existing space when needed.
 - b. Work load in a 5-year increments.
 - c. Future space requirements.
 - d. Future judicial and support personnel.
 - e. Extensive renovation or replacement of furniture and equipment requiring special budgetary request.
2. Prepares cost estimate to effectuate plans the full court believes should be actively pursued.

J. RULES OF THE COURT

Judge in Charge: _____

*Revised
6-95*

administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes March 22, 1994).

#f added 11-94

I. PLANNING AND FACILITIES MANAGEMENT

The clerk/court administrator:

1. Projects and prepares plans for:
 - a. Renovation of existing space when needed.
 - b. Work load in a 5-year increments.
 - c. Future space requirements.
 - d. Future judicial and support personnel.
 - e. Extensive renovation or replacement of furniture and equipment requiring special budgetary request.
2. Prepares cost estimate to effectuate plans the full court believes should be actively pursued.

J. RULES OF THE COURT

Judge in Charge: _____

1. Along with the clerk/court administrator, responsible for drafting new and revised rules of court.
 - a. The clerk/court administrator shall maintain a file of proposed rules to be considered at the next revision.
 - b. The clerk/court administrator shall review rules of other courts with view of improving our own.
2. Proposes any new or revised rule to Chief Judge and Executive Council that is of such urgent nature that cannot await next formal revision. If deemed meritorious, the Chief Judge will present it to the court en banc.

Revised
6-30-95

- e. Determines that all personnel are sufficiently trained to perform their assigned duties and that the clerk and deputy clerk are sufficiently knowledgeable with every operation of the office to the extent that they could perform such functions in the absence of an employee or in an emergency.
2. Insures office personnel adheres to all written rules, procedures, policies and laws, particularly the office policies of the clerk's office, Court of Appeals of Georgia (a copy of which is in the clerk's office and the fiscal officer's office and incorporated herein by reference.)
3. Receives and acts on all complaints from judges, attorneys, or other persons having contact with the clerk's office.
4. Assigns Floating Administrative Assistants in accordance with the floater assignment policy.
5. A Floating Administrative Assistant shall be assigned to the Office of the Chief Judge on the following basis:
 - a. The Chief Judge shall have a Floating Administrative Assistant assigned to his/her office two days out of every week, one day prior to every month's Banc meeting, the day of Banc and two days after the Banc meeting.
 - b. The Chief Judge shall have a Floating Administrative Assistant assigned to his/her office one week prior to the date of the Annual Judges Retreat and for one week following the judges return.
 - c. The assignment of a Floating Administrative Assistant for the Chief Judge shall be on a rotating basis as determined by the schedule maintained by the Clerk/Court Administrator. Any conflicts with Floating Administrative Assistant assignments shall be resolved by the Judge-in-Charge of the Clerk's Office.
6. ~~The floaters from the clerk's office to the individual offices shall be assigned on the following priority basis: Floating Administrative Assistants shall be assigned to the individual offices on the following priority basis:~~

INTERNAL OPERATIONS MANUAL

- ~~a. The first priority assignment is designated to the Chief Judge and clerk/court administrator for the two days immediately preceding each month's Banc meeting. (See new 6e for substitute.)~~
- ba. A judge's office that will be without an administrative assistant takes precedence over a judge's office who wants a floater to assist an administrative assistant.
- eb. If two or more judges' offices seek the assistance of a floater and each judges' office will be without that office's administrative assistant, then the office which requests first will have precedence over those offices requesting later. Requests received concurrently will be assigned based on seniority.
- dc. If two or more judges' offices seek the assistance of a floater to assist the administrative assistant, then the office which requests first will have precedence over those offices requesting later.
- ed. If a judge's office has an emergency situation which will require the use of a the judge's administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes March 22, 1994).
- ~~f. If one or more of the court's floating administrative assistants are not assigned to a particular judge's office on any day, said floating administrative assistant shall contact first the office of the chief judge then the office of the other judges in descending order of seniority, to offer their services to the judge's office. If one or more of the floating administrative assistants, after having reported to the judges' offices, still have no particular assignment for such day, said administrative assistants shall report to the clerk/court administrator for assignment in the clerk's office.~~

INTERNAL OPERATIONS MANUAL

- e. If any floating administrative assistant is not assigned to a particular judge's office on any day, or finishes an assignment prior to the end of the day, the Clerk/Court Administrator shall assign the floater in accordance with written requests received in the Clerk's office on that day. If any floating administrative assistant remains unassigned after all written requests have been filled, said administrative assistant shall be assigned by the Clerk/Court Administrator to a task in the clerk's office.

(Source: Minutes, May 1995 Banc Meeting)

administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes March 22, 1994).

- ~~Revised 5/95~~
- f. If one or more of the court's floating administrative assistants are not assigned to a particular judge's office on any day, said floating administrative assistant shall contact first the office of the chief judge then the office of the other judges in descending order of seniority, to offer their services to the judge's office. If one or more of the floating administrative assistants, after having reported to the judges' offices, still have no particular assignment for such day, said administrative assistants shall report to the clerk/court administrator for assignment in the clerk's office.

7/1. Receives and acts on all requests for reservations for the conference room, courtroom and the banc room.

(Source: Minutes, June 1995 Banc Meeting)

I. PLANNING AND FACILITIES MANAGEMENT

The clerk/court administrator:

1. Projects and prepares plans for:
 - a. Renovation of existing space when needed.
 - b. Work load in a 5-year increments.
 - c. Future space requirements.
 - d. Future judicial and support personnel.
 - e. Extensive renovation or replacement of furniture and equipment requiring special budgetary request.
2. Prepares cost estimate to effectuate plans the full court believes should be actively pursued.

J. RULES OF THE COURT

Judge in Charge: _____

H. OFFICE OF THE CLERK

Judge in Charge: _____

1. Responsible for general oversight of operation of clerk's office, including:
 - a. Planning for layout, work flow, more efficient equipment, and future requirements projected for the court.
 - b. Determines appropriate number of persons needed for the most efficient and economical operation of the clerk's office, and reports the need for change to the Chief Judge and the Executive Council.
 - c. Together with clerk, resolves matters of personnel discipline, termination of employment, and employment of replacement personnel. Proposed personnel actions pertaining to the clerk or deputy clerk shall be presented to the court en banc. No employee with 15 years' service, or more, shall be involuntarily separated without approval of the court.
 - d. Recommends personnel salary changes to the Chief Judge and Executive Council. If considered favorably, the matter will be presented to the court en banc.
 - e. Determines that all personnel are sufficiently trained to perform their assigned duties and that the clerk and deputy clerk are sufficiently knowledgeable with every operation of the office to the extent that they could perform such functions in the absence of an employee or in an emergency.
 - f. Reviews use of stenographic pool personnel to insure equal availability to all judges when required.
2. Insures office adheres to all written rules, procedures, policies, and laws.

3. Receives and acts on all complaints from judges, attorneys, or other persons having contact with the clerk's office.
4. Assigns Floating Administrative Assistants in accordance with judges' requests for assistance.
(Source: Practice)

I. PLANNING

Judge in Charge: _____

1. Projects and prepares plans for:
 - a. Renovation of existing space when needed.
 - b. Work load in 5-year increments.
 - c. Future space requirements.
 - d. Future judicial and support personnel.
 - e. Extensive renovation or replacement of furniture and equipment requiring special budgetary request.
 - f. Use of high-tech hardware in court operations.
2. Prepares cost estimate to effectuate plans the full court believes should be actively pursued.

J. RULES OF THE COURT

Judge in Charge: _____

1. Responsible for drafting new and revised Rules of Court.
2. Maintains file of proposed rules to be considered at the next revision.
3. Proposes any new or revised rule to Chief Judge and Executive Council that is of such urgent nature that cannot await next formal revision. If deemed meritorious, the Chief Judge will present it to the court en banc.
4. Reviews rules of other courts with view of improving our own.
5. Responsible for preparation of a draft, for inclusion in the Manual for Internal Operations, setting forth the procedure for establishing, revising, and promulgation of the Rules of Court.

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This is correct page

Source: Minutes 2/19/85

K. PURCHASING COMMITTEE

Judge in Charge: _____

1. Receives all purchase requests from the fiscal officer, to whom the requester shall submit them directly. All requests from a judge's office must be signed by the judge. The fiscal officer will check the request for completeness and otherwise.
2. Examines and determines need therefor and whether funds are budgeted or otherwise available.
3. On purchases up to \$500 approves or disapproves such request and returns to fiscal officer if approved and to requester if disapproved.
4. On purchases or any expenditure from court funds in excess of \$500, other than for travel and salaries, refers such request with recommendation to the Chief Judge for action by the Executive Council.
5. If disapproval is indicated by either the judge-in-charge or council, the requesting judge shall be given the opportunity to be heard before final action is taken.
6. Each purchase request (~~and copies for fiscal officer, judge-in-charge, Chief Judge, and vendor where required~~) shall be dated and shall contain the anticipated cost before submittal to the fiscal officer. ~~It shall be assigned a number by the fiscal officer and~~ initialed by the fiscal officer as to availability of funds.
7. A sufficient quantity of items that are kept in stock ~~in the clerk's office~~ such as yellow pads, pens, paper, etc., should be requisitioned by each judge on a monthly basis. All purchase orders or requisition forms for anything must be approved by the judge.
8. Responsible for preparation of draft and amendments on purchasing section in the Manual for Internal Operations.
9. In the event the judge-in-charge of the Purchasing Committee is absent, the purchase request shall be presented to the Chief Judge. If both are absent the purchase request shall be presented to the judge next in line of succession for the Chief Judge. (Source: Minutes 3/6/87; Minutes 3/22/88; Memo of Chief Judge Birdsong, 3/22/88)

See also: XVIII PURCHASING POLICY.

K. PURCHASING COMMITTEE

Judge in Charge: _____

1. Receives all purchase requests from the purchasing agent, office of the clerk.
2. Examines and determines need therefor and whether funds are budgeted or otherwise available.
3. On purchases up to \$500 approves or disapproves such request and returns to purchasing agent.
4. On purchases or any expenditure from court funds in excess of \$500, other than for travel and salaries, refers such request with recommendation to the Chief Judge for action by the Executive Council.
5. If disapproval is indicated by either the judge in charge or council, the requesting judge shall be given the opportunity to be heard before final action is taken.
6. Each purchase request shall contain the anticipated cost before submittal to the requesting judge. It should be dated; assigned a number by the clerk; space provided for initials of the fiscal officer as to availability of funds and action by the judge in charge of purchasing; and sufficient copies made to provide copies for clerk, fiscal officer, judge in charge, Chief Judge, and vendor where required.
7. Responsible for preparation of draft and amendments on purchasing section in the Manual for Internal Operations.
8. In the event the judge-in-charge of the Purchasing Committee is absent, the purchase request shall be presented to the Chief Judge. If both are absent the purchase request shall be presented to the judge next in line of succession for the Chief Judge. (Source: Minutes 3/6/87)

See also: XVIII PURCHASING POLICY.

2. Examines and determines need therefor and whether funds are budgeted or otherwise available.
3. On purchases up to \$500 approves or disapproves such request and returns to fiscal officer if approved and to requester if disapproved.
4. On purchases or any expenditure from court funds in excess of \$500, other than for travel and salaries, refers such request with recommendation to the Chief Judge for action by the Executive Council.
5. If disapproval is indicated by either the judge-in-charge or council, the requesting judge shall be given the opportunity to be heard before final action is taken.
6. Each purchase request shall be dated and shall contain the anticipated cost before submission to the fiscal officer and initialed by the fiscal officer as to availability of funds.
7. A sufficient quantity of items that are kept in stock such as yellow pads, pens, paper, etc., should be requisitioned by each judge on a monthly basis. All purchase orders or requisition forms for anything must be approved by the judge.
8. Responsible for preparation of draft and amendments on purchasing section in the Manual for Internal Operations.
9. In the event the judge-in-charge of the Purchasing Committee is absent, the purchase request shall be presented to the Chief Judge. If both are absent, the purchase request shall be presented to the judge next in line of succession for the Chief Judge.
10. The reporter will follow the court travel and purchase policies.

See also, XVI PURCHASING POLICY.

L. MANUAL FOR INTERNAL OPERATIONS

The clerk/court administrator shall be responsible for drafting and keeping current a loose leaf manual for internal operations, Court of Appeals of Georgia, by:

1. Reviewing all previous minutes of the court.

court and receive a majority vote before being placed in the Manual for observance by the court.

M. COURT PERSONNEL COMMITTEE

The Court Personnel Committee shall be responsible for hearing appeals from Clerk's office personnel pursuant to disciplinary action taken against such personnel by the clerk/court administrator under the Clerk's office Policies and Procedures Manual.

(Source: Minutes, June 1995 Banc Meeting)

Revised
per B. Martin
3-12-96

2. Reviewing any constitutional or statutory enactment that could be construed to pertain to the internal operation of the court.
3. Conferring with each judge on the court to ascertain and reduce to writing the oral policies and procedures now in existence.
4. Conferring with each presiding judge for policies peculiar to each panel with view of striving for uniformity.
5. Review similar rules and manuals of other courts, ABA, and other organizations for new ideas to improve the operation of this court.
6. The table of contents and each section or part prepared for inclusion in the Manual shall be circulated to the court and receive a majority vote before being placed in the Manual for observance by the court.

M. COURT PERSONNEL COMMITTEE

The Court Personnel Committee shall be responsible for hearing appeals from Clerk's office personnel pursuant to disciplinary action taken against such personnel by the clerk/court administrator under the Clerk's office Policies and Procedures Manual.

(Source: Minutes, June 1995 Banc Meeting)

L. MANUAL FOR INTERNAL OPERATIONS

Judge in Charge: _____

1. Responsible for drafting and keeping current a loose leaf Manual for Internal Operations, Court of Appeals of Georgia, by:
 - a. Reviewing all previous minutes of the court.
 - b. Reviewing any constitutional or statutory enactment that could be construed to pertain to the internal operation of the court.
 - c. Conferring with each judge on the court to ascertain and reduce to writing the oral policies and procedures now in existence.
 - d. Conferring with each presiding judge for policies peculiar to each panel with view of striving for uniformity.
 - e. Review similar rules and manuals of other courts, ABA, and other organizations for new ideas to improve the operation of this court.
 - f. The table of contents and each section or part prepared for inclusion in the Manual shall be circulated to the court and receive a majority vote before being placed in the Manual for observance by the court.

M. COURT PERSONNEL COMMITTEE

The Court Personnel Committee shall be responsible for hearing appeals from Clerk's office personnel pursuant to disciplinary action taken against such personnel by the clerk/court administrator under the Clerk's office Policies and Procedures Manual.

(Source: Minutes, June 1995 Banc Meeting)

time required as per the approval request form. Reimbursement for parking will be approved but there shall be no reimbursement for travel or subsistence. Any amount of continuing legal education over 12 hours must be approved in advance by the Executive Council.

2. The court will no longer reimburse for transportation, travel, and/or subsistence for staff attorneys to attend the annual State Bar Convention, other than to pay for the cost of actual CLE attended. The court will allow court leave for attendance at CLE attended at the State Bar.
3. These rules do not apply to judges.

K. MAIL CLERK/FILE CLERK

The mail clerk/file clerk will perform those duties assigned to the him/her by the clerk/court administrator of the Court of Appeals. The mail clerk/file clerk is not available to perform personal errands, and/or banking for any court personnel, including judges. Any court personnel desiring to use the mail clerk/file clerk for any duties or tasks not assigned to the mail clerk/file clerk shall clear such requests through the clerk/court administrator of the Court.

L. NEW EMPLOYEE ORIENTATION GUIDELINE

The judge hiring the employee, the fiscal officer and/or the clerk/court administrator where appropriate, should direct new employees to the Internal Operations Manual and the Rules of the Court of Appeals for specifics about the court and the court's fiscal policies. Also, new employees should be oriented on the role of the judiciary; the important part each employee plays in fulfilling the court's public service role; the court's chain of command; each person's area of responsibility; and the following:

1. Confidentiality
2. Office hours
3. Outside employment and activities, including political involvement
4. Role of summer research associates

5. Use of Lexis, Westlaw, Georgia Law on Disc, Shepard's, Shepard's on CD Rom, telephone, copy machine, postage machine, and court stationery
6. Method for ordering supplies
7. Handling of transcripts and briefs, e.g., no writing on briefs or transcripts
8. Judge's preferences as to opinion drafting.
9. No smoking policy
10. Health, Life Insurance and Retirement benefits.
11. Punctuality, sick leave, vacation, holidays, lunch breaks, absenteeism
12. Parking arrangements
13. Space allocation for staff attorneys
14. Staff attorneys
15. Continuing legal education.
16. Travel reimbursement.
17. Opinion drafting.
18. Proper attire.

N. COURT PARKING POLICY

Effective November 1, 1993, and henceforth, the parking spaces allocated to the Court of Appeals will be assigned in seniority order as they become available. If the most senior employee on the list already has a parking space in his/her own name, the Court of Appeals' space will go to the next person on the list. The list will be maintained in the Fiscal Office.

The above does not apply to spaces allocated for use by the judges. Nine spaces are set aside for the judges and will be assigned on a seniority basis.

II. ADMINISTRATIVE ASSIGNMENTS

- A. All administrative duties of any judge in charge may be designated in whole or part to the clerk/court administrator, upon approval of the Chief Judge.
- B. All ad hoc assignments for the clerk/court administrator shall first be cleared through the Chief Judge.

Revised
3-12-96

II. ADMINISTRATIVE ASSIGNMENTS

(Open)

III. JUDGES' RETIREMENT PRESENTATIONS

A. PRESENTATION

A plaque with the judge's name and appropriate inscription shall be presented by the Court.

B. COURT TRIBUTE

Court Tribute on the day of retirement.

C. PORTRAITS

1. Upon the retirement of this court, and any judge who has served as Chief Judge of this court shall have his or her portrait hung in the courtroom. The cost of the portrait shall be borne by the court, but the judges are encouraged to seek private funding for the portrait.
2. The portrait shall remain in the courtroom until it is retired to the hall or appropriate State institution. At the time of the retirement of the portrait, if it has been purchased with private funds, it will be offered to the family. If the portrait has been purchased with State funds, it will be offered for purchase to the family at the cost of the portrait to the State. The Executive Council will determine the appropriate number of portraits for the courtroom, the byway and the hall way.
3. The portraits will be rotated around the courtroom in seniority from the left corner using only the side walls.

*Revised
3-12-96
per B. Martin*

Source: Deen

III. JUDGES' RETIREMENT PRESENTATIONS

A. PRESENTATION

A plaque with the judge's name and appropriate inscription shall be presented by the court.

Source: Deen

B. COURT TRIBUTE

1. Court Tribute on the day of retirement.

C. PORTRAITS

1. Upon the retirement of each Chief Judge, and any judge who has served as Chief Judge, his or her portrait shall be hung in the courtroom. The cost of the portrait shall be borne by the court, but the judges are encouraged to seek private funding for the portrait.

2. The portrait shall remain in the courtroom for a maximum of ten years, but may be retired earlier upon the death of the Chief Judge or the request of his family. At the end of ten years it shall be retired to a state-affiliated or educational institution having a suitable place in which to display the portrait, and in the absence thereof, loaned to the family, unless the court by a two-thirds vote decides otherwise. (Source: Minutes of 4/23/85 and 10/22/85).

3. Beginning January 1, 1986, there shall be a 10-year plan: the portraits will be rotated around the courtroom in seniority from the left corner using only the side walls; at the end of ten years, the portrait will be retired to the family if privately funded. (Source: Minutes of 9/26/85)

4. Portraits funded by private funds shall not be governed by the retirement provision hereof.

**IV. PROCEDURE FOR HANDLING APPLICATIONS
FOR DISCRETIONARY APPEAL**

1. Discretionary applications shall be granted on the vote of one judge; such applications will be circulated only if the judge to whom the application is assigned votes to deny it.
2. If the judge who votes to grant the discretionary application is not the judge to whom the case was assigned, the case will be reassigned to the judge voting to grant the discretionary application and the clerk's office will effect a transfer of cases to equalize the caseload among the judges.
3. The division may consider motions for reconsideration of applications for discretionary appeals that are filed within ten days from the entering of the court's order denying or granting the application for discretionary appeal.
4. The application shall be dismissed rather than denied when the court lacks jurisdiction, such as when an application is made and direct appeal is the proper procedure.
5. Appeals from cases involving petitions for adoption shall be in the direct appeal category, whether the adoption was granted or denied, and whether a termination of parental rights was involved or not.

*Revised
3-12-96
per
B. Martin*

Source:
Minutes 1985

IV. PROCEDURE FOR HANDLING APPLICATIONS FOR DISCRETIONARY APPEAL

When a division considers an Application for Discretionary Appeal, a unanimous vote either way is final. A less than unanimous vote either way automatically requires circulation to the whole court for full consideration.

The division may consider motions for reconsideration of Applications for Discretionary Appeals that are filed within 10 days from the entering of the court's order denying or granting the Application for Discretionary Appeal.

The application shall be dismissed rather than denied when the court lacks jurisdiction, such as when an application is made and direct appeal is the proper procedure. (Source: Minutes of 10/22/85)

When an application is granted, the case shall be assigned to the same judge who had been assigned the application, unless the division otherwise agrees on its assignment to another member of the panel. The clerk shall be promptly notified accordingly. (Source: Minutes 4/29/86)

Appeals from cases involving petitions for adoption shall be in the direct appeal category, whether the adoption was granted or denied, and whether a termination of parental rights was involved or not. (Source: Minutes 9/16/86)

**V. PROCEDURE FOR HANDLING APPLICATION
FOR INTERLOCUTORY APPEALS**

1. Interlocutory applications shall be granted on the vote of one judge; such applications will be circulated only if the judge to whom the application is assigned votes to deny it.
2. If the judge who votes to grant the interlocutory application is not the judge to whom the case was assigned, the case will be reassigned to the judge voting to grant the interlocutory application and the clerk's office will effect a transfer of cases to equalize the caseload among the judges.
3. The division may review a motion for reconsideration which is filed within ten days from the entering of the court order granting or denying the application for interlocutory appeal.
4. The application shall be dismissed rather than denied when the court lacks jurisdiction, such as when an application is made and direct appeal is the proper procedure.
5. Regarding the timeliness of the filing of an interlocutory appeal application, the filing date of the certificate controls.

*Revised
3-12-96
per
TB. Martin*

Source:
Minutes 1985

V. PROCEDURE FOR HANDLING APPLICATION FOR
INTERLOCUTORY APPEAL

When a division considers an Application for Interlocutory Appeal, a unanimous vote or a majority vote either way is final. No circulation to the whole court for further consideration is permitted.

The division may review a motion for reconsideration which is filed within 10 days from the entering of the court order granting or denying the Application for Interlocutory Appeal.

The application shall be dismissed rather than denied when the court lacks jurisdiction, such as when an application is made and direct appeal is the proper procedure. (Source: Minutes of 10/22/85)

Regarding the timeliness of the filing of an interlocutory appeal application, the filing date of the certificate controls. (Source: Minutes of 2/25/86)

When an application is granted, the case shall be assigned to the same judge who had been assigned the application, unless the division otherwise agrees on its assignment to another member of the panel. The clerk shall be promptly notified accordingly. (Source: Minutes 4/29/86)

VI. PROCEDURE FOR HANDLING SUPERSEDEAS
BOND IN CRIMINAL CASES

1. Where the defendant is in prison during appeal, that appeal should be expedited according to OCGA § 5-6-43 (c). It shall be the duty of the trial clerk and/or appellant to notify the court of incarceration of the appellant.
2. Where the defendant files a notice of appeal on the issue of the denial of a supersedeas bond, the judge to whom the case is assigned has the option to require shorter time for briefing, expediting the transmission of the transcript or ruling in stanter.
3. There is no right to bail after conviction. OCGA § 5-6-45. However, the judge to whom the case is assigned may apply the standards in Birge v. State, 238 Ga. 88 and, if appropriate, remand the case to the trial court for the setting of an appropriate and reasonable bond. (Source: Beasley, Appellate Practice Lecture, April 1994).

Revised per
B. Martin
3-12-96

VI. PROCEDURE FOR HANDLING APPLICATION FOR SUPERSEDEAS
BOND IN CRIMINAL CASE

Upon receipt of the application, this court may in all cases rule thereon instanter, await the filing within 10 days of a brief by the DA, or in its discretion await the argument of the main issues on appeal, particularly where bail is denied because of frivolous appeal. The clerk will call to the assigned judge's attention the application for expedited review.

It is suggested that the assigned judge work with his panel in deciding such matters. If the panel is not immediately available, the assigned judge may proceed singly or with the available judge on the panel to decide the issue.

Orders will generally be a simple denial or if a grant is indicated a partial remand to the trial court of the bond issue only.

SUGGESTED ORDER

A notice of appeal having been filed excepting to the denial of a supersedeas bond in this criminal case, this court will expedite the disposition of this issue without argument. The appellant is ordered to file a brief with this court on this issue within ____ days from the date of this order. A copy is to be served on the district attorney. The district attorney is ordered to file a reply brief within ____ days of the receipt of appellant's brief. The main issues, the enumeration of errors thereon and the briefs pertaining thereto shall proceed in accordance with the usual course.

VII. LIABILITY COVERAGE

A. BONDING OF COURT EMPLOYEES

All employees of the Court of Appeals are covered by a blanket faithful performance bond in the amount of \$100,000 and a blanket honesty bond in the amount of \$5,000,000 under Policy No. 450 00 110723 Wausau Insurance Company, dated October 1, 1989 and in effect until cancelled.

The fiscal officer shall be bonded in the amount of \$100,000.

B. COMPREHENSIVE GENERAL LIABILITY COVERAGE

A single liability insurance policy shall provide coverage for each employee and each judge on the court. Certification of coverage shall be supplied to each judge annually, Policy No. CGL-401-14-94 providing \$1,000,000 per person and \$3,000,000 per occurrence coverage, policy dates July 1, 1994 through June 30, 1995.

C. STATE TORT CLAIMS POLICY

There is a single liability insurance policy providing coverage under the State Tort Claims Policy No. TCP-401-14-94 providing \$1,000,000 per person coverage or \$3,000,000 aggregate per occurrence coverage policy dates July 1, 1994 through June 30, 1995.

D. COPIES OF THE ABOVE POLICIES ARE AVAILABLE FOR INSPECTION IN THE FISCAL OFFICE.

In addition, the Department of Administrative Services has purchased a \$25,000,000 excess policy with Lexington Insurance Co., which provides liability coverage to State employees in conjunction with the State Employees Self-Insurance Liability Trust Fund. These employee coverages are designed to protect individual employees from suits brought against them in their individual capacities in actions brought pursuant to 42 U.S.C. § 1983, primarily in federal court.

VII. LIABILITY COVERAGE

A. BONDING OF COURT EMPLOYEES

All employees of the Court of Appeals of Georgia are bonded under a Public Employees Blanket Bond written by the Lumbermens Mutual Casualty Company, their Bond No. 3F 123 796-00, under insuring agreements Nos. 1 and 3, on which the premiums have been paid to August 1, 1987. Under insuring agreement No. 1, the Blanket Bond insures the Court of Appeals of Georgia to a maximum of \$1,000,000.00 against loss sustained through fraudulent or dishonest acts by its employees. Under insuring agreement No. 3, the Blanket Bond insures the Court to a maximum of \$100,000.00 against loss sustained from failure of its employees to perform faithfully their duties or to account properly for all monies and property received by virtue of their position or employment. (Source: Audit Report Year Ended June 30, 1986)

The fiscal officer shall be bonded in the amount of \$100,000.

B. COMPREHENSIVE GENERAL LIABILITY COVERAGE

A single liability insurance policy shall provide coverage for each employee and each judge on the court. Certification of coverage shall be supplied to each judge annually. (Source: Minutes of 2/19/85, OCGA § 45-9-1)

VIII. EQUIPMENT INVENTORY.

- A. An inventory of the State-owned equipment and furnishings of each judge's office, which shall include the equipment and furnishings of the administrative assistant and the staff attorneys, wherever their offices are located, shall be kept by the fiscal officer, with a copy available to each judge upon request. The inventory shall be updated periodically, but at least annually as of June 30 of each year, and when the judge leaves office. The inventory shall contain State property inventory numbers which shall be cross-referenced to the judges' office.
- B. The clerk/court administrator in conjunction with the fiscal officer shall develop a form and a protocol to follow when office equipment is removed from one office to another.

changed 11-94

Source:
Deen's Inventory, copied to
Fiscal Officer

VIII. EQUIPMENT INVENTORY

An inventory of the state-owned equipment and furnishings of each judge's office, which shall include the equipment and furnishings of the secretary and law assistants wherever their offices are located, shall be kept by the judge, with a copy to the fiscal officer. The inventory shall be updated annually as of December 31 and when the judge leaves office. It shall include the serial numbers assigned to the objects.

Source:
Reporter's Office
Memo of May 1984
Undated memos

IX. RULES OF EDITORIAL PRACTICE WITH RESPECT TO
OPINIONS

The purpose is to formulate in words rules that are already exemplified in the publication of the Reports, which should be followed so as to avoid a great many mechanical changes in preparing manuscript for the printer with the always attendant possibility of error. The opinions as marked for the printer are the official permanent records of the courts, and the less marred they are by necessary editorial marks the better appearance they will have. Note that some forms differ from the "bluebook" (a Uniform System of Citation, 13th ed.) used in most law schools.

A. TITLES

1. In general, titles are given in full, following the names of the parties used by the Clerk of the Court of Appeals in docketing the case. On the other hand, citations are made as short as possible.
2. Do not use Christian names of the parties. This practice, which was apparently once universal, was abandoned in Georgia about 90 years ago. Examples: Wrong: John S. Ware v. George W. Smith. Right: Ware v. Smith.
3. Spell out in full the name of companies, firms, etc., using the form adopted by the clerk in docketing. If the name should appear on the docket, for example, as J. S. Schofield & Company, use that form, if James S. Schofield & Company, use the "James" spelled out.
4. In criminal cases always use a "The" before "State." Example: Washburn v. The State. This is for title only, in citations "The" is omitted: Washburn v. State.
5. For appeal and cross-appeal, give the title of the case only once, followed by "; and vice versa."
6. Do not use descriptive words. Examples: "Alberts, Guardian v. Jumper, Executor et al.;" "Commissioner;" "Administrator;" etc.
7. Abbreviations used in title:
et al. - Example. Alberts v. Jumper et al.
Inc. - Example. Atlanta Stove Works, Inc. et al. v. Hollon.
Ltd. - Bostwick v. Sun Life & Casualty, Ltd.
& - The ampersand is used instead of the full word "and" in titles and in citations alike.
8. Contempt of Court. The style shall be: "In Re (lawyer's name)." (Source: Minutes of 3/27/85)
9. Condemnation cases. Do not use property quantity but rather a proper name. Change the style from that used in trial court if necessary. (Source: Minutes 7/22/86)

10. All juvenile cases will be styled as follows:
IN THE INTEREST OF A.B.C., a child." (Source:
Minutes 3/24/87). Adoption cases shall be
styled adversarily. (Source: Judge Carley
Memo 3/24/87)

B. CITATIONS

1. In citations as many abbreviations as possible are used. Example:

If the title of the case as printed reads, Hatcher v. Georgia Farm Bureau Mutual Insurance Company et al., the citation will be only Hatcher v. Ga. Farm &c. Inc. Co.

2. In citations omit "et al.", etc. Example:

If the title reads Walden v. Nichols et al., the citations will be simply Walden v. Nichols.

3. If the title of a case reads Mayor & Alderman of the City of Savannah v. Kelly, Administrator et al.; and vice versa, the citations will be Mayor &c. of Savannah v. Kelly.

4. Typing of titles and citations. In general the handle words of a title should be in capitals. Example:

Title: WILLIAMS v. RAMEY et al.; and vice versa. In citations use normal type. Citation for above is Williams v. Ramey.

5. In general do not underscore anything in an opinion you do not want printed in italics. Underline all citations, that is, Ga. and Ga. App. and federal and foreign state case names.

6. For years it has been the custom to give the official citations and all available nonofficial citations for all cases, both Georgia and foreign. It is better for this to be put into the original opinion so that when the citation is worked on in the reporter's office, it is a matter of checking for accuracy. If you put these citations in, there is a chance to check your accuracy; if the reporter puts them in, as is done when necessary, there is no check except the West Publishing Company, and the letters from it sometimes arrive after the opinion has been published.

If you do not give the whole citation of a foreign case, use the official rather than the West reprint. It is easier to check starting from that point.

7. Georgia citations: (date optional)

Thomas v. Best Mfg., 234 Ga. 787 (218 SE2d 68)
(1975). (All unofficial citations in
parentheses)

Where case name is long, use
Big Bear Ranches v. Ga. Farm Bureau Mut. Ins. Co.
Big Bear Ranches v. Ga. Farm & Ins. Co.
(In style of case, always use ampersand instead of
"and." See TITLES, infra.)

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15. Accord, see, but see, see generally:
 There are no commas.
 Accord Thomas, 234 Ga. 787.
 See Thomas v. Best Mfg., supra.
16. Business firm designations:
 Omit "Inc.," "Ltd." and similar terms (when citing in body of opinion) if the name clearly indicates that the party is a business firm. Omit "the" in captions and citations where it begins name. In captions only, include "the" with "state"; otherwise omit (ALLEN v. THE STATE. but Allen v. State, 140 Ga. App. 828 (232 SE2d 250) (1976)). Always include "Ins." when citing an insurance company (see "&c.," supra).
17. Citation abbreviations:
 AC - Annotated Cases (close up; no periods)
 ALR, ALR3d - American Law Reports (close up; no periods)
 AmJur - American Jurisprudence (cap "A" and "J"; close up; no periods). AmJur2d (no space).
 CJS - Corpus Juris Secundum (close up; no periods)
 ed. - edition (lower case; period, as in 2d ed.)
 F2d - Federal Second (close up; no period)
 FSupp. - Federal Supplement (close up; period stays)
 LE2d - Lawyers' Edition, Second (close up; no period)
 S2d - Southern Second (close up; no period)
 SC - Supreme Court Reports (caps; no space or period)
 SE2d - Southeastern Second (close up; no period)
 U. S. (in citations) (periods and space)
 USCA (no space between letters)
 USCR (number) - Uniform Superior Court Rule
 UStCR (number) - Uniform State Court Rule
 Ga.L. 1985, p. 2707, Sec. 4 (no space between "Ga." and "L.")
 United States v. Jones (spell out when used other than as citation: See United States v. Jones, 242 U. S. 360, supra)
18. In citing string of cases, cite Ga. Supreme Court cases first (newest to oldest), and cite Ga. App. cases second (newest to oldest).

C. CAPITALIZATION

1. The general rule is exemplified by the following: The general is not capitalized, e.g. "the man"; the particular is, e.g. "John Albert Smith." Or put another way, the specific name of a body, group, etc., is capitalized, e.g. "the Superior Court of Fulton County"; but the words used in referring to the same court but not naming it, are not, e.g. "The superior court of this county has nine judges." Capitalize only specific name: "State Board of Workers' Compensation."

Examples:

"On appeal to the workers' compensation board, the board reversed the award of the single director."

"This award of a single director of the workers' compensation board was reversed by the full board on appeal."

"On appeal to the Superior Court of Richmond County, the award of the full board was affirmed."

"On appeal to the superior court, the award of the workers' compensation board was affirmed."

"The Ordinary of Jones County appointed . . . On appeal from this section of the ordinary, the superior court . . ."

"Service was perfected by the Sheriff of Glynn County . . ."

"On hearing this he called the sheriff's office on the telephone . . ."

"Generally in a criminal case the solicitor general of the circuit represents the State on the trial, but in some instances the Attorney General also files a brief in the appellate court, and always in the Supreme Court in certain specified cases."

"The Commissioners of Floyd County have charge of the following matters . . ."

"He went to the office of the commissioners of the county and inquired what they . . ."

The rule is not quite so simple, however, as it can be made to sound. For instance, "Revenue Commissioner of the State of Georgia" follows the rule. It is capitalized, of course, as being a specific title. What about "Revenue Commissioner" or simply "Commissioner" in referring to him?, as

"This action was brought against the State Revenue Commissioner, alleging . . . In his demurrer, the commissioner . . ."

On strict application of the rule "commissioner" would seem to be indicated, but since it comes so close, there being only one such person, as there is only one Attorney General, to distinguish him specifically the capital "Commissioner" might well be sustained. In arguable cases no Procrustean rule is applied, and if you consistently capitalize or don't capitalize in such cases, it will be left as written. If you go about 50-50, half one way, half the other, for the sake of uniformity within the opinion, the reporter's office will have to make the decision for you.

Always capitalize:

- (a) the Code.
- (b) the Constitution.
- (c) the State.
- (d) the Act (meaning a statute). This is somewhat arbitrary, but is a device used to clarify a sentence or a paragraph using the word in the sense of something done and of an enactment of the legislature.
- (e) the Authority (referring to a named entity as " . . . the Housing Authority of Hall County. This Authority has authority to . . ." It is better, of course, not to double the use of one word this way, and it should be avoided if possible. But where it would avoid unclearness in what you have already written, and which cannot be edited without risk of change of meaning, the reporter's office will capitalize "Authority" meaning the entity.
- (f) Division 1 of this opinion.
- (g) Headnote 1 of this opinion.
 - but lower case
 - "the first division."
 - "the first headnote."
- (h) General Assembly
 - but lower case "the legislature."
- (i) "Count 1" or "Enumeration 1".

The word "State" offers its own difficulties. Always capitalize the particular name as "State of Georgia." Always capitalize in a criminal case, as "The State's evidence showed that the defendant . . ."

The general rule is not to capitalize, "the state court and some of the federal courts." However, as to the word "state" the reporter will follow your style.

The reporter has consistently capitalized "State-aid road", and in the past "out-of-State injury" (now rarely appearing). These seem incorrect, and should be abandoned for "state-aid-road" and "out-of-state injury."

Do not capitalize the word "court" in a sentence such as "In 1919 this court held . . ." Contra, the U. S. Supreme Court speaks of itself as the "Court" and of others as "the court." If referring to the U. S. Supreme Court, specify that it is the U. S. Supreme Court to avoid confusion with the Georgia Supreme Court.

In quoting from records, briefs, etc., it does not seem necessary to capitalize entirely according to the vagaries of the original. Style has changed considerably over the years so far as the use of capitals is concerned. Once all nouns were capitalized in English, and now few are. A hundred years from now it may be "monday" instead of "Monday." In the meantime the change will have been gradual and it would have been hard at any given point to say who was right and who was wrong in using or not using a capital in a particular instance. The reporter's office would like not to capitalize words in quoted matter that do not conform to the general style in which the opinions are printed. The variance is unduly noticed in print and generally does not aid the understanding, but only points up distinctions without a difference.

For instance, if a petition should read, ". . . that the Defenlant told the Plaintiff on the steps of the Courthouse that the Sheriff had just . . .," printed would be ". . . that the defendant told the plaintiff on the steps of the courthouse that the sheriff had just . . ." One quote is as accurate as the other so far as

substance is concerned, and to slavishly follow the original this way only points up unessential differences in style between it and what follows in the opinion, e.g. "It was alleged that the defendant had told the plaintiff on the steps of the courthouse that the sheriff had just . . . "

Capitalization, Spelling and Forms of Frequently Used Words:

attorney fees (no "s" on "attorney" -- used as adjective)
Bank is never abbreviated (But abbreviate C & S Nat. Bank)
cancelled
cannot (one word)
centerline (one word)
co-defendant (hyphenated)
count (Count 1, capitalize "C"; but, petition in four counts)
counterclaim (one word)
court (not capitalized unless name of court specified -- Troup Superior Court; but, the superior court held . . .)
courtroom (one word)
cross action (two words)
cross-appeal (hyphenated)
cross-examination (hyphenated)
enumeration (Enumeration 4, capitalize "E"; but, the enumerations of error were without merit . . .)
federal (as an adjective, generally) (lower case, as in "the federal courts have uniformly held. . . .")
Federal Constitution (cap first letters)
girl friend (two words)
installment
landowner (one word)
Long Arm Statute (cap first letters of statutes cited by name)
nonresident (one word -- "non" prefixes -- no hyphen)
pre-hearing (hyphenated)
pre-sentence (hyphenated)
pretrial or pre-trial (either, but uniform within opinion)
quitclaim (one word)
Reports (cap when referring to Ga. Reports or Ga. App. Reports)
rest room (two words)
roadway (one word)
State (upper case)
State of Georgia (cap first letters)
State Constitution (cap first letters)
statute (not capitalized unless statute cited by name)
Statute of Frauds (cap first letters)
statute of limitation (lower case -- no "s" on limitation. Note: This is not capitalized, as there is no one historic "statute of limitation" as is the case with the Statute of Frauds)

Supreme Court -- Court of Appeals -- Superior Court
of Fulton County (cap first letters)
to wit (two words)
totaling (one "1")
traveling (one "1")
wilful (one "1")

So far as printing is concerned, be reasonably uniform and accurate without pointing out the idiosyncracies of others.

The reporter's rules of capitalization are standard and, if you will follow any good style manual such as the University of Chicago style manual, few changes will be necessary.

D. ABBREVIATIONS: (For further abbreviations, see "CITATIONS," infra.)

In captions in style of cases, do not abbreviate: spell out: "Association," "Company," etc. (Inc. and Ltd. always abbreviated. See TITLES, infra)

In citation of cases and where appropriate within opinions, always abbreviate, as follows:

Associate or Associates to "Assoc."

Association to "Assn." (note different from bluebook)

Bank is never abbreviated. But abbreviate C & S Nat. Bank.

Company to "Co."

Construction to "Constr."

County is never abbreviated.

Department to "Dept." (note: different from bluebook) As in Dept. of Transp. not DOT; Dept. of Natural Resources not DNR; Dept. of Family &c. Services not DFCS.)

Distributor or Distributing to "Distrib."

District to "Dist."

Driving Under the Influence to "D.U.I."

Footnote to "fn." or "n." (either correct but uniform within opinion)

Government to Govt.

Headnote to "hn."

Incorporated to "Inc."

Industry, Industries, Industrial to "Indus."

International to "Intl." (note: different from bluebook)

Judgment notwithstanding the verdict to "judgment n.o.v." or "j.n.o.v."

Limited to ".Ltd."

Metropolitan Atlanta Rapid Transit Authority to "MARTA."

National to "Nat." (note: different from bluebook)

Railroad, Railway to "R." (note: different from bluebook)

Savings to "Sav."

Transportation to "Transp."

E. MISCELLANEOUS EXAMPLES OF FORMAT

1. Under the ruling of Murcherson v. State, ante, this bill of exceptions must be

Dismissed. Nichols, P. J., and Pannell, J., concur.
2. ". . . the insured is in sound health, refers to a change in health between the time of taking and the application for the insurance and the date of the policy; and where . . ." (Emphasis supplied.)
3. Judgment reversed with direction that a judgment n.o.v. be entered in accordance with the motion. Jordan and Deen, JJ., concur.
4. Code Ann. § 25-315 (d) authorized small loan companies . . .
5. The Comptroller General of Georgia is both the Insurance Commissioner (Code Ann. § 56-201) and the Industrial Loan Commissioner (Code Ann. § 25-306).
6. The facts in Marques v. Ross, 105 Ga. App. 133 (123 SE2d 412), are closely similar to those of this case.
7. The doctrine is not applicable where the members of the family must obtain special permission each time they use the vehicle." 8 AmJur2d 143, 144, § 558, citing Redding v. Barker, 33 Tenn. App. 132 (230 SW2d 244).
8. . . . the collision of the two automobiles, was, under the authority of the Hart case evidence admissible to prove the fact stated. See also Travelers Ins. Co. v. Sheppard, 85 Ga. 751, 7765 (12 SE 18); Standard Oil Co. v. Reagan, 15 Ga. App. 571 (84 SE2d 69).
9. "----- in action for negligence. Western & Atlantic R. v. Frazier, 66 Ga. App. 276 (18 SE2d 45)." Savannah East Side Corp. v. Robinson, 102 Ga. App. 426, 429 (116 SE2d 613). See also Witcher v. Studdard, 97 Ga. App. 513, 515 (103 SE2d 646) and citations.
10. . . . it blocks the vision each as to the other, see Williams v. Grier, 196 Ga. 327 (26 SE2d 698); Landers v. French's Ice Cream Co.,

- 98 Ga. App. 317 (106 SE2d 325, 74 ALR2d 1050).
In Williams . . .
11. Home Fed. Savings &c. Assn. v. Hulsey, 104 Ga. App. 123 (121 SE2d 311).
 12. . . . of the dangerous condition, and its location. 65 CJS 547, 548, §51. In the present case (No. 41491) the allegations showing . . .
 13. . . . which an accusation may be based charging the offense in detail (Murray v. State, 30 Ga. App. 641 (1) (118 SE 760); Hunter v. State, 4 Ga. App. 579 (1) (61 SE 1130); Crawford v. State, 4 Ga. App. 789, 795 (1), (62 SE 501); Lewis v. State, 28 GA. App. 681 (113 SE 228)), and is sufficiently broad . . .
 14. ----. See, e.g., Southern R. Co. v. Webb, 116 Ga. 152 (42 SE 395, 59 ALR 109).
 15. 73 CJS 203, Property, § 14 (c). Cf. Henley v. State, 59 Ga. App. 595 (2) (2 SE2d 139).
 16. 38 AmJur 731, Negligence, § 73.
 17. Use brackets for [supplied information].
 18. At the top of all opinions shall appear, uncentered: "In the Court of Appeals of Georgia" so as to distinguish this Court's opinions with respect to their source. (Source: Minutes of 5/28/85; Minutes of 1/29/86)
 19. Always type caption in ALL CAPS, except "et al.," "and vice versa," or "(two cases)." There is no comma before et al. Et al. always has a period. (JOHNSON et al. v. SMITH et al.) There is a semicolon before "and vice versa." (JOHNSON v. SMITH; and vice versa.)
 20. Do not abbreviate in caption (except INC. and LTD. always abbreviated; ampersand [&] replaces "and" in case names: JONES & MILLER, not JONES and MILLER).
 21. Omit first names and titles, such as executor, commissioner, d/b/a, a/k/a, b/n/f. (JOHNSON v. SMITH, not JOHNSON, EXECUTOR v. SMITH, d/b/a CLIMATROL.)

22. Include "THE" with "STATE" only in caption. (JONES v. THE STATE. But JONES v. HARTFORD ASSURANCE COMPANIES, not JONES v. THE HARTFORD ASSURANCE COMPANIES.)
23. Omit "GEORGIA" in title where case refers to city, county, or other municipal body. (CITY OF SAVANNAH v. JONES, not SAVANNAH, GEORGIA v. JONES. FIRST NATIONAL BANK OF ATLANTA v. JONES, not FIRST NATIONAL BANK OF ATLANTA, GEORGIA v. JONES.)
24. (Emphasis supplied.) Always follows the cit. Jones v. Smith, 400 Ga. App. 400 (30 SE2d 45) (1986). (Emphasis supplied.)
25. Three dots (. . .) indicates an omission within a quoted sentence. Four dots (. . . .) indicates an omission at the end of a quoted sentence.

Source:
Minutes 3/27/35

F. DISSENTS

A dissent shall follow the majority opinion and the credit line shall be put at the end of the case. If the dissent itself is initialed, the judgment line shall indicate the judge agrees with the dissenter and joins with him. That will allow the writer to say "I am authorized to state that Judge _____ joins in this dissent." If a judge dissents but does not wish to join the dissenter's opinion, he should simply initial the voting box and not initial the dissent.*

Always spell out titles: "I am authorized to state that Chief Judge _____, Presiding Judge _____, and Judge _____ join in this dissent."
(Source: Reporter's Memo of 5/84).

*first sentence: Minutes of 10/22/85

G. JUDGMENT LINES

1. There shall be uniformity of judgment lines.

Examples:

a) "Affirmed in part and reversed in part" (prior use of "reversed and affirmed in part" and "affirmed and reversed in part" are identical to each other). (Source: Minutes of 5/28/85)

b) " , J., concurs. (same judge), J., also concurs specially" (when judge concurs and concurs specially). (There are 3 types of special concurrences: concurrence for different reasons, spelling those out; concurrence in judgment only; concurrence fully but adding more). (Source: Minutes of 10/22/85)

c) Abbreviate titles: "Judgment affirmed. , P. J., and , JJ., concur."

H. MISCELLANEOUS:

QUOTATION MARKS: Comma, period, exclamation and question mark should be inside quotes. Semicolon and colon should be outside quotation marks unless part of quoted material

Examples:

- . . . gambling game known as "the bug," but it was not shown . . . (comma inside quotation marks)
- . . . end of the sentence." (period inside quotation marks)
- . . . gambling game known as "the bug"; however, on the trial . . . (semicolon outside quotation marks, unless part of quoted material)

EMPHASIS NOTATION: Use (Emphasis supplied.) Do not use "Emphasis added or "Italics added," etc.

SPECIAL FORMS:

- 3 AmJur2d 41, Contacts, § 8.
- 9 CJS 86, Negligence, § 4.

DATES: No comma between month and year. (April 1985. But April 24, 1985.)

CODE SECTIONS: Always space between section sign and number. (OCGA § 9-11-54 (b).) Omit comma before et seq. and use only one section sign. (OCGA § 9-11-54 et seq.)

ELLIPSIS: Do not use marks when beginning quote in mid-sentence. (The Court of Appeals held that "parents . . . of an illegitimate child . . ." Not The Court of Appeals held that ". . . parents . . . of an illegitimate child . . .")

In cases of real doubt, the reporter may bring the question back to you, but the volume of work makes this an impractical approach timewise.

IX. PERSONNEL

updated w/ (Appendix 2) notations

A. EQUAL OPPORTUNITY

It is the policy of the Court of Appeals of Georgia to provide equal opportunity for employment to all employees and applicants for employment on a non-discriminatory basis. No person shall, on the basis of race, color, religion, national origin, age, sex, or mental or physical handicap be excluded from employment by, participation in, be deprived of, or be subject to discrimination. It is the policy of the Court of Appeals of Georgia to provide equal opportunity for employment, compensation, promotion, training, and other conditions of employment, on the basis of assessed qualifications, responsibility level and demonstrated performance.

B. ANNUAL AND SICK LEAVE POLICY AND RECORDS.

1. All staff will keep a record of the exact dates of any leave taken, on a form provided by the fiscal officer and approved by the Chief Judge. The form shall include the type of leave, and shall be submitted to the fiscal officer at the end of each month, signed by the employee and the judge. The form shall constitute the official public records for retirement and other official purposes. Accrued annual leave is the difference between how much annual leave a person was entitled to earn (Regh. B. Par. B201 governs, based on years of service) and the amount of time actually taken (depending on the Judge's policy) since the date of employment. *
2. Allowing compensatory time to staff attorneys shall be up to the discretion of each judge, but it shall add no monetary cost to the court.
3. Vacation time of employees is not to be used in excess of that earned during the current year (maximum of 21 working days, excluding weekends and holidays.) The period for computing vacation time runs from July 1 to June 30, beginning in 1986. Leave earned which is in excess of that allowed for actual vacation leave will carry over and accumulate up to a maximum of 45 days and be paid for when the employee leaves the court.

If an employee suffers a lengthy sickness and uses all accumulated sick leave, it is up to the discretion of the judge whether additional days be charged against excess annual leave or the 21-day actual yearly vacation leave. Also in the judge's discretion is when the employee takes the 21 days. *

Source:
Deen, as revised.

X. PERSONNEL

A. EQUAL OPPORTUNITY

It is the policy of the Court of Appeals of Georgia to provide equal opportunity for employment to all employees and applicants for employment on a non-discriminatory basis. No person shall, on the basis of race, color, religion, national origin, age, sex, or mental or physical handicap (except when such mental or physical handicap is a bonafide occupational disqualification) be excluded from employment by, participation in, be deprived of, or be subject to discrimination. It is the policy of the Court of Appeals of Georgia to provide equal opportunity for employment, compensation, promotion, training, and other conditions of employment, on the basis of assessed qualifications, responsibility level and demonstrated performance. (Source: Beasley, from IOM of National Center for State Courts)

*Replaced
11-7-94*

Source:
Deen, as revised.

B. ANNUAL AND SICK LEAVE POLICY AND RECORDS

1. All staff will keep a record of the exact dates of any leave taken, on a form provided by the fiscal officer and approved by the Chief Judge (Source: Minutes of 6/25/85) which shall include the type of leave, to which fiscal officer of the record shall be turned in at the end of each month, initialed by the employee and the judge. When so initialed, the form shall constitute the official public records for retirement and other official purposes. Accrued annual leave is the difference between how much annual leave a person was entitled to earn (Reg. B. Par. B201 governs, based on years of service) and the amount of time actually taken (two or three weeks per annum depending on the Judge's policy) since the date of employment, not to exceed forty-five days total. (Source: Phil Porter, Fiscal Officer, Memo of 8/21/84 to all judges and court personnel) (See also Appendix Item 1 at end of Manual) Judges need not keep personal time or leave records. The floating law assistant's time and personnel records will be kept by the Chief Judge's office. (Source of last two sentences: Minutes of 6/25/85) Religious holidays must be counted as annual leave. ABA is not court leave and must be taken as annual leave. The annual state bar meeting may be attended on court leave status by one of each judge's law assistants. (Source: Minutes of 9/26/85)

2. Allowing compensatory time to Law Assistants shall be up to the discretion of each judge, but it shall add no monetary cost to the court. (Source: 11/25/85)

3. Vacation time of employees is not to be used in excess of that earned during the current year (maximum of 21 working days, excluding weekends and holidays). (Source: Minutes 3/24/87) The period for computing vacation time runs from July 1 to June 30, beginning in 1986. Leave earned which is in excess of that allowed for actual vacation leave will carry over and accumulate and be paid for when the employee leaves the court.

If an employee suffers a lengthy sickness and uses all accumulated sick leave, it is up to the discretion of the judge whether additional days be charged against excess annual leave or the 21-day actual yearly vacation leave. Also in the judge's discretion is when the employee takes the 21 days. (Source: Minutes 4/28/87)

replaced 11-7-94

Source:
Deen as revised

C. SALARIES

1. As determined by the court and legislature. Categories by experience are generally in line with the State Merit System. "Experience" means years since admission to any Bar together with active practice of law and service as Law Assistant or Law Clerk of this Court or the Supreme Court. (Source of this sentence: Order of 9/30/64, as stated in Minute Book 15, p. 294) One-half of the salaries of the Reporter, Assistant Reporter, Assistant to Reporter, and Reporter's Clerk, all as set by the Supreme Court, shall be paid by the Court of Appeals. (Source: Minute Book 16, pp. 308, 445) The compensation of the clerk shall be the same as that of the respective position in the Supreme Court. (Source: Order of Court 9/30/64, as stated in Minute Book 16, p. 177) The salaries of the Law Assistants and Law Clerks and of the Deputy Clerk shall be the same as those respective positions in the Supreme Court insofar as possible. (Source: Orders of 9/30/64 & 3/27/64 & 3/26/70, as stated in Minute Book 16, p. 37)
2. Employees are entitled to retain juror and witness fees earned by them and to take court leave for such service. (Source: Minutes 4/24/89)

Source:
Deen as revised

C. SALARIES

1. As determined by the court and legislature. Categories by experience are generally in line with the State Merit System. "Experience" means years since admission to any Bar together with active practice of law and service as Law Assistant or Law Clerk of this Court or the Supreme Court. (Source of this sentence: Order of 9/30/64, as stated in Minute Book 15, p. 294) One-half of the salaries of the Reporter, Assistant Reporter, Assistant to Reporter, and Reporter's Clerk, all as set by the Supreme Court, shall be paid by the Court of Appeals. (Source: Minute Book 16, pp. 308, 445) The compensation of the clerk shall be the same as that of the respective position in the Supreme Court. (Source: Order of Court 9/30/64, as stated in Minute Book 16, p. 177) The salaries of the Law Assistants and Law Clerks and of the Deputy Clerk shall be the same as those respective positions in the Supreme Court insofar as possible. (Source: Orders of 9/30/64 & 3/27/64 & 3/26/70, as stated in Minute Book 16, p. 37) The salaries of Research Associates (summer interns) shall be set by the Court. (Source: Minutes 4/28/87)

Source:
Minute Book 15, p. 42

D. PRACTICE OF LAW

Legal Assistants and other personnel shall not engage in the practice of law as defined in OCGA § 15-19-50, whether for remuneration or not, except in the furtherance of the business of the court.

7. EMPLOYMENT APPROVAL

1. The employment of the clerk, deputy clerk, fiscal officer, floating legal assistant, and floating administrative assistants shall be by the Court sitting en banc. (Source: Minute Book 15, p. 258, 12/1/66) A written application shall be made on a "personnel history form." Each judge is free to hire and fire his staff. (Source: Minutes of 9/26/85)

F. RETIREMENT AND INSURANCE

1. Every employee and every judge is subject to the mandatory retirement and life insurance coverage offered by the Employees' Retirement System. (Source: OCGA § 47-2-70; 1973 Op. Atty. Gen. No. 73-39)
2. Health insurance is optional for each judge and employee. (Source: OCGA § 45-18-17)

Source:
Employees' Retirement System,
Memo of 6/29/79

G. FORFEITED LEAVE POLICY

"Forfeited Leave Policy for Certain Employees and Officials.

In compliance with Act No. 574, Georgia Laws 1979, the Board of Trustees at its meeting on June 21, 1979, adopted the following procedure by which accumulated days of forfeited annual and sick leave may be credited to a full-time member/employee or official for whom there is no established practice or policy with regard to accumulation of leave.

- (1) Annual and sick leave accumulations shall be determined in accordance with the rates of accumulation of leave specified by the Rules and Regulations of the State Personnel Board governing classified employees. [See Appendix Item 2 at end of Manual.]
- (2) With regard to employees or officials for whom there is no established practice or policy with regard to annual and sick leave accumulations:
 - (a) Where departmental records are available on the accumulation and use of annual and sick leave prior to July 1, 1979, these records may be used for the purpose of making the computations hereunder;
 - (b) Beginning July 1, 1979, records must be kept within the department reflecting the amounts of sick and annual leave accumulated and used by the affected employees and officials.
- (3) The departmental records available shall be used to establish a leave utilization profile which will establish the experience an official or employee has shown in utilizing sick and annual leave. At the time of retirement, this leave utilization profile will be expanded to encompass the period of time during which the department has no leave records.
- (4) The period of time for which there are departmental records on the accumulation and use of annual and sick leave shall be known as the documented period, and the period of time for which there are no departmental records

shall be known as the undocumented period."
[The calculation of forfeited leave for
retirement credit shall be in accordance with
Appendix Item 3.]

Source:
Minutes 4/24/84

H. NAME ON DOOR

Legal Assistants shall not have their names on the office doors.

Source:
Minutes 3/27/85

I. OFFICE HOURS

A. Office hours for each judge's office shall be left to the discretion of each judge.

B. The clerk's office will be open from 8:00 a.m. to 5:00 p.m. Items filed late Friday will be alerted that day to the judge's office to whom the case is assigned. (Source: Minutes 1/29/86)

2. Examines and determines need therefor and whether funds are budgeted or otherwise available.
3. On purchases up to \$500 approves or disapproves such request and returns to fiscal officer if approved and to requester if disapproved.
4. On purchases or any expenditure from court funds in excess of \$500, other than for travel and salaries, refers such request with recommendation to the Chief Judge for action by the Executive Council.
5. If disapproval is indicated by either the judge-in-charge or council, the requesting judge shall be given the opportunity to be heard before final action is taken.
6. Each purchase request shall be dated and shall contain the anticipated cost before submission to the fiscal officer and initialed by the fiscal officer as to availability of funds.
7. A sufficient quantity of items that are kept in stock such as yellow pads, pens, paper, etc., should be requisitioned by each judge on a monthly basis. All purchase orders or requisition forms for anything must be approved by the judge.
8. Responsible for preparation of draft and amendments on purchasing section in the Manual for Internal Operations.
9. In the event the judge-in-charge of the Purchasing Committee is absent, the purchase request shall be presented to the Chief Judge. If both are absent, the purchase request shall be presented to the judge next in line of succession for the Chief Judge.
10. The reporter will follow the court travel and purchase policies.

See also, XVI PURCHASING POLICY.

L. CENTRAL STAFF
FLOATING STAFF ATTORNEYS/SCREENING ATTORNEYS

Judge in Charge: _____

The Judge in charge shall:

1. Oversee the hiring and termination of the Central Staff Attorneys, including the Floating Staff Attorneys.

2. Oversee the assignment of Central Staff Attorneys, including Floating Staff Attorneys, and their supervision by the Chief Central Staff Attorney.
3. Recommend changes in the job description of same.
4. Approve leave, time sheets, periodic review, and other administrative matters concerning these attorneys. Requests for leave shall be in writing to the Judge in Charge, who shall keep the leave record and send it to the Fiscal Officer. The judge to whom a Floating Staff Attorney is assigned shall determine the time for daily arrival and departure. (Source: Minutes August 1995 banc minutes)

M. MANUAL FOR INTERNAL OPERATIONS

The clerk/court administrator shall be responsible for drafting and keeping current a loose leaf manual for internal operations, Court of Appeals of Georgia, by:

1. Reviewing all previous minutes of the court.

N. COURT PERSONNEL COMMITTEE

The Court Personnel Committee shall be responsible for hearing appeals from Clerk's office personnel pursuant to disciplinary action taken against such personnel by the clerk/court administrator under the Clerk's office Policies and Procedures Manual.

(Source: Minutes, June 1995 Banc Meeting)

time required as per the approval request form. Reimbursement for parking will be approved but there shall be no reimbursement for travel or subsistence. Any amount of continuing legal education over 12 hours must be approved in advance by the Executive Council.

2. The court will no longer reimburse for transportation, travel, and/or subsistence for staff attorneys to attend the annual State Bar Convention, other than to pay for the cost of actual CLE attended. The court will allow court leave for attendance at CLE attended at the State Bar.
3. These rules do not apply to judges.

K. MAIL CLERK/FILE CLERK

The mail clerk/file clerk will perform those duties assigned to the him/her by the clerk/court administrator of the Court of Appeals. The mail clerk/file clerk is not available to perform personal errands, and/or banking for any court personnel, including judges. Any court personnel desiring to use the mail clerk/file clerk for any duties or tasks not assigned to the mail clerk/file clerk shall clear such requests through the clerk/court administrator of the Court.

L. FLOATING STAFF ATTORNEYS/SCREENING ATTORNEYS

Requests for leave shall be made in writing to the Chief Judge, who shall keep the leave record and send it to the fiscal officer. The judge to whom the floating staff attorney is assigned shall determine the time of the daily arrival and departure.

M. NEW EMPLOYEE ORIENTATION GUIDELINE

The judge hiring the employee, the fiscal officer and/or the clerk/court administrator where appropriate, should direct new employees to the Internal Operations Manual and the Rules of the Court of Appeals for specifics about the court and the court's fiscal policies. Also, new employees should be oriented on the role of the judiciary; the important part each employee plays in fulfilling the court's public service role; the court's chain of command; each person's area of responsibility; and the following:

1. Confidentiality
2. Office hours
3. Outside employment and activities, including political involvement
4. Role of summer research associates

Revised
8-95

subject to the approval of the judge with respect to time required as per the approval request form. Reimbursement for parking will be approved but there shall be no reimbursement for travel or subsistence. Any amount of continuing legal education over 12 hours must be approved in advance by the Executive Council.

- Revised
11-94
2. Court leave shall be granted for the State Bar annual meeting, for one staff attorney per judge per year. If any additional staff attorneys attend the State Bar annual meeting, it shall be at their own expense and on annual leave, except the court will pay the registration fee for any MCLE courses taken in conjunction with the meeting. The American Bar Association is not considered court leave and must be taken as annual leave.
 3. One of the central or floating staff attorneys per year may attend the State Bar Annual Meeting upon the approval of the Chief Judge in accordance with the conditions of paragraph 2 above.
 4. All staff attorneys' attendance at CLE and State Bar Annual and Midwinter meetings is subject to their judge's discretion.
 5. This rule does not apply to judges.

K. MAIL CLERK/FILE CLERK

The mail clerk/file clerk will perform those duties assigned to the him/her by the clerk/court administrator of the Court of Appeals. The mail clerk/file clerk is not available to perform personal errands, and/or banking for any court personnel, including judges. Any court personnel desiring to use the mail clerk/file clerk for any duties or tasks not assigned to the mail clerk/file clerk shall clear such requests through the clerk/court administrator of the Court.

L. FLOATING STAFF ATTORNEYS/SCREENING ATTORNEYS

Requests for leave shall be made in writing to the Chief Judge, who shall keep the leave record and send it to the fiscal officer. The judge to whom the floating staff attorney is assigned shall determine the time of the daily arrival and departure.

M. NEW EMPLOYEE ORIENTATION GUIDELINE

The judge hiring the employee, the fiscal officer and/or the clerk/court administrator where appropriate, should direct new

Source:
Minutes 10/2/85,
5/25/89

J. CLE AND COURT LEAVE

1. The court will pay tuition, travel (mileage), and meals, but not lodging, for CLE seminars in Atlanta or Athens, and the State guidelines for mileage and meals shall be followed. This shall be limited to the minimum CLE hours required and shall be subject to approval of the judge with respect to time required (which will be court leave) and voucher items. No court leave time will be granted for CLE in places other than Atlanta or Athens.

2. The only other court leave shall be the State Bar Annual Meeting, for one assistant per judge per year. If any additional legal assistant attends the State Bar Annual Meeting, it shall be at his own expense and on annual leave, except the court will pay the registration fee for any MCLE courses taken in conjunction with the meeting, and the legal assistant would be on court leave.

3. All legal assistant attendance at CLE and State Bar Annual and Midwinter Meetings is subject to the judge's discretion. (Source: Minutes 5/27/86)

4. This rule does not apply to judges.

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employees to the Internal Operations Manual and the Rules of the Court of Appeals for specifics about the court and the court's fiscal policies. Also, new employees should be oriented on the role of the judiciary (the important part each employee plays in fulfilling the court's public service role; the court's chain of command; each person's area of responsibility; and the following:

1. Confidentiality
2. Office hours
3. Outside employment and activities, including political involvement
4. Role of summer research associates
5. Use of Lexis, Westlaw, Georgia Law on Disc, Shepard's, Shepard's on CD Rom, telephone, copy machine, postage machine, and court stationery
6. Method for ordering supplies
7. Handling of transcripts and briefs, e.g., no writing on briefs or transcripts
8. Judge's preferences as to opinion drafting.
9. No smoking policy
10. Health, Life Insurance and Retirement benefits.
11. Punctuality, sick leave, vacation, holidays, lunch breaks, absenteeism
12. Parking arrangements
13. Space allocation for staff attorneys
14. Staff attorneys
15. Continuing legal education.
16. Travel reimbursement.
17. Opinion drafting.
18. Proper attire.

N. COURT PARKING POLICY

Effective November 1, 1993, and henceforth, the parking spaces allocated to the Court of Appeals will be assigned in seniority order as they become available. If the most senior employee on the list already has a parking space in his/her own name, the Court of Appeals' space will go to the next person on the list. The list will be maintained in the Fiscal Office.

The above does not apply to spaces allocated for use by the judges. Nine spaces are set aside for the judges and will be assigned on a seniority basis.

Carley:
Clerk's office too.

K. MAIL CLERK

The mail clerk will perform any reasonable task for judges at any time. He will make normal banking deliveries for legal assistants and administrative assistants on Fridays and on pay days. He is not available to perform errands, other than banking, for personnel other than judges at any time.

L. FLOATING LAW ASSISTANTS

Requests for leave shall be made in writing to the Chief Judge, who shall keep the leave record and send it to the fiscal officer. The judge to whom the floating law assistant is assigned shall determine the time of the daily arrival and departure. (Source: Minutes 3/6/87) See also I.A. 3.i, p.2, and X.B.1., p. 44.

M. NEW EMPLOYEE ORIENTATION GUIDELINE

Primarily, new employees should be directed to the Internal Operations Manual and The Rules of the Court of Appeals for specifics about the Court, and to the Fiscal Officer as to the court's fiscal policies. Also, discuss generally the role of the judiciary; the important part each employee plays in fulfilling the court's public service role; the court's chain of command; each person's area of responsibility; and the following:

1. Confidentiality.
2. Office hours.
3. Outside employment and activities, including political involvement.
4. Banking policy.
5. Role of summer interns.
6. Use of Lexis, telephone, copy machine, postage machine, and court stationery.
7. Method for ordering supplies.
8. Handling of transcripts and briefs, e.g., no writing on briefs or transcripts.
9. Judge's preferences as to opinion drafting.
10. Smoking policy.
11. Health, Life & Accident Insurance and Retirement Benefits.
12. Punctuality, sick leave, vacation, holidays, lunch breaks, absenteeism.
13. Parking arrangements.
14. Space allocation for law clerks.
15. Staff meetings.
16. Continuing Legal Education.
17. Travel reimbursement.
18. Opinion drafting.
19. Proper attire.

(Source: Minutes 1/24/89, p. 4, Item 3 (a))

N. COURT PARKING POLICY

Effective November 1, 1993, and henceforth, the parking spaces allocated to the Court of Appeals will be assigned in seniority order as they become available. If the most senior employee on the list already has a parking space in his/her own name, the Court of Appeals' space will go to the next person on the list. The list will be maintained in the Fiscal Office.

The above does not apply to spaces allocated for use by the judges. Nine spaces are set aside for the judges and will be assigned on a seniority basis. (Source: Minutes Callaway Retreat October 21-22, 1993). (Source: Minutes Callaway Retreat Oct. 21-22, 1993).

0. FLOATING ADMINISTRATIVE ASSISTANTS.

1. A Floating Administrative Assistant shall be assigned to the Office of the Chief Judge on the following basis:

a. The Chief Judge shall have a Floating Administrative Assistant assigned to his/her office two days out of every week, one day prior to every month's banc meeting, the day of banc and two days after the banc meeting.

b. The Chief Judge shall have a Floating Administrative Assistant assigned to his/her office one week prior to the date of the annual judges' retreat and for one week following the judge's return.

c. The assignment of a Floating Administrative Assistant for the Chief Judge shall be on a rotating basis as determined by the schedule maintained by the clerk/court administrator. Any conflicts with Floating Administrative Assistant assignments shall be resolved by the Judge-In-Charge of the Clerk's Office.

2. Floating Administrative Assistants shall be assigned to the individual offices on the following priority basis:

a. A judge's office that will be without an administrative assistant takes precedent over a judge's office who wants a floater to assist an administrative assistant.

b. If two or more judges' offices seek the assistance of a floater and each judge's office will be without that office's administrative assistant, then the office which requests first will have priority over those offices requesting later. Requests received concurrently will be assigned based on seniority.

c. If two or more judges' offices seek the assistance of a floater to assist the administrative assistant, then the office which requests first will have priority over those offices requesting later.

Sept '96 Banc

Changed

- d. If a judge's office has an emergency situation which will require the use of the judge's administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes, March 1994 Banc meeting).

- e. If any floating administrative assistant is not assigned to a particular judge's office on any day, or finishes an assignment prior to the end of the day, the clerk/court administrator shall assign the floater in accordance with written requests received in the Clerk's office on that day. If any floating administrative assistant remains unassigned after all written requests have been filled, said administrative assistant shall be assigned by the clerk/court administrator to a task in the clerk's office. (Source: Minutes, May 1995 Banc meeting).

P. COURT FLOWER FUND.

The court shall create a flower fund to provide funds for an appropriate expression of sympathy, joy, congratulations or recognition of achievement on certain occasions involving court personnel. The fund shall be administered through the flower fund guidelines. These guidelines are set out in Appendix 10. (Source: June 1995 Banc minutes).

Changed
5-94
Banc

rotating basis as determined by the schedule maintained by the Clerk/Court Administrator. Any conflicts with Floating Administrative Assistant assignments shall be resolved by the Judge-In-Charge of the Clerk's Office.

2. Floating Administrative Assistants shall be assigned to the individual offices on the following priority basis:

a. A judge's office that will be without an administrative assistant takes precedent over a judge's office who wants a floater to assist an administrative assistant.

*Revised
3-12-96
Per
B. Martin*

b. If two or more judges' offices seek the assistance of a floater and each judges' office will be without that office's administrative assistant, then the office which requests first will have precedence over those offices requesting later. Requests received concurrently will be assigned based on seniority.

c. If two or more judges' offices seek the assistance of a floater to assist the administrative assistant, then the office which requests first will have precedence over those offices requesting later.

d. If a judge's office has an emergency situation which will require the use of the judge's administrative assistant as well as a floater, that judge may request of the judge who has requested a floater and who is without an administrative assistant that the judge release the floater to the judge whose administrative assistant is present but has a dire emergency. (Source: Minutes March 22, 1994).

e. If any floating administrative assistant is not assigned to a particular judge's office on any day, or finishes an assignment prior to the end of the day, the Clerk/Court Administrator shall assign the floater in accordance with written requests received in the Clerk's office on that day. If any floating administrative assistant remains unassigned after all written requests have been filled, said administrative assistant shall be assigned by the Clerk/Court

Administrator to a task in the clerk's office.
(Source: Minutes, May 1995 Banc meeting).

Add
3-12-96

P. COURT Flower
Fund
section

X. POLICY MATTERS AFFECTING BOTH APPELLATE COURTS

A. COURT OF APPEALS

- Changed
Name 9-2-66*
1. Prior to the introduction thereof, the Court of Appeals will notify the Supreme Court and discuss any legislation which the Court is considering introducing in the Georgia General Assembly.
 2. Prior to making an adjustment in the wages for the staff attorneys or administrative assistants, the Court of Appeals will confer with the Supreme Court and a diligent effort to reach agreement will be made.
 3. Prior to making any change in the Rules of the Court of Appeals, the court will confer with the Supreme Court.

B. SUPREME COURT

1. When the Supreme Court grants an interlocutory or discretionary appeal, it will keep and decide the case. When certiorari is granted on an interlocutory or discretionary appeal which the Court of Appeals has denied, and when the Supreme Court then reverses the denial of the application, the Supreme Court will keep the case and decide it on its merits.
2. Prior to changing the terms of the Supreme Court, the Supreme Court will confer with the Court of Appeals.
3. Prior to making an adjustment in the wages for the staff attorneys or administrative assistants, the Supreme Court will confer with the Court of Appeals and a diligent effort to reach agreement will be made.
4. Prior to making any changes in the procedural rules of the Supreme Court, the Supreme Court will confer with the Court of Appeals.
5. In the event the Supreme Court proposes legislation which affects the operation of the Court of Appeals, it will discuss such legislation with the Court of Appeals prior to its introduction.

Source:
Letter from Clarke to Quillian
4/6/83 & reply 6/13

XI. POLICY MATTERS AFFECTING BOTH APPELLATE COURTS

A. COURT OF APPEALS

1. Prior to the introduction thereof, the court of Appeals will notify the Supreme Court and discuss any legislation which the court is considering introducing in the Georgia General Assembly.
2. Prior to making an adjustment in the wages for the clerk, deputy clerk, legal assistants, or administrative assistants, the Court of Appeals will confer with the Supreme Court and a diligent effort to reach agreement will be made.
3. Prior to making any change in the Rules of the Court of Appeals, the court will confer with the Supreme Court.

Source:

Letter from Clarke to Quillian
4/6/83 & reply 6/13

B. SUPREME COURT

1. When the Supreme Court grants an interlocutory or discretionary appeal, it will keep and decide the case. When certiorari is granted on an interlocutory or discretionary appeal which the Court of Appeals has denied, and when the Supreme Court then reverses the denial of the application, the Supreme Court will keep the case and decide it on its merits.
2. Prior to changing the terms of the Supreme Court, the Supreme Court will confer with the Court of Appeals.
3. Prior to making an adjustment in the wages for the clerk, deputy clerk, legal assistants, or administrative assistants, the Supreme Court will confer with the Court of Appeals and a diligent effort to reach agreement will be made.
4. Prior to making any changes in the procedural Rules of the Supreme Court, the Supreme Court will confer with the Court of Appeals.
5. In the event the Supreme Court proposes legislation which affects the operation of the Court of Appeals, it will discuss such legislation with the Court of Appeals prior to its introduction.

Source:
Minutes 6/25/85

XII. PROTOCOL AT SWEARING-IN CEREMONIES AND
OTHER OCCASIONS SUCH AS RETIREMENT
TRIBUTES, MEMORIALS FOR DECEASED
JUDGES, ETC.

A. The clerk shall set up protocol on festive occasions, jointly with the Supreme Court, by way of a letter distributed throughout the state advising of proper protocol for introductions. The letter, prepared by the clerks of the two courts, shall be sent as invitations are received to particular functions such as bar admission ceremonies, state bar meetings, and other public affairs.

B. A memorial shall be published in the court's reports for any judge who has served on the Court, regardless of where the judge serves thereafter. However, there will not be a tribute, i.e., a live presentation in the courtroom. (Source: Minutes 5/26/87)

Updated

Source:
Minutes 4/23/85

XIII. MEDIA COVERAGE OF COURT PROCEEDINGS

1. A judge will be assigned by the Chief Judge to send news releases regarding any judge who attends a judicial conference or meeting and wishes the public to know of it.
2. No cameras allowed in the courtroom (Source: Minutes 3/25/86)

Updated

XIII. TRAVEL POLICY

A. Judges will be reimbursed for travel expenses for court related travel in accordance with state-wide travel regulations, except as § 45-7-20 may otherwise control. The court recognizes there is a need for continuing judicial education and the court has a requirement that each judge of the court receive 12 hours of mandatory continuing judicial education each year. To that end, judges should actively participate as lecturers, writers, and students and contribute, wherever possible, to the improvements of the legal profession and the administration of justice through independent and bar related conferences and associations.

1. The court's travel budget shall be divided into 12 equal shares by the fiscal officer as soon as practicable after the beginning of the new fiscal year. The Chief Judge shall be entitled to two shares of the travel budget and each other judge shall be entitled to one share of the travel budget. Two shares of the travel budget shall be reserved for the general travel fund.

2. Each judge may use his/her share of the court's travel budget for court related travel in or out of the state.

3. Any judge who wishes to utilize travel funds in excess of his/her share must request additional monies from the general travel fund. Such request must be made to the Executive Council and the Executive Council may approve or disapprove such request.

4. Any travel funds not utilized by an individual judge shall lapse into the general travel fund. Any judge may direct all or part of his/her share of the travel funds to the general travel fund.

All employees and court personnel, other than judges, shall be subject to the state-wide travel regulations. Any approved travel for non-judicial personnel of the court shall be reimbursed out of the general travel fund.

B. Tuition and scholarship registration. The fiscal officer shall as soon as practicable after the beginning of the new fiscal year, divide the portion of the court's budget which is set aside for tuition and scholarships into nine equal shares, one share for each judge.

For any amount more than \$500, a request shall be submitted to the Executive Council and the Executive Council may approve or disapprove such request.

*Changed 9-96
Base*

XIV. TRAVEL VOUCHERS

A. JUDGES

Reimbursement for meetings and conferences attended by judges can be reimbursed for the day before the event begins and the day after it ends, but not more. Actual expenses are reimbursed. Lodging vouchers should show single rate when a spouse accompanies the judge. See also OCGA § 45-7-20, regarding reimbursement of travel costs while on official state business. (Source: Minutes 9/26/85)

B. EMPLOYEES

1. The Court will bear the actual expenses and a per diem rate for one legal assistant each, for attendance at the annual meeting of the State Bar of Georgia in Savannah. (Source: Minutes 4/23/85)
2. Reimbursement Policies (Source: Attachment to Minutes 4/23/85, from Deen; Statewide Travel Regulations Revision 7/1/85 and 7/1/86):

a. MEALS

Reimbursement will be made for actual costs of meals within certain limits. Expenses for three meals at a rate of not more than \$19.00 per day, including tax and tips, is allowed. Charges for three meals in excess of \$19.00 per day must be explained on the travel expense voucher. Reimbursement of claims for fewer than three meals per day should be evaluated in terms of the daily limit. In normal circumstances it is expected that dinner should cost more than lunch, and lunch more than breakfast. If only one or two meals are claimed, charges in excess of \$4.50 for breakfast, \$5.50 for lunch, and \$11.00 for dinner should be explained. Reimbursement for tips will be allowed according to the Attorney General's Opinion 70-28 dated March 6, 1970; tips should be included in the price of each meal.

Employees are entitled to reimbursement for breakfast expenses if they depart prior to 6:30 a.m., and for dinner expenses if they return later than 7:30 p.m. The noon meal is not reimbursable unless:

- Overnight lodging was incurred,

- Unusual circumstances prevail and are individually approved by the State Auditor and O.P.B.,
- Provided by law, or
- The employee was away from home on the work assignment for more than 13 hours.

Meals may be reimbursed for the day of departure and return from overnight trips subject to departure and arrival time restrictions. Receipts for meals are not required.

Reimbursement is limited to the cost of meals for the individual employee. Reimbursement may be allowed for meals within the 30-mile radius and for noon meals not associated with overnight lodging if the meals are an integral part of a scheduled meeting and the individual is an official representative of the department, or if the meals are part of a required registration fee.

b. LODGING

Reimbursement may be made for actual lodging expenses based on reasonable rates as determined by the agency authorizing the travel. All lodging claims must be documented by receipts.

It is expected that reservations will be made in advance whenever practical, that minimum rate accommodations available will be utilized, that "deluxe" hotels and motels will be avoided, and that commercial rates will be obtained whenever possible. (Holiday Inns provide discounts when employees use the state's identification number 38816-5.) Many hotels and motels grant commercial rates upon request to state employees who show identification. Charges exceeding reasonable rates must be explained on the travel expense vouchers. These rates may be exceeded and be justified if an employee stays at a higher cost motel where a meeting is held in order to avoid excessive transportation costs between a lower cost motel and the location of the meeting.

When a room is shared with other state employees on travel status, reimbursement will be calculated, if practical, on a pro rata share of the total cost. A state employee on travel status, if accompanied by someone who is

not a state employee on travel status, would be entitled to reimbursement at a single room rate.

c. TRANSPORTATION

1) Vehicles

First priority for travel within the state should be given to use of agency-owned vehicles, if available. Otherwise, travelers may choose between using personal or D.O.A.S. vehicles. Agencies should, however, use every means available to utilize the most effective method.

Use of common carrier will be left to the discretion of the agency personnel responsible for authorizing travel. A traveler will be authorized to choose between a personal vehicle and a common carrier only after a careful analysis of the distance, timeliness and overall cost factors of a trip have been considered. Reimbursement for the most economical mode of transportation, consistent with the purpose of the travel, will be authorized.

Reimbursement for transportation expenses incurred by use of personally owned vehicles will be at the rate per mile as provided by law for the actual miles traveled in the performance of official duties. Effective August 1, 1986, the mileage rate is \$.21 per mile. The initial point of departure shall be the individual's residence or headquarters, whichever is nearer the destination point. No transportation costs will be allowed between an employee's place of residence and his official headquarters. Reimbursement will not be allowed for expenses other than those incurred by the employee in travel status; payments to friends or other individuals will not be allowed. When possible, employees should attempt to travel together to the same destination in one vehicle.

Actual odometer readings will be reported; however, personal mileage will be excluded in determining the mileage for which reimbursement may be made. Claims exceeding mileage computed by the most

direct route from the point of departure to destination (due to field visits, picking up passengers, etc.) must be explained on the travel expense voucher.

The authorized mileage rate is to include all expenses incurred in the operation of a personal vehicle. In addition, parking and toll expenses will be paid for official travel in personal or state vehicles. (Low-cost long-term parking or automobile storage should be used.) A receipt should be made on the expense voucher.

Use of commercially-leased vehicles will be left to the discretion of agency personnel responsible for authorizing travel. Commercially-leased vehicles should be obtained from the state contracted rental agency according to the conditions of the state contract. Employees will be reimbursed for costs associated with official use of such vehicles.

2) Common Carrier

Judge should travel tourist class if by air. Court funds are not to be used for personal side trips. Each judge is to use his own judgment in determining the use of travel funds, which are to be used for appropriate professional trips, for educational or court or judicial system advancement purposes. The ABA Annual Meetings, the Appellate Court Conference, American Law Institute, American Juricature Society are the type of things which would qualify. (Source: Minutes 2/19/85)

Transportation by common carrier will be by scheduled plane or rail. Reimbursement will be made upon presentation of a ticket stub, receipt, or other documentary evidence of expenditure. According to law (1978 S.B. 73, Act 1369), officials or employees traveling by commercial air carrier will not be reimbursed for that portion of first class air fare which exceeds the amount of the next lowest fare for the flight on which such official or employee is traveling unless:

(1) space is n t available;

(2) a licensed medical practitioner certifies that because of a person's mental or physical condition specific air travel arrangements are required;

(3) the Commissioner of Public Safety certifies that specific air travel arrangements are necessary for security reasons.

Limousine or taxi service will be reimbursed between the individual's departure point and the common carrier's departure point; between the common carrier's arrival point and the individual's lodging or meeting place; and between the lodging and meeting places if at different locations. It is expected that limousine service will be utilized when available and when arrival or departure is during daylight hours. Although receipts are not necessary for such items of transportation, a point-to-point explanation should be required for each such item reimbursed. Baggage handling services (portage) may be reimbursed when actually incurred in moving luggage into or out of lodging places and common carrier.

Employees traveling in state vehicles should purchase fuel at state owned facilities when feasible. All such purchases should be made with a state credit card.

Employees sharing a ride with another state employee using either a state or personal vehicle, and not claiming reimbursement for mileage, should indicate in the automobile mileage record section of the expense voucher the name of the person they rode with and the dates of the trips. Those utilizing state owned aircraft should also indicate such as a mode of transportation.

Source:
Deen (revised)

XV. INQUIRIES REGARDING CASES

A. Any inquiry by phone or visit or letter from the media, a litigant, attorney, witness, or party to a case currently pending, or past or future, shall be referred to the clerk of the court. This shall include but not be limited to inquiries regarding status of the case or to whom assigned.

B. All communications with the clerk's office with regard to the necessity of communicating with or giving directions to the lower court clerk's office must be made through the judge to whom the case has been assigned.

Source:
Deen (revised)

XVI. SECURITY

A. EMERGENCY

1. Dial 3281, 3283, 7820, 7821.
2. Walkie-Talkie numbers: 650 - Chief Plum
(Chief of Police)
215 - Chief Allen
(Dep.Dir.Security)
3. To reach the fire, police, hospital or any other emergency numbers, contact the above.
4. 6598, 3988 Investigator.

XV. CASE MANAGEMENT

A. COURT RECORDS

Except for persons assigned as backup and for lunch period, or as specifically authorized by the clerk/court administrator, all other court personnel, clerk's office included, must check out records from records clerk or acting records clerk. None but judges and their specific designees shall be permitted to take case records out of the building. At the discretion of each judge, briefs and draft opinions may be taken out by judges or their staff attorneys.

B. DOCKETING SHEET

A sheet which is sent to the administrative assistant from the clerk's office as each case is docketed. Cases shall be docketed within 24 hours after presentation to clerk's office.

C. PANEL LIST

1. First list of monthly cases for the panel which comes from the clerk's office after the docket is closed for each month. (This is the spread sheet which goes to each judge's office from the clerk's office.)

D. MONTHLY CASE NUMBER SHEET

A list which a judge's administrative assistant makes up of the cases assigned to that judge as the summary sheets are received by his/her office from the clerk's office. It is completed when the docket closes for the month.

E. COURT CALENDAR

1. Requests for oral argument shall be granted on the vote of one judge; such request shall be circulated to the panel only if the judge to whom the case is assigned votes to deny it. (Source: Minutes, June 1995 Banc meeting).
2. The court shall publish a printed list of names and numbers of cases and the order in which they will be heard in court. In the event of attorney time conflicts in court settings, the court will do the best it can to conform to the policy set out in the state/federal court resolution and will try to work out the conflict with the other judge involved.

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(Cont. next page)

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(Source: Minutes, June 1995 Banc Meeting)

Source:
Deen (with minor revision)

XVII. CASE MANAGEMENT

A. COURT RECORDS

Except for persons assigned as backup and for lunch period, or as specifically authorized by Judge-in-Charge, all other court personnel, clerk's office included, must check out records from records clerk or acting records clerk. (Source: Carley Memo to all judges 8/20/85) None but judges are permitted to take case records out of the building. At the discretion of each judge, briefs and draft opinions may be taken out by judges or their law assistants. (Source: Minutes 5/26/87)

B. DOCKETING SHEET

1. A sheet which is sent to the secretary from the clerk's office as each case is docketed. Cases shall be docketed within 24 hours after presentation to clerk's office. (This latter sentence's source is Minutes of 9/26/83)

Source:
Deen (with minor revision)

C. WHOLE COURT LIST

1. First list of monthly cases for the whole court which comes from the clerk's office after the docket is closed for each month.

Source:

Deen (with minor revision)

D. MONTHLY CASE NUMBER SHEET

1. A list which a judge's secretary makes up, of the cases assigned to that judge, as the docketing sheets are received by his office. It is completed when the docket closes for the month.

E. COURT CALENDAR

1. A printed list of names and numbers of cases and the order in which they will be heard in court. In the event of attorney time conflicts in court settings, the court will do the best it can to conform to the policy set out in the state/federal court resolution (adopted at the Council meeting during the State Bar meeting June 1984) and will try to work out the conflict with the other judge involved. (Source: Minutes of 2/19/85) With respect to resolving attorney time conflicts in courts pursuant to Uniform Superior Court Rule 17.1, the judge to whom the case is assigned should reconcile it. He should check with the presiding judge on his panel and then call the judge of the other court on behalf of the panel. (Source: Minutes of 9/26/85) At the option of the judge, the clerk's office can be instructed to resolve the conflict. (Source: Minutes 9/16/86)

Source:
Deen (with minor revision)

F. BENCH DOCKET

A list of the cases which will be argued, including attorneys' names.

F. BENCH DOCKET

The clerk/court administrator shall maintain a list of cases which will be argued. The bench docket shall include the names of the attorneys and the identification of any pro se parties. The docket shall be maintained in the clerk's office and shall be brought into the courtroom during oral arguments.

G. DOCKETING SYSTEM

1. The clerk's office shall maintain a computerized docketing system which shall be approved by the court.

2. The system shall also be backed-up daily to a hard disc and weekly to a magnetic tape stored off site. The system shall also be backed up with a hard copy maintained in the clerk's office.

3. The court shall review the docketing system periodically, making changes where appropriate and after consultation with the court data processing personnel and the clerk/court administrator.

#4 Added 3-12-96

H. COURT MINUTES & INDEX

The Minute Book of the court shall be kept in the office of the clerk/court administrator. The minutes shall be generated by the data processing personnel on an annual basis or more often if required by the court. (Everything that goes into the system, that is, the computerized docket, is printed out and maintained in a hard copy in the clerk's office.)

I. CIRCULATION OF CASES

1. Each case will go to the other two judges on the division for review and initials. If one writes a dissent, the case must be shown to the judge to whom the case is assigned, and shown again to the other judge if he has already voted, and then it must be marked "Whole Court" and circulated. The prevailing judge will put the case out, correcting the judgment line on the last page of the opinion to include those concurring and those dissenting.

G. DOCKET BOOK ¹

The Docket Book shall be kept and maintained by the clerk and shall conform to the following form:

H. MINUTE BOOK

The Minute Book of the court shall be kept current
by the clerk.

Source:
Deen (with minor revision)

I. CIRCULATION OF CASES

1. Each case will go to the other two judges on the division for review and initials. If one writes a dissent, the case must be shown to the judge to whom the case is assigned, and shown again to the other judge if he has already voted, and then it must be marked "Whole Court" and circulated. The prevailing judge will put the case out, correcting the judgment line on the last page of the opinion to include those concurring and those dissenting. If a judge writes a special concurrence, it is not necessary to circulate to the whole court unless it is otherwise a whole court case, but it is necessary that it be shown to the assigned judge and the other judge on the division. Any time something new has been written, the case must be recirculated to all who have seen it before. Any memo or writing between judges shall be dated so as to show chronology (this insertion's source is Minutes of 2/19/85, should circulate to author of the opinion first, and then re-circulate. (This latter sentence's source is Minutes of 9/26/83)

2. If a judge writes a special concurrence, it is not necessary to circulate to the whole court unless it is otherwise a whole court case, but it is necessary that the opinion be shown to the assigned judge and the other judge on the division. Any time something new has been written, the case must be recirculated to all who have seen it before. Any memo or writing between judges shall be dated so as to show chronology, should circulate to author of the opinion first, and then recirculate.

J. DISSEMINATING CASES

1. After all the necessary judges have initialed the draft and it is returned to the assigned judge, the administrative assistant shall prepare the final opinion, photocopy eleven copies, put a brad in the original, staple remaining copies, complete the judgment line, and take the record with the original and nine copies to the clerk's office to be disseminated. If there are any dissents or special concurrences, they also must be collected and assembled behind the majority opinion before dissemination of the case. The judgment line must be changed to reflect any dissents or special concurrences. At the option of the judge-in-charge, photocopies shall be made by the clerk/court administrator's office.
2. Examples of proposed, suggested and approved judgment lines are attached in Appendix IX and should be used whenever possible to maintain uniformity.

Revised 3-12-96
#3
#4
Added

K. MOTIONS FOR RECONSIDERATION

1. If the case returns, the assigned judge will review and initial it and circulate it to the judges who originally voted on it. When all reconsideration work has been done, the case shall then be taken back to the clerk/administrator's office to be disseminated.
2. If the motion for reconsideration is granted and if the judgment line changes, an order granting the motion for reconsideration shall go out and the new opinion shall go out.
3. The clerk/court administrator shall not refuse to accept tardy motions for reconsideration. Generally, untimely motions for reconsideration will be dismissed, however, the judge to whom the case is assigned may take into consideration the reasons for the untimeliness, such things as problems with mail delivery.

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4. Second motions for reconsideration will be dismissed if they are not accompanied by a motion for permission to file second motion for reconsideration.

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J. DISSEMINATING CASES

2-95
After all the necessary judges have initialed the draft and it is returned to the assigned judge, the administrative assistant shall prepare the final opinion, photocopy eleven copies, put a brad in the original, staple remaining copies, complete the judgment line, and take the record with the original and nine copies to the clerk's office to be disseminated. If there are any dissents or special concurrences, they also must be collected and assembled behind the majority opinion before dissemination of the case. The judgment line must be changed to reflect any dissents or special concurrences. All opinions shall be published but, if published, the court's opinion shall be published in its entirety, except that a majority of the court shall have the right to delete any offensive language of any portion of any opinion at a meeting of the court en banc after notice, and except as provided by Court Rule _____. At the option of the judge-in-charge, photocopies shall be made by the clerk/court administrator's office.

K. MOTIONS FOR RECONSIDERATION

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- 2-95 4. ~~Regarding~~ second motions for reconsideration will be dismissed if they are not accompanied by a motion for permission to file second motion for reconsideration.
5. If there is a dissent on reconsideration, the case goes whole court. In addition to the "blue slip," the

Source:
Deen (with revision)

J. PUTTING OUT CASES

1. After all the necessary judges have initialed the draft and it is returned to the assigned judge, the secretary will prepare the final opinion, xerox 11 copies, put a brad in the original, staple remaining copies, complete the judgment line, and take the record with the original and 9 copies to the clerk's office to be put out. If there are any dissents or special concurrences written, they also must be collected and assembled behind the majority opinion before putting out. Judgment line must be changed to reflect them. All opinions shall be published except that a majority of the court shall have the right to delete any offensive language of any portion of any opinion at a meeting of the court en banc after notice, and except as provided by Court Rule 37 (b). At the option of the judge, who shall notify the judge-in-charge, xerox copies shall be made by the clerk's office. (Minutes 12/4/86) (Source of last sentence: Minutes 10/25/73). At the option of the judge, who shall notify the judge-in-charge, the xerox copies shall be made by the Clerk's office. (Minutes 12/4/86)

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3. The clerk/court administrator shall not refuse to accept tardy motions for reconsideration. Generally, untimely motions for reconsideration will be dismissed, however, the judge to whom the case is assigned may take into consideration the reasons for the untimeliness, such things as problems with mail delivery.
4. Second motions for reconsideration will be dismissed if they are not accompanied by a motion for permission to file second motion for reconsideration.
5. If there is a dissent on reconsideration, the case goes whole court. In addition to the "blue slip," the circulating judge should provide the usual place for judges to initial "concur" or "dissent."
6. When an opinion is changed by substitute pages or other revisions on rehearing or for other reasons, the office of the judge to whom the case is assigned is responsible for putting the revised opinion together and submitting it to the clerk/court administrator's office.

ASSIGNMENT OF CASES

1. Cases are assigned on a strict automatic rotation basis, except for companion cases and pre-assigned cases. There shall be two wheels for direct appeals: civil and criminal. There shall be two wheels for applications: interlocutory and discretionary. Each judge shall have a "judge code number" so as to secure the integrity of confidentiality and maintain anonymity with respect to which judge a case is assigned.
2. Separate appeals by joint defendants shall be assigned to the same judge.

M. PUBLICATION

1. In cases where no motion for reconsideration is made, the opinion of the court shall be disseminated for publication immediately after the expiration of 10 days

Source:
Deen (with minor revision)

K. MOTIONS FOR REHEARING

1. If the case returns, the assigned judge will review and initial it and circulate it to the judges who originally voted on it. When all rehearing work has been done, the case shall then be taken back to the clerk's office to be put out.
2. The clerk shall not refuse to accept tardy motions for rehearing; the judge to whom the case is assigned will deal with the matter of untimeliness, taking into consideration such things as problems with mail delivery. (Source: Minutes of 3/27/85) Generally, untimely motions for rehearing should not be denied because of their tardiness but should be decided on their merits. (Source: Minutes of 5/28/85)
3. Regarding second motions for rehearing, and ruling thereon beyond term, see Minutes of Specially Called Banc Meeting, 8/22/85; no clear policy emerged.
4. If there is a dissent on rehearing, the case goes whole court. In addition to the "blue slip," the circulating judge should provide the usual place for judges to initial "concur" or "dissent."
5. When an opinion is changed by substitute pages or other revisions on rehearing or for other reasons, the office of the judge to whom the case is assigned, is responsible for putting the revised opinion together and submitting it to the clerk's office.

L. ASSIGNMENT OF CASES

1. Cases are assigned on a strict automatic rotation basis, except for companion cases and pre-assigned cases. There shall be two wheels: civil and criminal. Each judge shall have a "judge code number" so as to secure the integrity of confidentiality and maintain anonymity with respect to which judge a case is assigned to. (Source: Minutes of 2/19/85; Minutes of 2/28/89, effective 9/1/89)

Separate appeals by joint defendants shall be assigned to the same judge. (Source: Minutes 10/27/80)

There shall be two wheels: civil and criminal.
(Source: Minutes 2/28/89, effective 9/1/89.)

circulating judge should provide the usual place for judges to initial "concur" or "dissent."

6. When an opinion is changed by substitute pages or other revisions on rehearing or for other reasons, the office of the judge to whom the case is assigned is responsible for putting the revised opinion together and submitting it to the clerk/court administrator's office.

L. ASSIGNMENT OF CASES

1. Cases are assigned on a strict automatic rotation basis, except for companion cases and pre-assigned cases. There shall be two wheels: civil and criminal. Each judge shall have a "judge code number" so as to secure the integrity of confidentiality and maintain anonymity with respect to which judge a case is assigned.
2. Separate appeals by joint defendants shall be assigned to the same judge.

M. PUBLICATION

1. In cases where no motion for reconsideration is made, the opinion of the court shall be disseminated for publication immediately after the expiration of 10 days from the date of the decision. In cases where motions for rehearing are made, the opinions are to be put out for publication immediately after the expiration of 10 days from the final disposition of the motion. In cases where notice of intention to apply for the writ of certiorari is given, in order to avoid delay in the printing of the court's opinions, the Reporter, acting in cooperation with the clerk/court administrator, shall use a photostatic copy or any other true and correct copy of the opinion, and have the opinions of the Court of Appeals published without waiting for the expiration of 30 days from the denial of the motion for reconsideration. It is the purpose of this resolution to expedite the publication of the opinions of the Court of Appeals, and the clerk/court administrator and the reporter, in order to carry out the intention of this resolution, may disregard the chronological date of the decisions of the court and in doing so may use their discretion to this end.

2. In the event of disagreement as to the application of Rule 37 (b), the matter will be handled the same as a dissent.

Changed 2-94

b. Each judge shall devise a system in his/her office to ferret out early those cases over which the Supreme Court, rather than this court, has jurisdiction, for prompt transfer. Transfers at the end of a term should be prevented.

c. The central staff attorney shall draw the entire order on transfer.

2. From: The Supreme Court:

a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.

b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.

c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.

d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.

Changed Banc 9-96
P. EXTENDING TERM - EXPEDITING CASES

1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided five judges concur.

2. If the appeal is from an order involving the custody of a child, a parent's visitation rights to a child, a child allegedly deprived, or parental rights, the decision in the case shall be expedited. (See OCGA § 19-9-64, part for Uniform Child Custody Jurisdiction Act, showing legislative desire to expedite resolution of such matters.) (Source: Minutes, April 1996 Banc meeting.)

Q. INTERLOCUTORY AND DISCRETIONARY CASES

1. If the application or response is not whitebacked, the clerk/court administrator will call the attorney (if the first offense) to advise that the clerk/court administrator, will put a cover on and advise the

- b. Each judge shall devise a system in his/her office to ferret out early those cases over which the Supreme Court, rather than this court, has jurisdiction, for prompt transfer. Transfers at the end of a term should be prevented.
- c. The central staff attorney shall draw the entire order on transfer.

2. From: The Supreme Court:

- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
- b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
- c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
- d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.

P. EXTENDING TERM - EXPEDITING CASES

- 1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided five judges concur.

- 2. If the appeal is from an order granting or denying a change of custody of a child, and enforcement of the order has been delayed pending appeal, the decision in the case shall be expedited.

April '96
Banc

5-10-96
Q.

Q. WHITEBACKS ON INTERLOCUTORY AND DISCRETIONARY CASES

If the application or response is not whitebacked, the clerk/court administrator will call the attorney (if the first offense) to advise that he/she, the clerk/court administrator, will put a cover on and advise the attorney that if it occurs again, a \$10 penalty will be assessed. The Chief Judge will ascertain to which account the assessment would be deposited.

3. The full text of opinions may be published by a commercial publishing house before reconsideration, so long as publication includes notice that the opinion is subject to reconsideration and so long as changes on reconsideration are also published promptly.

#4 Added 2-94

N. ORDERS

Judges shall draw their own orders except for routine orders. The clerk/court administrator, when obtaining orders or directions from a judge or judges, shall reduce the same to writing and shall obtain thereon the initials of the judge or judges who gave the order or direction. Such orders or directions shall be maintained in the file.

O. TRANSFERS TO AND FROM THE SUPREME COURT

1. To: Supreme Court:

- a. Only the order of transfer shall be sent to the Supreme Court along with the case, unless the transferring judge desires the opinion to be published. The remittitur does not go out. The judge assigned to the case may also send up a copy of the file memorandum analyzing the reason for transfer.
- b. Each judge shall devise a system in his/her office to ferret out early those cases over which the Supreme Court, rather than this court, has jurisdiction, for prompt transfer. Transfers at the end of a term should be.
- c. The central staff attorney shall draw the entire order on transfer.

2. From: The Supreme Court:

- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
- b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
- c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme

M. PUBLICATION

1. In cases where no motion for rehearing is made, the opinion of the court shall be put out for publication immediately after the expiration of 10 days from the date of the decision. In cases where motions for rehearing are made, the opinions are to be put out for publication immediately after the expiration of 10 days from the final disposition of the motion. In cases where notice of intention to apply for the writ of certiorari is given, in order to avoid delay in the printing of the court's opinions, the Reporter, acting in cooperation with the clerk, shall use a photostatic copy or any other true and correct copy of the opinion, and have the opinions of the Court of Appeals published without waiting for the expiration of 30 days from the denial of the motion for a rehearing. It is the purpose of this resolution to expedite the publication of the opinions of the Court of Appeals, and the clerk and the reporter, in order to carry out the intention of this resolution, may disregard the chronological date of the decisions of the court and in doing so may use their discretion to this end. (Source: Minute Book 12, p. 246, 9/30/53)

2. In the event of disagreement as to the application of Rule 37 (b), the matter will be handled the same as a dissent. (Source: Minutes of 7/30/84)

3. The full text of opinions may be published by a commercial publishing house before rehearing, so long as publication includes notice that the opinion is subject to rehearing and so long as changes on rehearing are later also published promptly. (Source: Minutes 5/26/87)

4. A log will be kept in the clerk's office of the receipt and mailing of final opinions. (Source: Minutes 5/26/87)

Source:

Minute Book 15, p. 170, 2/2/66

N. ORDERS

1. Judges shall draw their own orders except for routine orders. The clerk, when obtaining orders or directions from a judge or judges, shall reduce the same to writing and shall obtain thereon the initials of the judge or judges who gave the order or direction. Such orders or directions shall be physically tied in the record.

O. TRANSFERS TO AND FROM SUPREME COURT

1.To

- a. Only the order of transfer shall be sent to the Supreme Court along with the case, unless the transferring judge desires the opinion to be published. No Remittitur. (Source: Minutes of 2/29/84) The judge assigned to the case may also send up a copy of the file memorandum analyzing the reason for transfer. (Suggestion by Beasley)
- b. Each judge shall devise a system in his office to ferret out early those cases over which the Supreme Court rather than this court has jurisdiction, for prompt transfer. Transfers at the end of a term should be prevented. (Source: Minutes 3/25/86)
- c. The assigned judge, rather than the clerk's office, shall draw the entire order on transfer. (Source: Minutes 3/25/86)

2.From:

- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
- b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
- c. If appellant's brief and enumeration and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
- d. However, the time for filing of the appellee's brief always runs from the date of filing of appellant's brief and enumeration, whether the appellant's brief and enumeration, is filed in this Court or the Supreme Court. (Source: Minutes 2/28/89)

O. TRANSFERS TO AND FROM SUPREME COURT

1.To

- a. Only the order of transfer shall be sent to the Supreme Court along with the case, unless the transferring judge desires the opinion to be published. No Remittitur. (Source: Minutes of 2/29/84) The judge assigned to the case may also send up a copy of the file memorandum analyzing the reason for transfer (Suggestion by Beasley)
- b. Each judge shall devise a system in his office to ferret out early those cases over which the Supreme Court rather than this court has jurisdiction, for prompt transfer. Transfers at the end of a term should be prevented. (Source: Minutes 3/25/86)
- c. The assigned judge, rather than the clerk's office, shall draw the entire order on transfer. (Source: Minutes 3/25/86)

2.From:

- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
- b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
- c. If appellant's brief and enumeration and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
- d. However, the time for filing of the appellee's brief always runs from the date of filing of appellant's brief and enumeration whether the appellant's brief and enumeration is filed in this Court or the Supreme Court.

b. Each judge shall devise a system in his/her office to ferret out early those cases over which the Supreme Court, rather than this court, has jurisdiction, for prompt transfer. Transfers at the end of a term should be prevented.

c. The central staff attorney shall draw the entire order on transfer.

2. From: The Supreme Court:

a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.

b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.

c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.

d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.

Replaced 6-19-96
No reason given

P. EXTENDING TERM - EXPEDITING CASES

1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided five judges concur.

2. If the appeal is from an order involving the custody of a child, a parent's visitation rights to a child, a child allegedly deprived, or parental rights, the decision in the case shall be expedited. (See OCGA § 19-9-64, part for Uniform Child Custody Jurisdiction Act, showing legislative desire to expedite resolution of such matters.) (Source: Minutes, April 1996 Banc meeting.)

Q. WHITEBACKS ON INTERLOCUTORY AND DISCRETIONARY CASES

If the application or response is not whitebacked, the clerk/court administrator will call the attorney (if the first offense) to advise that he/she, the clerk/court administrator, will put a cover on and advise the attorney

that if it occurs again, a \$10 penalty will be assessed. The Chief Judge will ascertain to which account the assessment would be deposited.

R. CHANGE FROM WHOLE COURT TO PANEL CASE

1. If after a case becomes whole court, the original dissenter agrees with the panel, the case shall again become a panel case unless there is some other reason for it to remain whole court. If a dissenter withdraws his/her dissent, he/she must have the concurrence of any member outside of the panel who joined the dissent or who has separately dissented.
2. A vote of two to one is sufficient to impose a penalty on appeals deemed frivolous. A dissent shall not cause the issue of frivolous appeals to go whole court.

S. VOTING ON OPINIONS

When a judge writes a concurrence or dissent or memo, he/she shall cross out all signatures above his/hers and recirculate. The author of the majority is responsible for recirculating with every new writing.

T. COURTESY COPY

When an opinion cites a case which emanates from a court other than the Court of Appeals of Georgia or the Supreme Court of Georgia, or is an unpublished opinion of one of those two courts, the citing Judge should attach a copy of it to the circulating case.

U. REVISED OPINION

When an opinion is revised after circulation, the revised opinion should be marked "Second Circulation" or "Revised" or whatever is appropriate, advising the reader that he/she may have seen the case before but not the changes made in the opinion.

V. DATING COMMUNICATIONS

Votes, memos, other writings involving cases should always be dated by the author of the communication. The court-provided memorandum forms (8-1/2" x 11" paper or 5-1/2" x 8-1/2" pads) should be used.

W. OVERRULING PRIOR CASES

When an opinion seeks to overrule a prior decision, the author should attach a memo so stating, showing the panel members of

the case being overruled. If a judge who participated in that opinion is still on the court, the overruling opinion should be circulated to him/her first, even before it goes to the overruling author's panel members.

This procedure should be used whenever the opinion uses the words "overrule," "disapprove," "disavow," and/or "reject."

X. REBRIEFING

When Rule 23 of the Rules of Court is not complied with, any member of the panel may initiate through the assigned judge a request for a corrected brief which shall comply with the Rule. If a Rule-complying brief is not submitted within the time granted, the case may be considered in default as to that party.

Y. FORMAT

1. Opinion shall be double-spaced when the opinion goes to the clerk's office for mailing out. (Effective: All cases docketed on or after September 15, 1991; all other pending cases, January 1, 1992.)
2. Margins shall be justified.
3. If a drafter uses "held," only the "H" will be capitalized.
4. "In the Court of Appeals of Georgia" shall not be centered or capitalized. The Judge's name and the case name shall be capitalized.
5. When opinions are released, they will not bear the judge's personal number or the words "affirmed or reversed" at the top of the first page, but the court's short number will appear. The judge's personal number and "affirmed or reversed" will appear only for circulating purposes.
6. "In the Court of Appeals of Georgia" will appear from the left margin rather than centered.
7. Opinions, orders and all other internally generated documents which become part of the record in a case shall be on letter size (8-1/2" x 11") paper. *(Effective: All cases docketed on or after September 15, 1991, all other pending cases, January 1, 1992).



Court of Appeals

Memorandum

To: ALL ADMINISTRATIVE ASSISTANTS
From: CRYSTAL WILLIS
Subject: IOM
Date: June 19, 1996

Attached please find pages 36 - 39 of the IOM and the first page of Appendix 10. You will note changes made to sub (1), (2) and (3) of paragraph Q. Also, Roman Numeral II, paragraph 3 of Appendix 10 has been changed from \$1,000 to \$500.

If you have any questions, let me know.

cc: Kaye Carter

- c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
- d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.

P. TIMING

- 1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided five judges concur.
- 2. If the appeal is from an order changing the custody of a child, and enforcement of the order has been delayed pending appeal, the decision in the case shall be expedited.

*Revised
3-12-96
Per. B. Martin*

Q. WHITEBACKS ON INTERLOCUTORY AND DISCRETIONARY CASES

If the application or response is not whitebacked, the clerk/court administrator will call the attorney (if the first offense) to advise that he/she, the clerk/court administrator, will put a cover on and advise the attorney that if it occurs again, a \$10 penalty will be assessed. The Chief Judge will ascertain to which account the assessment would be deposited.

R. CHANGE FROM WHOLE COURT TO PANEL CASE

- 1. If after a case becomes whole court, the original dissenter agrees with the panel, the case shall again become a panel case unless there is some other reason for it to remain whole court. If a dissenter withdraws his/her dissent, he/she must have the concurrence of any member outside of the panel who joined the dissent or who has separately dissented.
- 2. A vote of two to one is sufficient to impose a penalty on appeals deemed frivolous. A dissent shall not cause the issue of frivolous appeals to go whole court.

S. VOTING ON OPINIONS

When a judge writes a concurrence or dissent or memo, he/she shall cross out all signatures above his/hers and recirculate. The

Source:
Minutes 2/29/84

P. TIMING

1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided five judges concur.

Replaced

Source:
Minutes 2/19/85

Q. BLUEBACKS ON INTERLOCUTORY AND DISCRETIONARY CASES

1. If the application or response is not bluebacked, the clerk will call the attorney (if the first offense) to advise that he, the clerk, will put a cover on and advise the attorney that if it occurs again, a \$10.00 penalty will be assessed. The Chief Judge will ascertain what account the assessment would be deposited to.

Court, no additional briefing is required in this Court.

- d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors, is filed in this Court or the Supreme Court.

P. TIMING

1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided five judges concur.
2. If the appeal is from an order changing the custody of a child, and enforcement of the order has been delayed pending appeal, the decision in the case shall be expedited.

Q. WHITEBACKS ON INTERLOCUTORY AND DISCRETIONARY CASES

If the application or response is not whitebacked, the clerk/court administrator will call the attorney (if the first offense) to advise that he/she, the clerk/court administrator, will put a cover on and advise the attorney that if it occurs again, a \$10 penalty will be assessed. The Chief Judge will ascertain to which account the assessment would be deposited.

R. CHANGE FROM WHOLE COURT TO PANEL CASE

~~#1~~ If after a case becomes whole court, the original dissenter agrees with the panel, the case shall again become a panel case unless there is some other reason for it to remain whole court. If a dissenter withdraws his/her dissent, he/she must have the concurrence of any member outside of the panel who joined the dissent or who has separately dissented.

Changed 1-95 #2 added

S. VOTING ON OPINIONS

When a judge writes a concurrence or dissent or memo, he/she shall cross out all signatures above his/hers and recirculate. The author of the majority is responsible for recirculating with every new writing.

Source:

Discussion with several judges.

Kicklighter case of 7/9/85 is example.

R. CHANGE FROM WHOLE COURT TO PANEL CASE

If after a case becomes whole court, the original dissenter agrees with his panel, the case shall again become a panel case unless there is some other reason for it to remain whole court. If a dissenter withdraws his dissent, he must have the concurrence of any member outside of the panel who joined his dissent or who has separately dissented.

Source:
Suggestion by Judge Carley for IOM

S. VOTING ON OPINIONS

When a judge writes a concurrence or dissent or memo, he shall cross out all signatures above his and recirculate. The author of the majority is responsible for recirculating with every new writing.

Source:
Suggestion by Judge Carley for IOM;
also Minutes 3/24/87

T. COURTESY COPY

When an opinion cites a case which emanates from a court other than Court of Appeals of Georgia or Supreme Court of Georgia, or is an unpublished opinion of one of those two courts, the citing Judge should attach a copy of it to the circulating case.

Source:
Suggestion by Judge Carley for IOM

U. REVISED OPINION

When an opinion is revised after circulation, the revised opinion should be marked "Second Circulation" or "Revised" or whatever is appropriate, advising the reader that he may have seen the case before but not the changes made in the opinion.

Source:

Suggestion by Judge Carley for IOM

V. DATING COMMUNICATIONS

Votes, memos, other writings involving cases should always be dated by the author of the communication. The court-provided memoranda forms (8 1/2" x 11" paper or 5 1/2" x 8 1/2" pads) should be used.

Source:
Suggestion by Judge Carley for IOM

W. OVERRULING PRIOR CASES

When an opinion seeks to overrule a prior decision, the author should attach a memo so stating, showing the panel members of the case being overruled. If a judge who participated in that opinion is still on the court, the overruling opinion should be circulated to him first, even before it goes to the overruling author's panel members.

This procedure should be used whenever the opinion uses the words "overrule", "disapprove", "disavow", and/or "reject". (Source: Minutes 4/29/86. Words "disavow" and "reject" added by Deen Memo of 5/14/86 to all judges)

T. COURTESY COPY

When an opinion cites a case which emanates from a court other than the Court of Appeals of Georgia or the Supreme Court of Georgia, or is an unpublished opinion of one of those two courts, the citing Judge should attach a copy of it to the circulating case.

U. REVISED OPINION

When an opinion is revised after circulation, the revised opinion should be marked "Second Circulation" or "Revised" or whatever is appropriate, advising the reader that he/she may have seen the case before but not the changes made in the opinion.

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W. OVERRULING PRIOR CASES

When an opinion seeks to overrule a prior decision, the author should attach a memo so stating, showing the panel members of the case being overruled. If a judge who participated in that opinion is still on the court, the overruling opinion should be circulated to him/her first, even before it goes to the overruling author's panel members.

This procedure should be used whenever the opinion uses the words "overrule," "disapprove," "disavow," and/or "reject."

X. REBRIEFING

When Rule 15 of the Rules of Court is not complied with, any member of the panel may initiate through the assigned judge a request for a corrected brief which shall comply with the Rule. If a Rule-complying brief is not submitted within the time granted, the case may be considered in default as to that party.

Y. FORMAT

1. Opinion shall be double-spaced when the opinion goes to the clerk's office for mailing out. (Effective: All

*Change
1-1-95*

Source:
Minutes 9/23/80 and edited

X. REBRIEFING

When Rule 15 of the Rule of Court is not complied with, any member of the panel may initiate through the assigned judge a request for a corrected brief which shall comply with the Rule. If a Rule-complying brief is not submitted within the time granted, the case may be considered in default as to that party.

Source:
Minutes: 7/23/91

Y. FORMAT

1. Opinion shall be double-spaced when the opinion goes to the clerk's office for mailing out. (Effective: All cases docketed on or after September 15, 1991; all other pending cases, January 1, 1992.)
2. Margins shall be justified. (Source: Minutes 1/29/86.)
3. If a drafter uses "held," only the "H" will be capitalized. (Source: 1/29/86.)
4. "In the Court of Appeals of Georgia" shall not be centered or capitalized. The judge's name and the case name shall be capitalized. (Source: 1/29/86.)
5. When opinions are released, they will not bear the judge's personal number or the words "affirmed or reversed" at the top of the first page, but the court's short number will appear. The judge's personal number and "affirmed or reversed" will appear only for circulating purposes. (Source: Minutes 11/25/85.)
6. "In the Court of Appeals of Georgia" will appear from the left margin rather than centered. (Source: 11/25/85.)
7. Opinions, orders and all other internally generated documents which become part of the record in a case shall be on letter size (8-1/2" x 11") paper. (Effective: All cases docketed on or after September 15, 1991; all other pending cases, January 1, 1992.)

YA. WITHDRAWAL OF COUNSEL

The following order shall be entered in civil cases:

**Court of Appeals
of the State of Georgia**

ATLANTA,

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

Upon consideration of the motion of appellant's/appellee's attorney to withdraw as counsel, the Court has no objection, subject to counsel's compliance with all applicable provisions of the Code of Professional Responsibility. The Court neither approves nor disapproves counsel's withdrawal as attorney for appellant/appellee, but the records of this Court will reflect such withdrawal and, until further notice, all notices will be sent directly to appellant/appellee.

(Source: Minutes of 3/28/89)

Z. WITHDRAWAL OF APPEAL

1. An order granting permission to withdraw an appeal will not be issued unless all motions are ruled on, are withdrawn or are moot.
(Source: Minutes 11/25/85)

XVI. PURCHASING POLICY

- A. The Court of Appeals shall purchase such books, pamphlets, or other publications and such other supplies and services as the judges thereof may deem necessary. (Source: OCGA § 15-3-12. See also: I, K. PURCHASING COMMITTEE.
- B. Georgia Legal History Foundation fees of \$30 per judge per year, and the American Bar Association and Judicial Administrative Division annual dues, shall be paid from court funds.
- C. Effective July 1, 1994, the Court will pay basic State Bar dues for staff attorneys.

*Revised 4-18-95
8-95*

X

XVIII. PURCHASING POLICY

A. The Court of Appeals shall purchase such book, pamphlets, or other publications and such other supplies and services as the judges thereof may deem necessary. (Source: OCGA § 15-3-12) See also: I, K. PURCHASING COMMITTEE.

B. Georgia Legal History Foundation fees of \$30 per judge per year, and the American Bar Association and JAD annual dues, shall be paid from court funds. (Source: Minutes 2/25/86)

XIX CONFIDENTIALITY

The work of each judge with his staff shall remain confidential with that staff unless expressly authorized by the judge and then may be shared only to the extent permitted.

The work of the court, and its operations, shall be kept confidential except as agreed by the court and to the extent required by law. The Chief Judge, or his designee specified for the purpose, shall be the spokesman for the court.

XVIII. EN BANC MEETINGS

1. The Court of Appeals will hold en banc meetings on the fourth Tuesday of every month except August and December, at 10:00 a.m. The Chief Judge may for good cause change the date of a particular meeting. The regular banc sessions shall be held notwithstanding that additional special en banc session may be set by the Chief Judge. No en banc meetings shall interfere with the setting of oral arguments.
2. A quorum of five judges is necessary for the holding of banc. Subject to the rule requiring ten days' notice or the required consent of at least seven judges, an affirmative vote of five judges will always be necessary in passing or adopting any motion, resolution or official action of the court.
3. Effective January 1, 1967, all motions or resolutions acted upon or other official actions taken in banc sessions shall be reduced to writing and entered upon the minutes, indicating thereupon how each judge voted. The vote of each judge shall be cast by him/her in person while attending the banc session and not otherwise. No judge shall be allowed to vote by proxy.
4. The clerk/court administrator shall serve as the secretary of the court for the purpose of effectuating this rule.
5. Once a motion, resolution or proposition is acted upon, no motion, resolution or other proposal calling for a change in the action taken shall be considered or acted upon unless ten days written notice of the proposed change shall have been given to each judge of the court, provided, however, this rule may be waived by the consent of seven of the judges.

Changed 9-9-66 Banc



Source:
Minutes 11/13/73, revised

XX. EN BANC MEETINGS

The Court of Appeals will hold en banc meetings on the fourth Tuesday of every month except August and December, at 10:00 A.M. The Chief Judge may for good cause change the date of a particular meeting. The regular banc sessions shall be held notwithstanding that Additional special en banc sessions may be set by the Chief Judge. No en banc meetings shall interfere with the setting of oral arguments.

A quorum of five judges is necessary for the holding of banc. Subject to the rule requiring 10 days' notice or the required consent of at least seven judges, an affirmative vote of five judges will always be necessary in passing or adopting any motion, resolution or official action of the court.

Effective January 1, 1967, all motions or resolutions acted upon or other official actions taken in banc sessions shall be reduced to writing and entered upon the minutes, indicating thereupon how each judge voted. The vote of each judge shall be cast by him in person while attending the banc session and not otherwise. No judge shall be allowed to vote by proxy.

The junior judge shall serve as the secretary of the court for the purpose of effectuating this rule.

Once a motion, resolution or proposition is acted upon, no motion, resolution or other proposal calling for a change in the action taken shall be considered or acted upon unless 10 days written notice of the proposed change shall have been given to each judge of the court, provided, however, this rule may be waived by the consent of 7 of the judges. (Source: Minute Book 15, p. 258, 12/1/66)

**XIX. TRANSFER OF RECORDS TO ARCHIVES:
RECORD RETENTION SCHEDULE**

Each Court of Appeals record is stored in Room 334, during the pendency of the case and, depending on space, for up to two years after the remittitur is sent. Twice a year the oldest records are inventoried and packed in boxes. Each box is numbered for identification and prepared for transmittal to the Georgia State Archives and History Building for storage. The records are catalogued and assigned location numbers at the Archives Building, and notice thereof is received by the clerk/court administrator's office.

If an archived record is requested, the clerk/court administrator's office can advise the requesting party of the box and location number and the party may go to the State Archives building and request to see the record and copy any document. Or, the record can be ordered by the clerk/court administrator's office, where it will usually arrive the next business day after 2:00 p.m.

Records will be kept at the court as long as possible for convenience of the court and the public.

*Revised
3-12-96*

**XXI. TRANSFER OF RECORDS TO ARCHIVES: RECORD RETENTION
SCHEDULE**

Each Court of Appeals record is stored in Room 430, during the pendency of the case and, depending on space, for up to two years after the remittitur is sent. Twice a year the oldest records are inventoried and packed in boxes. Each box is numbered for identification and prepared for transmittal to the Georgia State Archives and History Building for storage. The records are catalogued and assigned location numbers at the Archives Building, and notice thereof is received by the clerk's office.

If an archived record is requested, the clerk's office can advise the requesting party of the box and location number and the party may go to the State Archives Building and request to see the record and copy any document. Or the record can be ordered by the clerk's office, where it will usually arrive the next business day after 2:00 p.m.

Records will be kept at the court as long as possible for convenience of the court and the public.
(Source: Judge Carley Memorandum 11/13/86)

Source: Halperns' Fine Foods, Inc. v. Peters,
#72332, 4/86, and Judge Carley's underlying
memo. Minutes 3/23/81 as to last sentence.

XXII. SUPERSEDEAS BOND

Whether the motion is denied in the trial court or initially made here, the Court of Appeals will order that the trial court require supersedeas bond in an amount and under conditions determined by the trial court after hearing. OCGA § 5-6-46. Jurisdiction of the appeal will not be affected. Unless accompanied by a supersedeas bond, all applications for stay are to be denied in civil cases, wherein application for certiorari to the Supreme Court of the United States has been made.

XXIII. CERTIFIED QUESTIONS

All certified questions are to be circulated to the whole court for information only. (Source: Minutes of 7/27/82)

Whenever a panel certifies a question, it should be circulated to the rest of the court as courtesy so the whole court knows the question is being considered by the Supreme Court. (Source: Minutes of 10/22/85)

Source:
Minutes 2/29/84

XXIV. OPINION CONTENT

A. JUVENILE AND TERMINATION OF PARENTAL RIGHTS CASES

1. In such, the names of the parents in addition to that of the child will not be included in the opinion; however, the normal designations will be used in adoption cases.

After plenary consideration of this matter it is not found to satisfy the criteria for granting (interlocutory or discretionary) appeal and the application is therefore vacated.

6. RULE 36

Rule 36 is still alive and available. Cases may be affirmed without opinion if the evidence supports the judgment; no reversible error of law appears and the opinion would have no precedential value; or the judgment of the court below adequately explains the decision.

7. OPINIONS

All orders and opinions shall be published in the Georgia Appeals Reports, except as provided by Court Rule 34.

Added
Section 8
Judgement Lines
Per. B. Martin
3-12-96

B. RECOMMENDED ROUTINE OPINIONS

The use of these recommendations, which were adopted in principle, is left to the sole discretion of each judge.

I

MISDEMEANOR CRIMINAL CASE

This being a misdemeanor case and in the opinion of this court without precedential value and not involving unique facts, the same is affirmed under Rule 36 of this court.

II

Criminal cases (felony) which are appealed solely on the general grounds.

There being evidence sufficient to convince any rational trier of fact of the existence of the essential elements of the crime, the judgment is affirmed. Jackson v. Virginia, 443 U. S. 307, 310 (99 SC 2781, 61 LE2d 560) (1979); Baldwin v. State, 153 Ga. App. 35, 37 (264 SE2d 528).

III

Civil case with no precedential value or no unique factual situation.

IV

Sole enumeration of error being excessiveness of the verdict.

The verdict fully within the range of the evidence the judgment of the court below is affirmed. Crankshaw v. Stanley Homes, Inc., 131 Ga. App. 840, 843 (207 SE2d 241); Camp Constructin Co. v. Stenbridge, 138 Ga. App. 555, 557 (226 SE2d 797).

V

No opinion to be written on discretionary and interlocutory if after reviewing the record, the appeal should not be affirmed by opinion.

5. DISCRETIONARY AND INTERLOCUTORY

No opinion to be written on discretionary and interlocutory if after reviewing the record, the appeal should not be affirmed by opinion.

After plenary consideration of this matter it is not found to satisfy the criteria for granting (interlocutory or discretionary) appeal and the application is therefore vacated.

6. RULE 36

Rule 36 is still alive and available. Cases may be affirmed without opinion if the evidence supports the judgment; no reversible error of law appears and the opinion would have no precedential value; or the judgment of the court below adequately explains the decision.

7. OPINIONS

All orders and opinions shall be published in the Georgia Appeals Reports, except as provided by Court Rule 34.

changed 1-1-95

After plenary consideration of this matter it is not found to satisfy the criteria for granting (interlocutory or discretionary) appeal and the application is therefore vacated.

VI

Rule 36 is still alive and available.

VII

All orders and opinions shall be published in the Georgia Appeal Reports, except as provided by Court Rule 37 (b).

Source:
Minutes 3/23/83

C. RULE 36

There shall be no Rule 36 criminal cases.

Source:
Minutes 1/16/85

XXV. AUDITS

Audits of the court's fiscal operations will be circulated to each member of the court. (Source: Minutes of 1/16/85)

Monthly financial reports will be distributed by the fiscal officer quarterly to each judge individually. (Minutes of 9/26/85)

XXIV. INCLEMENT WEATHER

1. The court will be kept open to the extent possible; the office of the clerk/court administrator will be kept open to the extent possible.
2. Each judge controls his/her own staff and the clerk/court administrator will decide if the clerk's office should remain open and whether an announcement should be made on the radio.
3. It is within the discretion of each judge to decide whether weather conditions warrant the employees absence without being charged leave.
4. While recognizing the independence of the judicial branch of government, if the Governor announces that State offices will be closed because of inclement weather, the Court of Appeals will likewise close its offices.

*Revised
3-12-96
PER
B. Martin*

Source:

Minutes: 2/19/85

XXVI. INCLEMENT WEATHER

The court will be kept open to the extent possible and the clerk's office must be open regardless of the weather. If there is a problem, the Chief Judge will coordinate its resolution.

Each judge controls his own staff and the judge-in-charge of the clerk's office will decide if the clerk's office should open and whether announcement should be made on the radio. (Source: Minutes 1/29/86)

It is within the discretion of each judge to decide whether weather conditions warrant the employee's absence without being charged leave. (Source: Minutes 4/28/87)

✓

XXVII. POSTAGE METER AND TELEPHONE USE

Personal use of the postage meter is not allowed except in dire emergency. If use is made in a dire emergency, the user must advise the Judge-in-Charge of the Office of Clerk. (Source: Minutes of 3/27/85)

The postage meter is not to be used for personal mail. (Source: Minutes of 9/26/85)

No personal long distance telephone calls may be made. (Source: Minutes of 9/26/85)

XXVII. POSTAGE METER AND TELEPHONE USE

Personal use of the postage meter is not allowed except in dire emergency. If use is made in a dire emergency, the user must advise the Judge-in-Charge of the Office of Clerk. (Source: Minutes of 3/27/85)

The postage meter is not to be used for personal mail. (Source: Minutes of 9/26/85)

No personal long distance telephone calls may be made. (Source: Minutes of 9/26/85)

XXVI. COPIES

The clerk/court administrator shall provide copies of opinions at \$4.00 minimum plus \$1 per page over ten pages, and a straight \$1 per page for records.

Revised
3-12-96
per
11-95 Banc Meeting
Minutes

Source:

Minutes 3/27/85

XXVIII. COPIES

The clerk shall provide copies of records at \$4.00 minimum plus 80 cents per page over ten pages for opinions and a straight 80 cents per page for records.

Source:

Minutes 9/26/85

XXIX. ADMINISTRATIVE MINUTE BOOK

An Administrative Minute Book shall be kept and shall include court rules, the history and operations of the court such as comings and goings of employees, swearings-in, etc.

Source:
Minutes 9/26/85

XXX. SPACE ALLOCATION

Space allocated to each judge's office as of September 26, 1985, shall remain with that office. There shall be space succession and not person succession.

XXXI PROCESSING OF OPINIONS

1. It is the duty of every judge to give his or her prompt attention to an opinion prepared by an associate. This duty results not only from common judicial courtesy but from the necessity of processing cases with reasonable diligence in view of the workload of the court. THE REVIEW OF OPINIONS PREPARED BY OTHER JUDGES SHALL HAVE FIRST PRIORITY OVER THE PREPARATION OF OPINIONS IN CASES ASSIGNED TO THE REVIEWING JUDGE. Opinions shall be reviewed and acted upon in the following order of priority:
 - a. Whole Court--Distress.
 - b. Division--Distress.
 - c. Whole Court--Non-Distress.
 - d. Division--Non-Distress.
 - e. Cases assigned to author judge--Distress and Non-Distress.

2. This is not a fixed rule but expresses guidelines which, when reasonably possible, will be followed.

XXXII. MANDATORY CONTINUING JUDICIAL EDUCATION.

A. Minimum: 1. Each judge of the Court of Appeals of Georgia shall complete a minimum of twelve (12) hours of actual instruction in an approved continuing judicial or legal education activity during each year beginning January 1, 1986. If a judge completes more than twelve hours in a year, the excess credit may be carried forward and applied to the education requirement for the succeeding year only.

2. Each judge shall complete a minimum of two (2) hours of continuing judicial legal education activity during each year beginning January 1, 1986, in the area of legal or judicial ethics. These hours are to be included in, and not in addition to, the twelve hour requirement. If a member completes more than two hours in ethics during a year, the excess ethics credit may be carried forward to a maximum of four (4) hours and applied to the ethics requirements for succeeding years.

3. The Court of Appeals may exempt a judge from the continuing judicial education requirements but not from the reporting requirements of this rule for a period of not more than one year upon a finding by the court of special circumstances unique to that member constituting undue hardship.

B. Reporting: 1. On or before January 31 of each year commencing in 1987, each judge shall make and file with the Clerk of the Court of Appeals evidence of compliance with the requirements of the program for mandatory continuing judicial education. If available, there shall be attached to such report a certification from the sponsor of the programs in which the reporting judge participated stating the fact of the participation.

2. Each judge shall keep his certificates of attendance, or file them with the clerk, along with the certificate of compliance herewith. Questions as to full or partial credit, or whether the course qualifies for credit, shall be left with each judge. (Source: Memorandum from Judge Sognier to all Judges, 11/4/86; Minutes 1/30/86)

C. Creditable Activities: Continuing education programs for which a judge may receive qualifying credit shall include: (1) programs of the Appellate Judges Conference sponsored by the American Bar Association; (2) programs sponsored by the Institute of Continuing Judicial Education of Georgia; (3) programs of continuing legal education accredited by the Commission on Continuing Lawyer Competency of the State Bar of Georgia,

including all programs of the Institute of Continuing Legal Education; (4) programs sponsored by any law school accredited by the American Bar Association; (5) such other programs of continuing judicial or legal education as may be approved by the Court of Appeals of Georgia.

D. Credit for Teaching: For teaching in a program qualifying under Section (c) above, a judge shall be given three hours credit for each hour of instructional responsibility when no handout paper is required but preparation is necessary and is conducted, and six hours for each hour of instructional responsibility when a handout paper is required and prepared. When the same lecture or instructional activity is repeated in a single fiscal year, additional credit shall be given equivalent to the actual time spent in delivering that presentation.

E. Noncompliance: 1. In the event a judge shall fail to comply with the requirements of the rules for Mandatory Continuing Judicial Education at the end of an applicable period, such judge may submit to the Court of Appeals a specific plan for making the deficiency of necessary hours within sixty (60) days after the last day for the reporting of activities for the preceding year.

2. In the event such plan is not submitted, or in the event a plan is submitted but not complied with during the sixty (60) day period, the Court of Appeals shall administer a reprimand to the noncomplying judge and the fact of such reprimand may be noted and published in the Court of Appeals Reports. (Source of all except B. 2: Minutes 9/26/89)

XXXII. MANDATORY CONTINUING JUDICIAL EDUCATION.

Each judge shall keep his certificates of attendance, or file them with the clerk, along with the certificate of compliance with Rule 51. Questions as to full or partial credit, or whether the course qualifies for credit, shall be left with each judge. (Source: Memorandum from Judge Sognier to all Judges, 11/4/86; Minutes 1/30/86)

2 FGA
Replaced

XXXIII. CONTEMPT PROCEDURES

A. INITIATION OF PROCEEDINGS

1. If any division member believes that the conduct of an attorney may be contemptuous, that judge shall prepare a show cause order specifying the conduct at issue and the rules, statutes, or other standards claimed to have been violated.
2. The proposed order shall be circulated within the division and a unanimous vote shall be final. If not unanimous, the order shall be circulated to the whole court for further consideration and final vote with names shall be shown but no written dissent shall be published.

B. SERVICE

The show cause order shall be served by certified mail, return receipt requested.

C. CONTEMNOR'S RESPONSE

The order shall give the option to the contemnor to respond at an oral hearing or by the filing of a sworn affidavit. The date of said hearing or date for filing said affidavit shall be set by the presiding judge of the division from which the order issues.

D. HEARING

If a sworn affidavit is not filed by the date specified, the clerk shall assume a hearing is chosen and shall make arrangements for a court reporter to record the proceedings. It shall be the court's option to cast the costs of takedown and transcription upon the contemnor.

E. FILING

Filing for purposes of this rule shall mean received in the clerk's office of this court, and the contemnor shall be so informed.

F. DECISION

1. Following the hearing or receipt of the affidavit, the initiating judge shall prepare a written order, including findings of fact and conclusions of law based upon the record before the court. The beyond reasonable doubt standard shall be applied if the order imposes punitive measures.
2. The proposed order shall be circulated within the division and a unanimous vote shall be final. If not unanimous, the order shall be circulated to the whole court for further consideration and the final vote with names shall be shown but no written dissent shall be published.
3. No motion for reconsideration shall be allowed.

G. PUNISHMENT

The court may impose punitive and/or remedial measures in consequence of a finding of contempt. Punitive measures may include a fine of up to \$500; a public reprimand, to be included in the official reporter; a private reprimand, issued in order form to the contemnor; temporary or permanent suspension from the bar of this court. Remedial measures may include suspension from the bar of this court until any order of this court is obeyed.

- H. In any case in which an order finding contempt is entered, the clerk of this court shall forward the record of such proceeding to the Disciplinary Board of the State Bar of Georgia.

XXXII. PROTOCOL ON DISQUALIFICATION AND
RECUSAL OF JUDGES

A. DISQUALIFICATIONS.

When a judge disqualifies himself or herself from a case after the case has been assigned to that judge, the following protocol shall be followed in an effort to minimize the problem with the cases being circulated to judges on panels that have been disqualified.

1. Whenever a judge disqualifies himself or herself in a case, that judge shall send a memorandum of the fact of the disqualification to the Chief Judge, and ask the Chief Judge to assign a judge to sit in the stead of the disqualified judge.
2. Upon the receipt of the request from the disqualified judge, the Chief Judge shall assign a judge to sit in the stead of the disqualified judge. The request to the Chief Judge shall be in writing and the assignment from the Chief Judge shall be in writing.
3. The Chief Judge shall notify the Clerk's Office regarding the disqualification of one judge of a panel and the assignment of another judge to the panel, and the Clerk's Office shall change the judgment sheet showing the panel by striking the name of the judge with the notation of "disqualified" and inserting the name of the alternate judge.
4. The Clerk's Office, upon receipt of the Chief Judge's memorandum regarding the disqualification and assignment, shall cause the face of the record to be marked with an identifying character, a red arrow, on the face of the record to indicate that particular case is one involving a disqualification.
5. The disqualified judge shall band the record of the case in which he or she is disqualified with a distinctive colored rubber band which shall be only used for cases in which there is a disqualification. This band will alert everyone in the Court that the particular case is one dealing with a disqualification and can be identified as a case involving a disqualification by the distinctive rubber

band even if the case is stacked in a pile with several other cases.

- Revised 6-95*
6. The opinion's clerk shall keep a list of those cases in which judges have been disqualified in an effort to check the judgment line before the opinion goes out.
 7. The ultimate responsibility for ascertaining the correctness of the judgment line shall lie with the authoring judge's office.
 8. If the Chief Judge is the judge who is disqualified, then the judge next in line for Chief Judge shall make the assignment.

B. RECUSALS.

When a motion to recuse a judge from a particular case is filed, the following protocol shall be used.

1. Whenever a judge is presented with a motion to recuse or disqualify, accompanied by an affidavit, the judge shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming the facts in the affidavit are true, whether recusal is warranted.
2. If it is found that the motion is timely, the affidavit sufficient and the recusal would be authorized if some or all of the facts set forth in the affidavit are true, the judge shall report that fact to the Chief Judge, who shall assign another judge to pass on the motion to recuse.
3. If the assigned judge finds that sufficient facts are presented which would authorize the recusal of the judge from the case, the assigned judge shall so notify, by memorandum, the Chief Judge and the judge against whom the motion was filed.
4. In the event of recusal, the Chief Judge shall then follow the protocol on disqualification of judges and shall assign another judge to the matter.
5. If the assigned judge finds there are insufficient facts before the court to

**XXXII. PROTOCOL ON DISQUALIFICATIONS AND
RECUSAL OF JUDGES**

A. DISQUALIFICATIONS.

When a judge disqualifies himself/herself from a case, that judge is to notify the Clerk's Office by memorandum that the case is to be transferred to another judge and as to whether the case is to remain in panel or to be transferred to another division. If the case has already been orally argued, it shall be reassigned to another judge on the same panel and a judge from another panel shall be assigned to complete the panel on the case.

1. If the case is to remain in panel the next judge on the wheel in that panel will be assigned the case. If the new assigned judge on the panel is in the first slot of that panel, the judge in the first slot in the next panel will be assigned to complete the panel on the case; the second slot judge will replace the second slot judge, and so forth.
2. If the case is to be reassigned to another panel, the Clerk shall reassign the case, according to the random assignment system in the Court's docket system; notify all judges' offices involved of the transfer via memorandum; change the judge and color code on the records; and deliver the record, etc. to the newly assigned judge.
3. The next case docketed on the wheel will be assigned by the computer to the disqualified judge in order to keep the wheel in balance and the assigned cases equal.
4. Should the case be reassigned to another panel before oral argument, the Clerk shall send an order to all parties advising that the case has been reassigned due to disqualification of a panel member and of the new oral argument dates should oral argument be requested.
5. After the case is reassigned, all records, transcripts, exhibits, briefs, motions, etc., are to be attached and given to the Clerk, to Sheila Collins, or to Mary Jo Stephens for reassignment.

6. If the case to be reassigned is a previous year's case and the year's docket has closed, there will be no out-of-term assignment back to even the wheel.

(Source: Minutes, June 1995 Banc Meeting)

~~XXXX~~
ASSIGNMENT ON DISQUALIFICATION

Whenever a case is assigned to a judge and that judge is disqualified, that judge shall notify the Clerk's Office by memorandum that that judge is disqualified and that the case is to be transferred to another judge.

1. If the case to be transferred is set for oral argument or the case has previously been orally argued, the case will be assigned to the next judge on the transferring judge's panel. The judges on each panel shall be numbered one, two and three by the Clerk's Office. If judge one is disqualified, then the case goes to judge two, judge two to judge three and judge three to judge one.
2. After the case has been assigned to the next judge on the panel, the Clerk's Office will assign another judge to that panel from the next panel to sit in on that case for voting purposes. Each judge on each panel will be assigned to the next panel in the same judge order. Judge one on panel one will be assigned to fill in for judge one on panel two; judge one on panel two will be assigned to fill in for judge one on panel three. Judge one on panel three will be assigned to fill in for judge one on panel one, and so forth.
3. If the case in which a judge is disqualified has not been orally argued or has not been set for oral argument, then the case shall be assigned off-panel. The case shall be assigned to the judge in the same position on the next panel.
4. If a judge is sitting on a panel, but is not assigned to the case, and that judge is disqualified, then the corresponding judge on the next panel will be assigned to that panel for purposes of voting on the opinion.
5. If the case is to be reassigned, all records, transcripts, exhibits, briefs, motions, etc. are to be attached and given to the Clerk, Administrative Assistant to the Clerk or the Docket Clerk for reassignment.
6. If the case is to be reassigned, the Clerk shall reassign the case, according to the judge position and panel number; notify all judges' offices involved in the transfer by memorandum; change the judge and color code on the record; and deliver the record, transcript, exhibits, motions, briefs etc. to the newly assigned judge.
7. If, the case to be reassigned is a previous year's case, and the year's docket has closed, there will be no out-of-term assignment back to even the wheel. If the case to be reassigned is in the current docket year, the

Court's docketing system will automatically even out the case assignments.

8. If upon reassignment to the next judge on the panel or the corresponding judge on the next panel, that next judge is also disqualified, then the assignment will be to the judge on the third panel in the corresponding slot. Should that judge also be disqualified, the Clerk shall comprise a panel of judges to hear the case. The next case docketed on the wheel will be assigned by the computer to the disqualified judge in order to keep the wheel in balance and assign cases equally, unless the previous year's docket has closed, and there will be no out-of-term assignment back to even the wheel.

(Source: Minutes, November 1995 banc meeting).

Revised
3-12-96
no source listed

**XXXII. PROTOCOL ON DISQUALIFICATION AND
RECUSAL OF JUDGES**

A. DISQUALIFICATIONS.

When a judge disqualifies himself/herself from a case, that judge is to notify the Clerk's Office by memorandum that the case is to be transferred to another judge and as to whether the case is to remain in panel or to be transferred to another division. If the case has already been orally argued, it shall be reassigned to another judge on the same panel and a judge from another panel shall be assigned to complete the panel on the case.

1. If the case is to remain in panel the next judge on the wheel in that panel will be assigned the case. If the new assigned judge on the panel is in the first slot of that panel, the judge in the first slot in the next panel will be assigned to complete the panel on the case; the second slot judge will replace the second slot judge, and so forth.
2. If the case is to be reassigned to another panel, the Clerk shall reassign the case, according to the random assignment system in the Court's docket system; notify all judges' offices involved of the transfer via memorandum; change the judge and color code on the records; and deliver the record, etc. to the newly assigned judge.
3. The next case docketed on the wheel will be assigned by the computer to the disqualified judge in order to keep the wheel in balance and the assigned cases equal.
4. Should the case be reassigned to another panel before oral argument, the Clerk shall send an order to all parties advising that the case has been reassigned due to disqualification of a panel member and of the new oral argument dates should oral argument be requested.
5. After the case is reassigned, all records, transcripts, exhibits, briefs, motions, etc., are to be attached and given to the Clerk, Administrative Assistant to the Clerk, or to the Docket Clerk for reassignment.
6. If the case to be reassigned is a previous year's case and the year's docket has closed, there will be no out-of-term assignment back to even the wheel.

(Source: Minutes, June 1995 Banc meeting)

B. RECUSALS.

When a motion to recuse a judge from a particular case is filed, the following protocol shall be used.

1. Whenever a judge is presented with a motion to recuse or disqualify, accompanied by an affidavit, the judge shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming the facts in the affidavit are true, whether recusal is warranted.
2. If it is found that the motion is timely, the affidavit sufficient and the recusal would be authorized if some or all of the facts set forth in the affidavit are true, the judge shall report that fact to the Chief Judge, who shall assign another judge to pass on the motion to recuse.
3. If the assigned judge finds that sufficient facts are presented which would authorize the recusal of the judge from the case, the assigned judge shall so notify, by memorandum, the Chief Judge and the judge against whom the motion was filed.
4. In the event of recusal, the Chief Judge shall then follow the protocol on disqualification of judges and shall assign another judge to the matter.
5. If the assigned judge finds there are insufficient facts before the court to authorize a recusal of the judge against whom the motion is filed, that fact shall be made known to the Chief Judge by memorandum with a copy to the judge against whom the motion to recuse was filed.
6. Whether the judge against whom the motion was filed is recused or is not recused, an order shall issue from the Clerk's Office granting or denying the motion to recuse, as appropriate.
7. If the Chief Judge is the judge against whom the motion to recuse is filed, then the judge next in line for Chief Judge shall make the assignment.

APPENDICES

- APPENDIX 1 - Request For Transfer of Property/Equipment.
- APPENDIX 2 - Rules of the State Board Personnel.
- APPENDIX 3 - Compliance with Act 761 (1985 General Session)
- APPENDIX 4 - Approval Request Form.
- APPENDIX 5 - Cameras in the Courtroom.
- APPENDIX 6 - FLOOR PLANS (3, 4 AND 6)
- APPENDIX 7 - PUBLICATION POLICY
- APPENDIX 8 - SEXUAL HARASSMENT POLICY
- APPENDIX 9 - GUIDELINES FOR JUDGMENT LINES

10
Added
3-12-96



Department of Audits

270 WASHINGTON STREET
ROOM 214

Atlanta, Georgia 30334

February 6, 1984

WILLIAM M. NIXON
STATE AUDITOR

(404) 656-2174

M E M O R A N D U M

TO: All Department Heads and Fiscal Officers of State Departments, Commissions, Authorities, Boards, Bureaus and Retirement Systems (including the individual units of the University System of Georgia)

FROM: W. M. Nixon *WMM*
State Auditor

SUBJECT: Requirements for Accounting and Financial Reporting of Compensated Absences for Fiscal Year Ended June 30, 1984.

State Departments, Commissions, Boards, Bureaus and Retirement Systems will be required to provide auditors from my office with the amount of liability which has accrued to the Agency as of June 30, 1984, for compensated absences.

In 1980, the Financial Accounting Standards Board (FASB) issued Statement of Financial Accounting Standards (SFAS) 43 regarding the recording and reporting of Compensation to Employees for Compensated Absences. This statement describes the conditions under which an employer is required to accrue a liability for compensated absences (i.e. annual leave, sick leave, holidays, for which it is expected the employee will be paid). For a liability to be accrued, all of the following conditions must be met:

- a. The employer's obligation relating to employee's rights to receive compensation for future absences is attributable to employee's services already performed,
- b. The obligation relates to rights that vest or accumulate,
- c. Payment of the compensation is probable, and
- d. The amount can be reasonably estimated.

W. M. Nixon
Page Two
February 6, 1984

FASB deferred a decision regarding whether SFAS Statement 43 should apply to state and local governments when it was issued.

The National Council on Governmental Accounting (NCGA) issued Statement 4 in August, 1982, entitled "Accounting and Financial Reporting for Claims and Judgments and Compensated Absences". This Statement, effective for fiscal years beginning after December 31, 1982, specified that the criteria of SFAS Statement 43 (with specific exceptions as they relate to governmental funds) be the guidelines for recognizing a liability for compensated absences.

At the present time, although SFAS Statement 43 and NCGA Statement 4 are encompassed in the body of generally accepted accounting principles and are effective for the fiscal year ending June 30, 1984, I do not believe that it is the intent of the General Assembly of Georgia that any liability for compensated absences be applied against the budgetary or other funds of the State of Georgia. Accordingly, I will not record any amount in the financial statements and will only disclose any potential liability in the "Notes to Financial Statements" of each audit report of the various agencies and of the State.

Therefore, as of June 30, 1984, I shall require all Departments, Commissions, Boards, Authorities, Bureaus and Retirement Systems (including the individual units of the University System of Georgia) to provide auditors from my office with the amount of their liability at June 30, 1984, for compensated absences. The method of calculation is as follows:

The liability for compensated absences for annual leave shall be derived by multiplying each employee's accumulated annual leave, not exceeding forty five days, at June 30, 1984, by the employee's daily rate of pay and then totaling all the amounts so derived. Daily rate of pay should be calculated by dividing the employee's annual salary effective July 1, 1984, by two hundred sixty (260).

No sick leave calculation is needed since valuation of sick leave under the State's plan is not required by the Statements.

It is essential that all agencies compute this amount in an accurate and consistent manner since disclosure of this amount will be made in each audit report for fiscal year ending June 30, 1984. If you have any questions regarding compensated absences, please contact me or Mr. Clint B. Dobbs, Director of Financial Audits.

WMN:phh


 STATE PERSONNEL BOARD
 RULES & REGULATIONS

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 Date
 August 19, 1975

REGULATION E. LEAVE AND HOLIDAYS

 App./Eff
 Date

In accordance with Section 13.400 of the Rules and Regulations of the Board the following regulations on the administration of the leave plan shall be applicable to all employees under the Merit System. For the purposes of this Regulation a work day is defined as eight hours.

 8-25-75/
 7-1-75

SECTION B.100. ADMINISTRATION

The appointing authority in each agency shall administer the leave program in the areas of his responsibility. A copy of the leave and attendance regulations shall be forwarded to the Merit System Director by the appointing authority.

 4-21-71/
 5-1-71

SECTION B.200. ANNUAL (VACATION) LEAVE AND TERMINAL LEAVE

PAR. B.201. A. Annual leave shall be cumulative for not more than 45 work days. A permanent, working test, or provisional employee who is in pay status on or after July 1, 1971, shall earn annual (vacation) leave as follows:

 9-20-72/
 10-1-72

Years of Service

0 through 5 years inclusive	1½ work days per month
6 through 10 years inclusive	1½ work days per month
11 years and over	1½ work days per month

PAR. B.201. B. For the purposes of this paragraph, the years of service will be computed from continuous, unbroken state service beginning on the first of the month immediately following completion of this service. An employee who left state service for maternity purposes and who returned to state service within six calendar months thereafter but prior to January 1, 1972, upon written application before July 1, 1972, shall not be considered to have had a break in service insofar as it applies to the accumulation of annual leave as provided in this paragraph.

 11-17-71.
 12-1-71

PAR. B.202. Other provisions of these Rules and Regulations to the contrary notwithstanding an employee being placed on leave of absence without pay or contingent leave of absence without pay shall not be paid for accrued annual leave in excess of thirty work days, but accrued annual leave in excess of thirty work days shall be retained for the employee's credit when he returns to pay status, provided, however, that in cases of illness extending beyond the period of accrued sick leave, the appointing authority may grant as much annual leave accrued in excess of 30 work days but not in excess of 45 work days as is required by the circumstances. Annual leave granted to an employee within thirty calendar days prior to his being placed on leave of absence without pay or contingent leave of absence without pay which is charged against accrued annual leave in excess of thirty days, shall be deducted from his annual leave for which he may be paid.

 4-21-71/
 5-1-71

PAR. B.203. Emergency, hourly, per diem, temporary, intermittent employees, or students appointed in accordance with Section 9.800 "Special Student Appointments" shall not accrue annual leave.

 4-21-71/
 5-1-71

PAR. B.204. An employee in pay status for ten work days or more during a calendar month earns annual leave for that month as provided in Par. B.201. An employee in pay status less than ten work days during the calendar month earns no annual leave for that month.

 8-25-75/
 7-1-75

PAR. B.205. Annual leave will accrue to the credit of an employee who is in leave-with-pay status such as annual, sick, court, and military leave with pay; however, no further leave will be earned after the last day of active service.

 4-21-71/
 5-1-71



STATE PERSONNEL BOARD
RULES & REGULATIONS

App./Eff. Date	REGULATION B. LEAVE AND HOLIDAYS
3-28-73/ 4-1-73	PAR. B.206. Employees may take annual leave, subject to the approval of the appointing authority, and will be charged for annual leave for absence only on days for which they would otherwise work and receive pay.
3-28-73/ 4-1-73	PAR. B.207. An employee absent on official business is not on leave.
4-21-71/ 5-1-71	PAR. B.208. An employee moving from one department to another without a break in service shall be given credit by the appointing authority of the receiving department for unused annual leave.
4-21-71/ 5-1-71	PAR. B.209. A. Terminal leave is accrued annual leave for which payment is due an employee or his estate upon separation from state employment by death, retirement, resignation, dismissal, abandonment, or release in any manner.
4-21-71/ 5-1-71	PAR. B.209. B. When a separation date has once been fixed administratively so as to permit the employee to be paid for his terminal leave, the pay status of the employee may not be extended for the purpose of granting a holiday, or any unanticipated non-work day occurring during the period of terminal leave.
	PAR. B.209. C. On and after July 1, 1971, terminal leave will be payable as follows:
4-21-71/ 5-1-71	A. <u>An employee who is being separated by retirement, layoff, or death shall be entitled to and he or his estate shall receive all pay for accrued annual leave not in excess of forty-five work days.</u> When an employee who has been separated from his position by layoff is reinstated, the record of his previously forfeited annual leave shall be revived.
4-21-71/ 5-1-71	B. An employee who has 20 years or more of creditable service toward retirement who is being separated from state service by dismissal or resignation shall receive all pay for accrued annual leave not in excess of forty-five work days.
4-21-71/ 5-1-71	C. An employee with fewer than 20 years of creditable service toward retirement who is being separated from state service by dismissal or resignation shall receive all pay for accrued annual leave not in excess of thirty work days. Annual leave granted to an employee in his category within thirty calendar days prior to his last day of active service, which is charged against accrued annual leave in excess of thirty days, shall be deducted from his period of terminal leave, or from leave granted preliminary to his being placed on leave without pay.
5-30-73/ 6-1-73	D. Terminal Pay. Solely for the purpose of computing terminal leave pay the following formula shall apply: <ol style="list-style-type: none"> (1) Determine the number of work days in the year which shall be 52 times 5 or 260 days. (2) Divide the number of work days into the current annual salary. (3) Multiply the result times the number of days of accrued annual leave. (4) A work day shall be interpreted as eight hours. <p>Conversion to this formula for computing terminal pay shall become effective at the discretion of the department provided, however, each department must comply with the policy on or before July 1, 1974. Prior to conversion within a department terminal leave shall be computed as provided in the "Basis for calculating salary payments to employees under the State Merit System as revised July 1, 1964."</p>



STATE PERSONNEL BOARD
RULES & REGULATIONS

Page 53	Date August 19, 19
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REGULATION B. LEAVE AND HOLIDAYS	App./E Date
SECTION B.300. SICK LEAVE	
<p>PAR. B.301. Each employee serving on a permanent, working test, or provisional basis shall be entitled to accumulate sick leave credit with full pay computed at the rate of one and one fourth work days per calendar month of service. Sick leave shall be cumulative for not more than ninety work days. In cases of illness or disability exhausting available sick and annual leave, the appointing authority, with the approval of the Board, may grant as much sick leave forfeited because of this limitation and as much annual leave forfeited because of the limitations of Par. B.201 as is appropriate to the circumstances. An employee may be required to furnish evidence satisfactory to the appointing authority for the use of such leave.</p>	4-21-71/ 5-1-71
<p>PAR. B.302. An employee may utilize his sick leave upon approval of the appointing authority for absence due to illness or injury; or for absence necessitated by exposure to contagious disease by reason of which exposure the health of others would be endangered by his attendance on duty; or for absence for dental treatment; or for preventive medical care; or for absence due to illness, accident, or death in the employee's immediate family requiring the employee's presence. In case of accidental injury or occupational disease where compensation is payable under the Georgia Workmen's Compensation Act, it shall be conclusively presumed that the employee has elected to utilize accrued sick leave during the period of incapacity, to be credited on a day for day basis as compensation against any award by the State Board of Workmen's Compensation for such incapacity, until the injured employee elects in writing to forego his sick leave privilege and to accept only those benefits authorized by award.</p>	3-20-68/ 4-1-68
<p>PAR. B.303. A. Upon reinstatement from layoff an employee shall have his previously accumulated and unused sick leave placed to his credit.</p>	11-17-71 12-1-71
<p>PAR. B.303. B. An employee who left state service for maternity purposes and who returned to state service within six calendar months thereafter, but prior to January 1, 1972, upon written application prior to July 1, 1972, shall have her previously accumulated and unused sick leave placed to her credit.</p>	11-17-71 12-1-71
<p>PAR. B.304. An employee moving from one department to another without a break in service shall be given credit by the appointing authority of the receiving department for unused sick leave.</p>	4-21-71/ 5-1-71
<p>PAR. B.305. Emergency, hourly, per diem, temporary, intermittent employees, or students appointed in accordance with Section 9.800 "Special Student Appointments" shall not accrue sick leave.</p>	4-21-71/ 5-1-71
<p>PAR. B.306. An employee in pay status for ten work days or more during a calendar month earns one and one-fourth work days sick leave for that month. An employee in pay status less than ten work days during a calendar month earns no leave for that month.</p>	8-25-75/ 7-1-75
<p>PAR. B.307. Sick leave will accrue to the credit of an employee who is in a leave-with-pay status such as annual, sick, court, and military leave with pay.</p>	10-21-59, 11-1-59
<p>PAR. B.308. Employees are charged with sick leave for absence only on days upon which they would otherwise work and receive pay.</p>	3-25-70/ 4-1-70
<p>PAR. B.309. <u>When sickness continuing for more than three work days occurs within a period of annual or vacation leave, the period of illness may, upon presentation of a certificate by the attending physician or other satisfactory written evidence, be charged as sick leave and the charges against annual leave reduced accordingly, provided that the request for such substitution of sick leave for vacation leave is filed with the appointing authority within two weeks after the employee has returned to duty. No such charge against sick leave shall be made for illness which does not last for more than three work days.</u></p>	10-21-59, 11-1-59



Employees' Retirement System

Two Northside 75, Atlanta, Ga., 30318 Telephone (404) 656-2960

June 21, 1985

MEMORANDUM

TO: Department Heads, Personnel Officers, Fiscal Officers, and Retirement Reporting Officials

FROM: Abe Domain, Director *AD*

SUBJECT: Calculation of Forfeited Leave for Retirement Credit

As mentioned in our memorandum of May 3, 1985, Section II of Act No. 761, Ga. Laws 1985, effective July 1, 1985, provides conditions for calculating forfeited leave credits for classified and/or unclassified employees with documented and/or undocumented leave for retirement credit purposes. To assist each of you and assure uniformity in implementing the law, we have attached three pages of examples which we feel will clarify the calculation of forfeited leave for retirement credit purposes.

Sick and annual leave for which a member is not eligible for payment may constitute creditable service for retirement purposes provided the member has at least six months of forfeited leave at the time of retirement. The member shall be given one month of creditable service for each twenty (20) days of forfeited leave.

Upon retirement of a classified or unclassified employee, the employer shall certify leave based on leave records for periods where adequate records were maintained. However, if there are periods of service where no leave records are available for classified members, leave credits should be computed as illustrated in Example Nos. 1 & 2 under Method "A".

For periods of service where no leave records are available for unclassified members, leave credits should be computed as follows:

- (1) When fifteen (15) years or more of leave records are available for unclassified members, forfeited leave for the undocumented periods should be computed as illustrated in Example No. 1 under Method "A".
- (2) When less than fifteen (15) years of leave records are available for unclassified employees, forfeited leave credits for the undocumented periods should be computed as illustrated in Method "B" Example. Caution should be exercised in these cases as the individual is limited to the lesser of the amount calculated under Methods "A" & "B" or the average of actual annual and sick leave for which leave records are available, whichever is less. (The average leave usage shall be determined by the Merit System Commissioner pursuant to guidelines set forth in the law and this average shall be supplied to the departments. The Method "B" Example illustrates a calculation with the Merit System average leave usage.)

Memorandum Regarding Calculation of Forfeited Leave for Retirement Credit
Page 2
June 21, 1985

Members who have fifteen (15) years or more through a combination of both classified and unclassified service, qualify for undocumented forfeited leave calculations based on fifteen (15) or more years provided adequate leave records have been maintained by the employer. That is to say, when fifteen (15) or more years of leave records are available through a combination of both classified and unclassified service, forfeited leave for an undocumented period may be computed in accordance with Example No. 1 of Method "A".

When less than fifteen (15) years of leave records are available through a combination of both classified and unclassified service, then the amount of undocumented forfeited leave for the unclassified service shall be calculated pursuant to Method "B" Example. The documented period is calculated according to the method prescribed for classified employees with documented records. The two calculations are then added together to determine the total amount of forfeited leave for the undocumented period.

For unclassified members, the maximum number of days of annual and sick leave which may be accumulated in one year shall be in accordance with the rules and regulations of the State Personnel Board governing employees in classified service.

Act No. 761 further provides that elected State officials are prohibited from offsetting annual or sick leave by compensatory time. It further provides that when leave records are maintained by or pursuant to the order of an elected State official, any leave accepted by the Employees' Retirement System Board shall, in addition to such records, be based on the elected State officials sworn statement that the amount of leave so claimed is true and correct.

Of course, the Official Code of Georgia Annotated has precedence should any part of this memorandum be in conflict with the law. Should you still have questions about the calculation of forfeited leave credits, we urge you to contact the Retirement System office.

AD:bwc

Attachments (3)

METHOD "B"

CALCULATION OF FORFEITED LEAVE FOR
UNCLASSIFIED MEMBERS WITH LESS THAN 15 YEARS
OF DOCUMENTED LEAVE HISTORY

For unclassified members with less than 15 years of leave records available, credit for undocumented periods would be based on a one-year average of sick and annual leave accumulated by members who have at least 10 years of continuous service in the classified service of the State Merit System as of July 1, 1985. The average would be the difference between the average amount of sick and annual leave taken and the maximum number of days which may be accumulated in one year under regulations of the State Personnel Board.

Member with twenty-seven (27) years of unclassified service applied for retirement at age 65 - October 1, 1985. Member has accrued forty-five (45) days annual leave and ninety (90) days sick leave with a ten (10) year documented leave history (1975-1985) and seventeen (17) years undocumented leave history (1958-1975).

SPECIAL NOTE:

For unclassified employees who have less than 15 years of leave records available, the determination of forfeited leave shall be limited to the lesser of the amount calculated under Methods "A" & "B" or the average of actual annual and sick leave for which leave records are available, whichever is less.

1. Merit System average for example purposes only is 5.40 days of leave credit per year (maximum amount of leave credit for employee's with at least 10 years continuous service less leave used).
2. 5.40 days per year x 17 years (undocumented 1958-1975) = 91.80 days
3. 91.8 days (1958-1975) + 90 days accumulated sick = 181.8 days (amount of forfeited leave credit).

181.8 days + 20 days = 9 months of forfeited leave used for retirement purposes.

Combination
CLASSIFIED/
UNCLASSIFIED

For members whose membership service includes both classified and unclassified service with undocumented leave records, the leave calculation method would be determined by whether or not the member had a total of 15 years through a combination of classified and unclassified service. If the combination is 15 or more years, then the leave is calculated according to the method prescribed for classified employees with undocumented records.

If the combination is less than 15 years, then the calculation is based on the one-year average determined by the Merit System Commissioner for the undocumented years and the documented period is calculated according to the method prescribed for classified employees with documented records. The two calculations are then added together to determine the total amount of forfeited leave for the undocumented period.

**Policy Regarding Publication of Decisions
Adopted November 7, 1994**

1. Criteria for Publication

The following criteria shall be considered by panels in determining whether decisions will be designated for publication in the Georgia Appeals Reports:

(a) whether it establishes a new rule of law, or alters or modifies an existing rule of law, or applies an established rule of law to a novel fact situation;

(b) whether it creates or resolves a conflict of authority between panels within the court;

(c) whether it discusses a legal or factual issue of continuing public interest;

(d) whether it is accompanied by a concurring opinion;

(e) whether it reverses the decision below, unless:

(i) the reversal is caused by an intervening change in law or fact, or

(ii) the reversal is a remand without further comment to the trial court of a case reversed or remanded by the Supreme Court;

(f) whether it is a Whole Court opinion, in which case it shall be published.

2. Designation for publication.

There shall be a presumption in favor of publication. An opinion shall be published if a majority of the panel deciding the case designates the opinion for publication after consideration of the foregoing criteria. Provided, however, that the author of any opinion, whether a majority opinion, a concurring opinion, or a dissenting opinion, may designate that such opinion be published, and in the event of such designation, the Clerk shall cause such opinion to be published.

COMMENT: Under this provision, an affirmative step is required by the panel or the author in order to publish an opinion, whereas now the default position is to publish.

*Revised
4-95*

REQUEST FOR TRANSFER OF PROPERTY/EQUIPMENT

Office transferring inventory shall initiate transfer form

PROPERTY TO BE TRANSFERRED FROM:	State Inventory	Description of
	Number	Property
PROPERTY TO BE TRANSFERRED TO:		

COMMENTS:

FISCAL OFFICE	REQUESTED:	DATE
	TRANSFERRED:	DATE
	APPROVED: CHIEF JUDGE	DATE
	POSTED FISCAL OFFICER	DATE

SECTION B.200. ANNUAL LEAVE AND TERMINAL LEAVE.

- PAR. B.201. Annual Leave.
- PAR. B.201.1. Full-Time employees on permanent, working test and provisional status shall earn leave as follows: (05-20-81/08-01-81)

<u>Length of Service</u>	<u>Rate of Accrual</u>
0 through 60 months inclusive	1 1/4 workdays (10 hours) per month
61 through 120 months inclusive	1 1/2 workdays (12 hours) per month
121 months and over	1 3/4 workdays (14 hours) per month

For purposes of this paragraph, the length of service will be computed from current continuous, unbroken service in a position entitled to earn leave with a state agency or other agency with employees in this classified service of the State Merit System. The length of service shall begin on the first day the employee actually reports to work; provided, however, when the first day of the month is a regularly scheduled nonworkday and the employee reports to work on the first workday of the month, the length of service shall be deemed to have begun on the first day of the month. (09-22-88/11-01-88) Authority O.C.G.A. 45-20-3.

PAR. B.201.2 Part-time employees on permanent, working test or provisional status who work twenty (20) hours or more per week shall earn annual leave at the appropriate rate specified in Par. B.201.1 prorated by the percentage of time worked; provided, however, that fractions of an hour shall be disregarded and the leave earned shall be rounded to the nearest whole hour. (08-27-80/10-01-80)

- PAR. B.202. Use and Limitations.
- PAR. B.202.1. An employee may use accrued annual leave upon approval of the appointing authority. (09-23-87/11-12-87)
- PAR. B.202.2. Annual leave shall be cumulative for not more than forty-five (45) workdays (360 hours). Any leave, earned in excess of forty-

PAR. B.110.5. All leave credits granted under the provisions of Par. B.110 shall be subject to post-audit and adjustment by the Commissioner. The Commissioner's action shall be final unless the department head requests a review of the Commissioner's action by the Board within thirty days after receipt of the Commissioner's action. The filing of a request for review shall stay the enforcement of the Commissioner's action. (12-14-84/12-27-84)

PAR. B.111. Return from Period of Disability; Conditions. The appointing authority may require any employee who is absent from duty because of illness or disability to supply an appropriate medical release or certification that the employee is able to return to unrestricted duty. Such release or certification may be required as a pre-condition to the employee's return to duty. (09-23-87/11-12-87)

PAR. B.112. Minimum Leave Period. The appointing authority, upon publication of a written departmental policy, may prescribe a minimum period of annual, sick and/or personal leave which will be charged for any use which is a fractional part of the minimum period. (08-24-89/09-14-89)

PAR. B.113. Absence After Leave Exhausted. Except as provided in Par. B.305.1, an employee who is absent after all annual, sick and personal leave is used shall be placed on regular leave without pay, contingent leave without pay, other leave without pay, or released in accordance with Par. 12.207. (08-24-89/09-14-89)

PAR. B.114. Lump Sum Payment for Accrued Leave. When an employee is granted a leave without pay of thirty days or more under the provisions of Par. B.401, Par. B.402, Sect.B.500, or Sect.B.700 the department may pay the employee in lump sum for all accrued annual leave not to exceed forty-five days. Any such payment shall be calculated according to the formula prescribed in Par. B.203.4. (12-14-84/12-27-84)

PAR. B.115. Limitation on the Use of Paid Leave. An employee shall not be allowed to use any type of paid leave, except as provided in Pars. B.305.5 and B.305.6, for any time that the employee receives any form of state-funded wage substitutes, including but not limited to workers' compensation. (05-24-90/05-30-90) Authority O.C.G.A. 40-20-3.1(e).

position in the unclassified service shall be paid terminal leave pay not to exceed forty-five (45) days for any annual leave that cannot be transferred with the employee to the unclassified position; provided, however, such payment shall not be made except upon evidence satisfactory to the appointing authority that the employee cannot receive credit for the leave. (5-31-89/6-28-89)

SECTION B.300. SICK LEAVE.

PAR. B.301. Rate of Accrual.

PAR. B.301.1. Full-time employees on permanent, working test and provisional status shall earn sick leave at the rate of one and one-fourth (1 1/4) workdays (10 hours) per calendar month of service. (08-27-80/10-01-80)

PAR. B.301.2. Part-time employees on permanent, working test and provisional status who work twenty (20) hours or more per week shall earn sick leave at the rate of one and one-fourth (1 1/4) workdays (10 hours) per month prorated by the percentage of time worked; provided, however, that fractions of an hour shall be disregarded and the leave earned shall be rounded to the nearest whole hour. (08-27-80/10-01-80)

PAR. B.301.3. Sick leave shall be cumulative for not more than ninety (90) workdays (720 hours). Any leave earned in excess of ninety (90) days at the end of any month is forfeited but may be restored to the employee as provided in Par. B.302. (05-20-81/08-01-81)

PAR. B.302. Restoration of Forfeited Leave. In the event of illness or disability which exhausts available sick and annual leave, the appointing authority may restore as much sick leave forfeited because of the limitation of Par. B.301.3 and as much annual leave forfeited because of the limitation of Par. B.202.2, as is required by the circumstances of the illness or disability. Such restoration shall be limited to the leave forfeited during the current period of employment. (5-31-89/6-28-89)

PAR. B.303. Use of Sick Leave.

PAR. B.303.1. Upon approval of the appointing authority an employee may use accrued sick leave for absence due to personal illness or disability; absence necessitated by exposure to contagious disease by reason of which exposure the health of others would be endangered by

five (45) days at the end of any month is forfeited but may be restored to the employee as provided in Par. B.302. (05-20-81/08-01-81)

PAR. B.203. Terminal Leave.

PAR. B.203.1. Terminal leave is accrued annual leave for which payment is due upon an employee's separation from employment by death, retirement, resignation, dismissal, abandonment or separation in any manner. (09-23-87/11-12-87)

PAR. B.203.2. When a separation date has once been fixed administratively so as to permit the employee to be paid terminal leave, the pay status of the employee shall not be extended for the purpose of granting a holiday or unanticipated non-workday occurring after the last day in pay status. (09-23-87/11-12-87)

PAR. B.203.3. When an employee notifies the appointing authority of termination, the employee shall not be continued on the payroll in leave with pay status for the purpose of increasing the current salary to a higher step of the pay range, increasing the rate of leave accrual or the rate at which accrued leave would be paid. (5-31-89/6-28-89)

PAR. B.203.4. Terminal leave shall be paid for all accrued and unused annual leave which has not been forfeited not to exceed forty-five (45) days.

PAR. B.203.5. Terminal leave pay shall be calculated according to the following formula: (5-31-89/6-28-89)

- a. Determine the annual base salary last received by the employee. Part-time salary must first be converted to an equivalent full-time salary; (5-31-89/6-28-89)
- b. Determine the value of each day of leave by dividing the employee's annual salary by two hundred sixty (260); (5-31-89/6-28-89)
- c. Multiply the result by the number of days of terminal leave which the employee is eligible to be paid in accordance with Par. B.203.4 (5-31-89/6-28-89)

PAR. B.203.6. Notwithstanding other provisions of this regulation, an employee who separates from the classified service to accept a

or occupational disease which is compensable under the Georgia Workers' Compensation Act, until the employee elects in writing to use accrued leave in lieu of worker's compensation benefits. The leave granted for such purpose shall be credited on a day-for-day basis as compensation against any indemnity award by the State Board of Workers' Compensation. A written election to use accrued leave in lieu of worker's compensation benefits may be executed prospectively. (05-24-90/05-30-90)

Authority O.C.G.A. 31-29-1.

PAR. B.305.3. Sick Leave Exhausted. If an absence because of illness extends beyond sick leave accrued to the credit of an employee, such additional time will be charged accrued annual leave unless the employee applies for, and the appointing authority approves, a leave of absence without pay. (5-31-89/6-28-89)

PAR. B.305.4. Donation of a Kidney (O.C.G.A. 45-20-31). An employee who donates a kidney for the purpose of transplantation shall receive a leave of absence with pay of thirty (30) days and such leave shall not be charged against or deducted from any annual or sick leave and shall be included as service in computing any retirement or pension benefits. The employee shall not be entitled to such leave of absence unless a statement from a medical practitioner who is to perform such transplantation procedure or from a hospital administrator that the employee is making a kidney donation as provided in this paragraph is furnished to the supervisor or other proper authority. If the donation does not occur, the provisions of this paragraph shall not be applicable. (09-23-87/11-12-87)

Authority O.C.G.A. 45-20-31.

PAR. B.305.5. Disability Due to Certain Injuries. A full-time employee who becomes physically disabled as a result of a physical injury incurred in the line of duty and caused by a willful act of violence committed by a person other than a fellow employee shall be entitled to a leave of absence for the period that the employee is physically unable to perform the duties of the employee's position not to exceed 180 working days for any single incident. Such leave of absence shall be in lieu of sick leave and the employee shall be compensated as provided by law. The employee shall be required to submit satisfactory evidence of such disability to the head of the department. For the purpose of this paragraph: (09-22-88/11-01-88)

the employee's attendance on duty; absence for dental or medical care; and for absence due to dental care or medical care, illness, accident or death in the employee's immediate family which requires the employee's presence. (5-31-89/6-28-89)

PAR. B.303.2. For the purpose of this regulation, immediate family means the employee's spouse, child, parent, brother and sister. Immediate family also includes any other person who resides in the employee's household and is recognized by law as a dependent of the employee. (08-27-80/10-01-80)

PAR. B.303.3. The employee may be required to furnish evidence satisfactory to the appointing authority for the use of accrued sick leave. (08-27-80/10-01-80)

PAR. B.304. Personal Illness During Period of Annual Leave. If an employee is ill for three (3) workdays or more during a period of annual leave, the period of illness may, upon presentation of satisfactory written evidence, be charged as sick leave. The charges against annual leave shall then be reduced accordingly, provided that the request for substitution of sick leave for annual leave is filed with the appointing authority within two (2) weeks after the employee has returned to duty. No such substitution shall be allowed for illness which does not last for three (3) workdays or more. (08-27-80/10-01/80)

PAR. B.305. Special Situations.

PAR. B.305.1. Tuberculosis or Infectious Hepatitis (O.C.G.A. 31-29-1). An employee who contracts tuberculosis or infectious hepatitis while charged with the care, treatment or diagnosis of persons infected with tuberculosis or infectious hepatitis shall, upon exhaustion of all available sick and annual leave, be granted a leave of absence at one-half (1/2) of total compensation or \$150 per month whichever is less for the duration of the disability due to tuberculosis or infectious hepatitis, not to exceed three hundred and fifty (350) weeks. An employee on leave of absence under the provisions of this paragraph shall be given credit for all salary adjustments and advancements which would have been received had the employee remained on the position in the same capacity and status the employee held at the time the leave of absence was granted. (09-23-87/11-12-87)

PAR. B.305.2. Compensable injury or Disease. An employee shall not be allowed to use accrued leave for absences due to an accidental injury

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returning from such duty, not exceeding a total of eighteen (18) workdays in any one calendar year and not exceeding eighteen (18) workdays in any one continuous period of such absence. (10-21-87/11-12-87)

PAR. B.503.2. An employee ordered to military duty with personal consent shall, if the period of ordered duty is thirty (30) calendar days or less, be paid the salary or other compensation as such employee while engaged in the performance of such duty, and while going to and returning from such duty, not exceeding a total of eighteen (18) workdays in any one calendar year and not exceeding eighteen (18) workdays in any one continuous period of such absence. (10-21-87/11-12-87)

PAR. B.503.3. An employee ordered to military duty with personal consent shall, if the period of ordered duty is more than thirty (30) calendar days, be granted a leave of absence without pay for such period as required by law. (09-23-87/11-12-87)

PAR. B.503.4. In the event the Governor declares an emergency and orders an employee to State active duty as a member of the National Guard, the employee, while performing such duty, shall be paid the salary or other compensation as such employee for a period not exceeding thirty (30) workdays in any one calendar year and not exceeding thirty (30) workdays in any one continuous period of such State active duty service. (09-23-87/11-12-87)

PAR. B.504. Leave of Absence to Attend Service Schools. An employee who is or becomes a voluntary member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States shall be entitled to be absent from work and shall be deemed to have a leave of absence from duty while in attendance, as a member of such force or reserve component, at any service school or schools conducted by the armed forces of the United States, and while going to and returning from such school or schools, notwithstanding that orders for such attendance are or may be issued with the consent of the employee. (09-23-87/11-12-87)

PAR. B.505. Leave of Absence for Active Duty, Active Duty for Training and Inactive Duty Training. An employee who enlists or is inducted into the armed forces of the United States, or any reserve component thereof, and is ordered to active duty, active duty for training or inactive duty training shall be entitled to a leave of absence for such period as is provided by law in each case. (08-27-80/10-01-80)

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PAR. B.407. Leave Without Pay Limited. A continuous leave of absence under the provisions of Par. B.401 or Par. B.402, or any combination thereof, shall not exceed twelve months except as provided in Par. B.405. (12-14-84/12-27-84)

SECTION B.500. MILITARY LEAVE.

(O.C.G.A. 38-2-279)

PAR. B.501. Definitions.

PAR. B.501.1. The term "employee," as used in this section, includes persons on permanent, working test and provisional status but does not include persons on any type of temporary appointment. (08-27-80/10-01-80)

PAR. B.501.2. The term "ordered military duty," as used in this section means: (08-27-80/10-01-80)

a. Any military duty performed in the service of the State or of the United States, including but not limited to, attendance at any service school or schools conducted by the armed forces of the United States by an employee as a voluntary member of any force of the organized militia or any reserve force or reserve component of the armed forces of the United States pursuant to orders issued by the competent State or federal authority, without the consent of the employee. (08-27-80/10-01-80)

b. Such duty, performed for a period or periods not exceeding a total of thirty (30) days in one calendar year, shall be deemed "ordered military duty" regardless of whether such orders are or may be issued with the consent of the employee. (08-27-80/10-01-80)

PAR. B.502. Leave of Absence for Ordered Military Duty. An employee shall be entitled to be absent from work and shall be deemed to have a leave of absence while engaged in the performance of ordered military duty and while going to and returning from such duty. (09-23-87/11-12-87)

PAR. B.503. Pay for Eighteen (18) Workdays; Exceptions.

PAR. B.503.1. An employee ordered to military duty without personal consent shall be paid the salary or other compensation as such employee while engaged in the performance of such duty, and while going to and

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tion to determine physical or other fitness for service in the armed forces of the United States, may, upon specific request of the employee, be charged against accrued annual leave. An employee who does not desire to use accrued annual leave for this purpose shall be granted a leave of absence without pay for the period of absence as provided by law. (09-23-87/11-12-87)

Authority O.C.G.A. 38-2-279.

SECTION B.600. COURT LEAVE.

PAR. B.601. Leave to Serve as Juror or Witness. An employee on permanent, working test or provisional status shall be entitled to leave of absence from duties, without loss of pay or time and without effect on any report of performance, on all days during which the employee shall be subpoenaed to serve as a juror or witness or for other proceedings for which an employee is subpoenaed or summoned to appear by any federal, state or local court. The time allowed for court leave shall include the time that the employee's presence is actually required by the court, plus such additional time as is reasonably necessary in the opinion of the appointing authority for the employee to prepare for or recuperate from the court duty. (5-31-89/6-28-89)

PAR. B.602. Exception. Notwithstanding the provisions of Par. B.601, an employee shall not be granted court leave for any case or proceeding in which the employee is litigant, defendant or other principal party, or if the employee has any other personal or familial interest in the proceeding. (09-23-87/11-12-87)

PAR. B.603. Documentation. The appointing authority shall require the employee to submit a copy of the subpoena, summons for jury duty, or other court order or process as a prerequisite for approval of court leave. Appropriate certification of service may also be required. (5-31-89/6-28-89)

PAR. B.604. Penalties Prohibited. An employee shall not be discharged, disciplined, or otherwise penalized because the employee is absent from employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the employee's attendance at the judicial proceeding. No person shall threaten to take or communicate an intent to take any action prohibited by law or this paragraph. This paragraph shall not apply to an employee who is charged with a crime, nor shall it prohibit the appointing authority from requiring an em-

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to the application of this paragraph. (05-24-90/05-30-90)

PAR. B.1004. Requests to Observe Other Religious Holidays. An employee, upon request to the appointing authority at least seven (7) days in advance, shall be given priority consideration for time away from work for observance of religious holidays not provided for in Par. B.1001. Any paid time for such religious holiday observance shall be charged to compensatory time or accrued annual leave available to the employee at the time of the holiday observance. No employee may claim priority consideration for more than three (3) workdays in each calendar year. A request by an employee for time away from work to observe a religious holiday shall not be denied unless: (1) the employee has inadequate compensatory time or accrued annual leave to cover such period of absence; or (2) the duties performed by the employee are urgently required and the employee, in the judgment of the appointing authority, is the only person available who can perform the duties. (09-23-87/11-12-87)
Authority O.C.G.A. Secs. 45-20-3, 45-20-4, 1-4-1, 21-2-404, 31-29-1, 38-2-279, 45-20-6, 45-20-31.



STATE MERIT SYSTEM
OF PERSONNEL ADMINISTRATION

200 Piedmont Avenue • Atlanta, Georgia 30334

Charles E. Storm, Commissioner

September 25, 1985

M E M O R A N D U M

TO: Department Heads

FROM: Charles E. Storm, Commissioner

SUBJECT: Compliance with Act 761 (1985 General Session)

In compliance with Act 761 of the 1985 General Session, I am supplying the average sick and annual leave taken and forfeited by classified employees.

As required by O.C.G.A. 47-2-91(f), the personnel records and leave balances of classified employees who, as of June 30, 1985, had ten or more years of continuous service, have been reviewed. The average numbers of sick and annual leave days taken per year by these employees are as follows:

Sick Leave	9.39 days per year
Annual Leave	14.09 days per year

Act 761 requires that these computations be deducted from the maximum number of days of sick and annual leave which may be accumulated in one year under rules and regulations of the State Personnel Board. Once the two figures have been reduced, the resulting figures are added together for determining the forfeited annual and sick leave for each year of membership services in certain situations. The forfeited sick and annual leave calculation is as follows:

	Sick	Annual	Total
	Days		
Maximum	15.00	21.00	36.00
Av. Taken	<u>9.39</u>	<u>14.09</u>	<u>23.48</u>
Forfeited	5.61	6.91	12.52

The forfeited leave computation of 12.5 days (rounded to the nearest tenth) is being furnished to each employer to be used, when appropriate, when certifying to the Employees Retirement System in accordance with Act 761.

CES:BJB/cw

cc: Personnel Director

An Equal Opportunity Employer

APPROVAL REQUEST FORM

DATE OF REQUEST:

STAFF ATTORNEY/EMPLOYEE:

PURPOSE:

DATES OF REQUESTED TRAVEL OR CLE:

LOCATION:

REGISTRATION FEE:

APPROXIMATE OTHER ASSOCIATED COSTS:

OF CLE HOURS (If applicable):

NOTE: The Court of Appeals only pays for the minimum 12 hours of CLE per year. Please document that requested CLE is within the limits set by the Court.

I hereby certify the above request (if for CLE) is within the yearly minimum of twelve hours per year paid for by the Court of Appeals.

Staff Attorney/Employee

Approval

Court of Appeals of the State of Georgia

ATLANTA, FEBRUARY 23, 1994

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

RE: ORDER REGARDING NEWS COVERAGE AND REGULATION OF
MOVEMENT AND PLACEMENT OF PERSONS AND AUDIO AND
VISUAL RECORDING AND TRANSMITTING EQUIPMENT IN
THE COURTROOM AND ANY RESERVED NEWS MEDIA AREAS

Pursuant and subject to the provisions of the order of the Court of Appeals of Georgia, all Courtroom proceedings may be photographed, recorded, and broadcast by news media personnel, subject to the following procedures, rules and limitations:

- (1) Any person wishing to photograph, record and broadcast any such court proceeding shall submit to the Court a timely written request to do so on the attached form. Said submission to be made no later than one week before the scheduled oral argument date.
- (2) With regard to the conduct of the news media personnel and the use of photography, recording, and broadcast equipment, it is hereby Ordered:
 - (a) Not more than one "pooled" stationary electronic television camera, to be located as designated by the Court to the side or rear of the Courtroom, and to be attended and operated by not more than one person, shall be permitted in the Courtroom during Court proceedings;
 - (b) Not more than one still photographer, to be located as designated by the Court to the side or the rear of the Courtroom and utilizing not more than two still (non-motorized) cameras, shall be permitted in the Courtroom during Court proceedings;
 - (c) Not more than one audio system for aural broadcast purposes shall be permitted in any court proceedings; audio pickup for all media purposes shall be accomplished from existing audio systems present in the Court facility; provided, however, if no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be permitted but said equipment shall be unobtrusive and shall be located in places

designated in advance of any proceeding by the Court with any cost thereto being borne by the news media;

- (d) Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the Court to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding;
- (e) The placement of the television camera equipment, as well as the seating locations for all media personnel, shall be assigned and approved by the Court prior to the commencement of the Court proceedings; all such equipment shall be positioned in such assigned places prior to the commencement of such proceedings and shall not be moved or removed while such proceedings are in session;
- (f) Only existing light shall be used for photography and no artificial or supplemental lighting devices of any type (including flashbulbs) shall be employed for either still or motion photography;
- (g) Those media personnel who are permitted to photograph, record and broadcast the court proceedings shall not move about the courtroom during the proceedings, and shall at all times during such proceedings remain in the areas assigned and approved by the Court;
- (h) No motor drives nor battery-operated film advances for still photography shall be used during court proceedings;
- (i) Any electronic or radio transmitted communications between the camera operator and any media room, or any other place, shall be inaudible;
- (j) Any audio or video recording systems or equipment in the courtroom shall be actively attended at all times;
- (k) News media personnel employing electronic television camera equipment in the courtroom shall preserve for and shall provide the Court with a VCR video tape (with sound) of all Court proceedings broadcast live, video taped and broadcast as a part of regular news coverage, or recorded for the purpose of specific future broadcast. Said regulations shall apply to each news media organization requesting permission to employ any form of television equipment;

- (1) News media personnel employing audio recording equipment in the courtroom shall preserve for and shall provide the Court with an audio cassette tape of all Court proceedings broadcast live, recorded and broadcast as a part of regular news coverage, or recorded for the purpose of specific future broadcast. Said regulations shall apply to each news media organization requesting permission to employ any form of audio recording equipment;
 - (m) The costs of the necessary electrical wiring or service, audio equipment or tie-in with the courtroom's system, and costs for setting up monitors and video recording devices shall be borne altogether by the electronic media on a basis to be determined by them;
 - (n) No media will be allowed to enter or leave the courtroom until the end of a session, a declared recess or until released by the Court.
- (3) The Court shall retain the exclusive authority to delimit, restrict, prohibit, and terminate the photographing, recording, and broadcasting of any and all courtroom proceedings. Such action may and will be taken by the Court at any time the Court determines;
 - (a) That the provisions of this Order have been or are being violated or circumvented; or
 - (b) That the activities of the news media are detracting from the dignity of the court proceedings; or
 - (c) That the ends of justice are not being served or the rights of the parties are being abridged.
 - (4) If at any time, the Court decides that any of the provisions of this Order should be waived, modified or amended, the Court will waive, modify and amend provisions of the Order so long as such waivers, modifications and amendments do not conflict with Canon 3 of the Code of Judicial Conduct.
 - (5) Notwithstanding any of the foregoing, it is and will remain the sole responsibility of this Court to insure that all its proceedings are conducted with the due dignity and decorum required of all judicial proceedings. At any time any activity or conduct occurs which adversely affects the administration of justice, the Court shall and does retain the inherent authority to exercise its discretion to restrict media coverage of such proceedings in any way necessary to preserve these ends.

NEWS MEDIA COORDINATOR

The Honorable William L. Martin, III, Clerk and Court Administrator, Court of Appeals of Georgia, is hereby designated as News Media Coordinator for the proceedings

relating to this order. The News Media Coordinator shall serve as the liaison between the Court and the media and shall be responsible for insuring compliance with the provision of this order relative to media coverage.

Due to the limitations of space and the possible number of media organizations requesting coverage privileges, the News Media Coordinator is hereby authorized by the Court, as he deems appropriate, to limit access in the courtroom.

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

FEB 23 1994

*I certify that the above is a true extract
from the minutes of the Court of Appeals of
Georgia.*

*Witness my signature and the seal of said
court hereto affixed the day and year last
above written.*

Clerk.

William L. Meert, III

IN THE COURT OF APPEALS
STATE OF GEORGIA

REQUEST TO INSTALL AUDIO AND VISUAL RECORDING
AND TRANSMITTING EQUIPMENT PURSUANT TO
RULES AND GUIDELINES FOR ELECTRONIC AND PHOTOGRAPHIC
NEWS COVERAGE OF ORAL ARGUMENTS

Pursuant to the Order of the Court of Appeals of Georgia dated February 23, 1994, and filed in the Court regarding News Coverage and Regulation of movement and placement of persons and audio and visual recording and transmitting equipment in the Courtroom and any reserved news media areas, the undersigned hereby request permission to install equipment in the Court of Appeals Courtroom in order to record, photograph, broadcast and/or televise all or portions of the proceedings in following case: _____

Case Number: _____.

Consistent with the provisions of the rules and guidelines aforementioned, the undersigned desires to install the following described equipment: _____

The proceedings the undersigned desires to record, photograph, broadcast, and/or televise will commence on the following date: _____ Subject to direction from the Court, or the News Media Coordinator regarding possible coverage, the undersigned wishes to install this equipment in the courtroom on _____. The personnel who will be responsible for the installation and operation of this equipment during its use are: _____

The undersigned hereby certifies that the equipment to be installed and the location and operation of such equipment will be in conformity with the rules and guidelines issued by this Court pursuant the aforementioned order.

This _____ day of _____, 19____.

Name

Title

Name of Company or Firm

Address

City

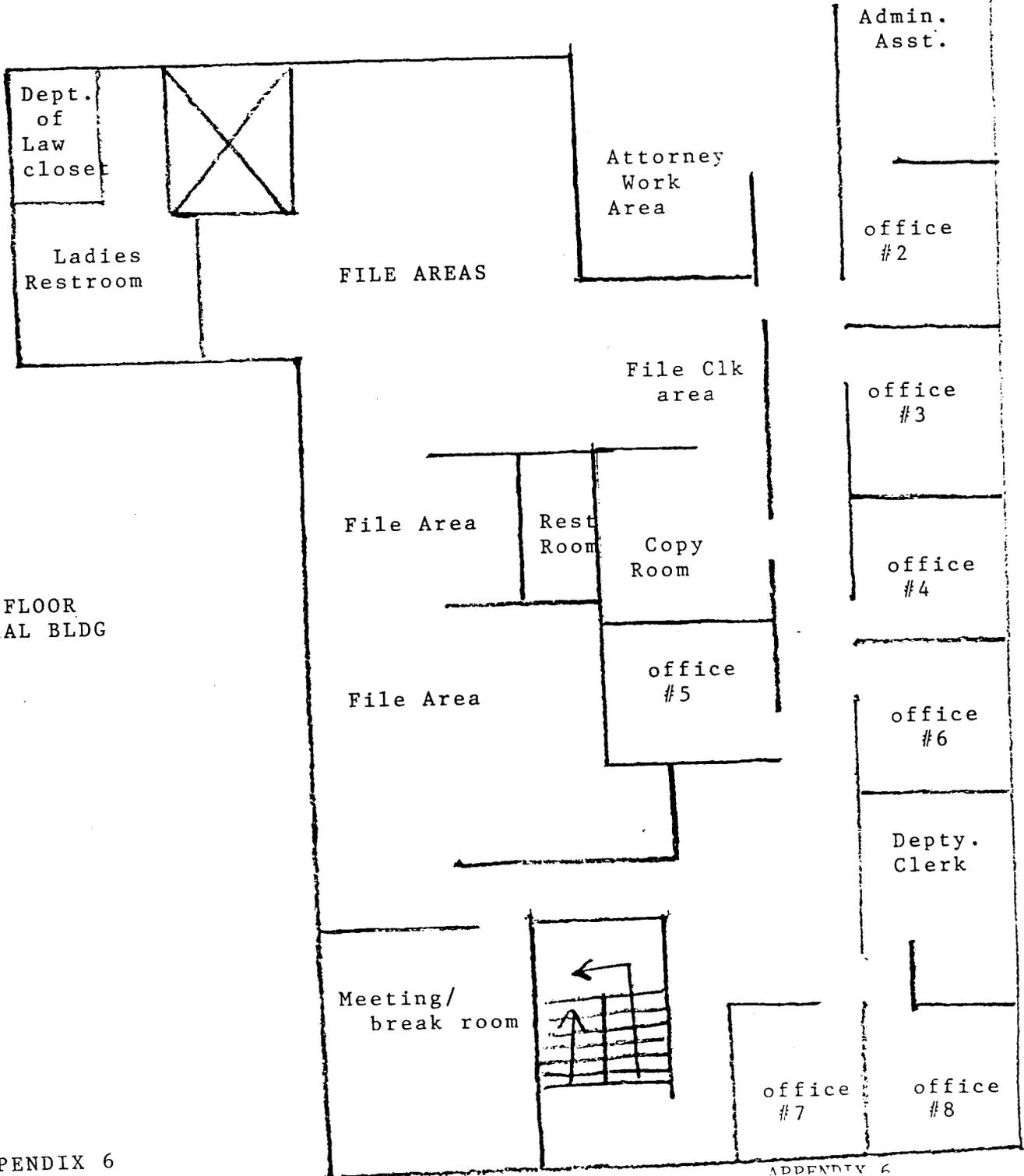
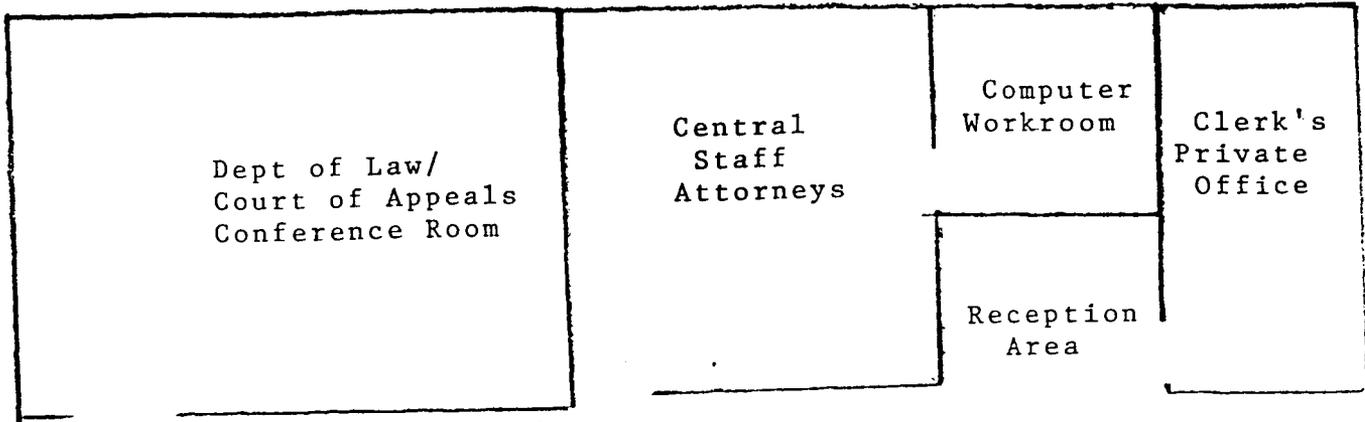
State

Zip

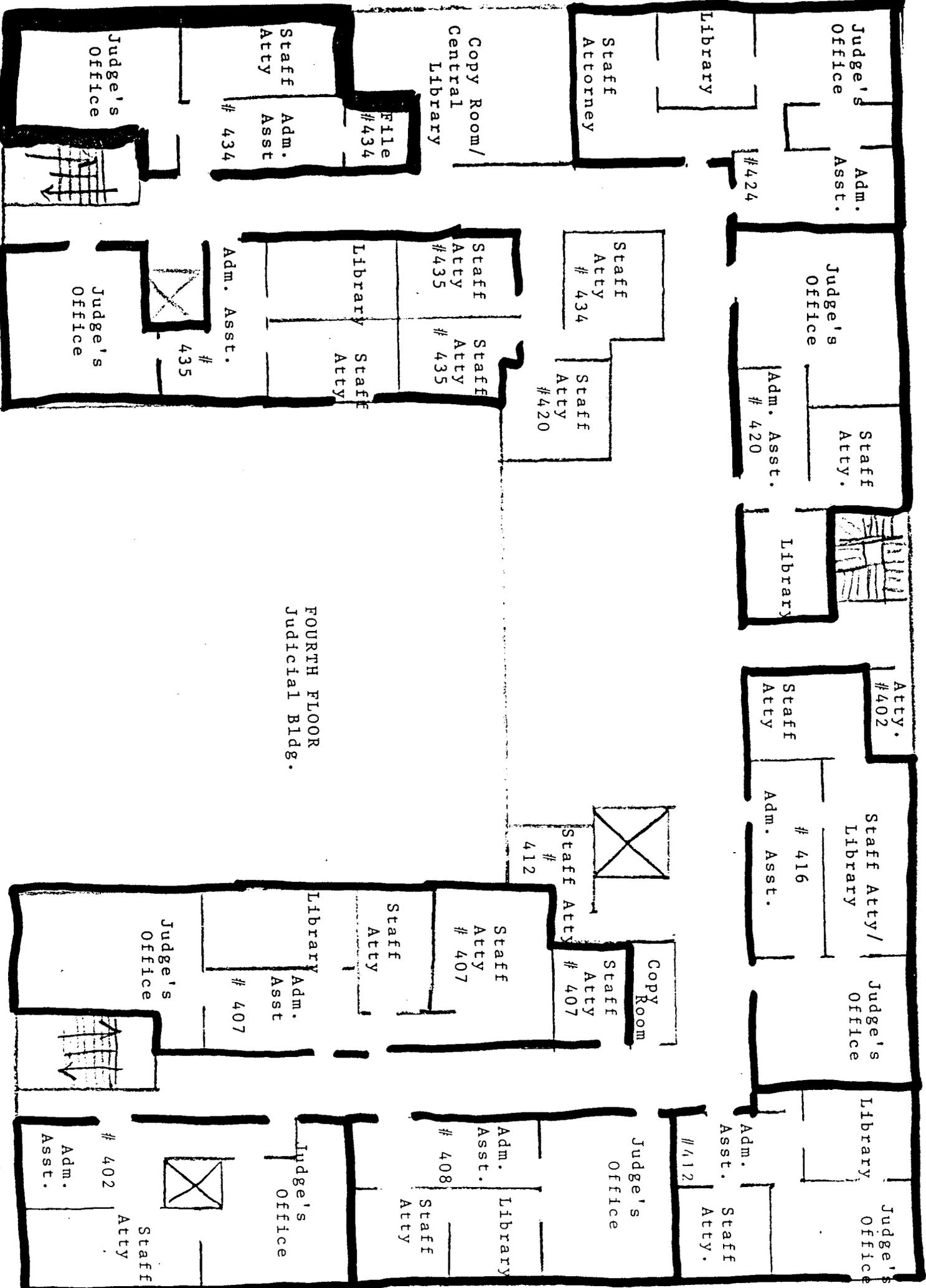
Phone Number

Approved: _____

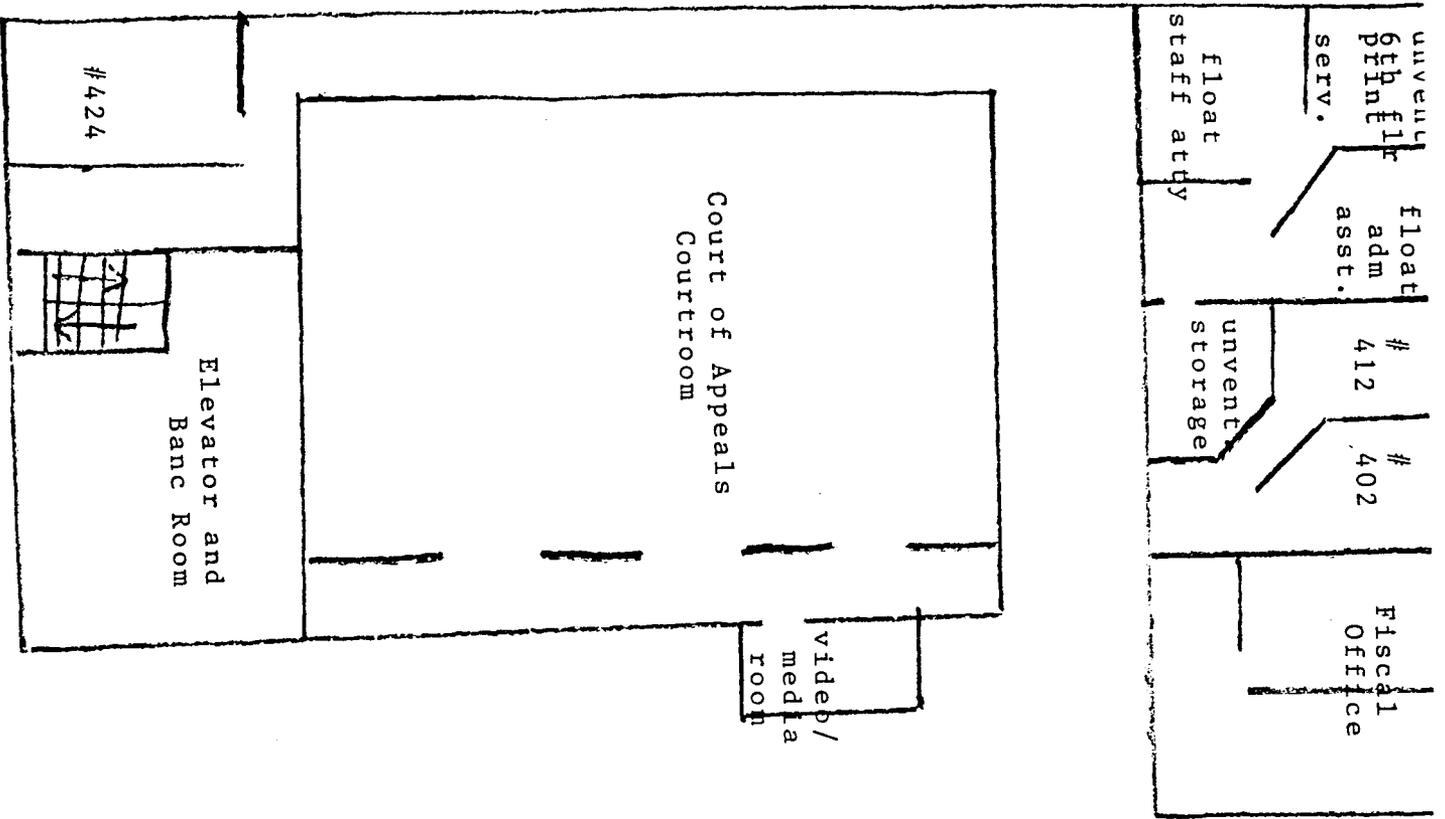
William L. Martin, III
Clerk and Court Administrator
News Media Coordinator
Court of Appeals of Georgia



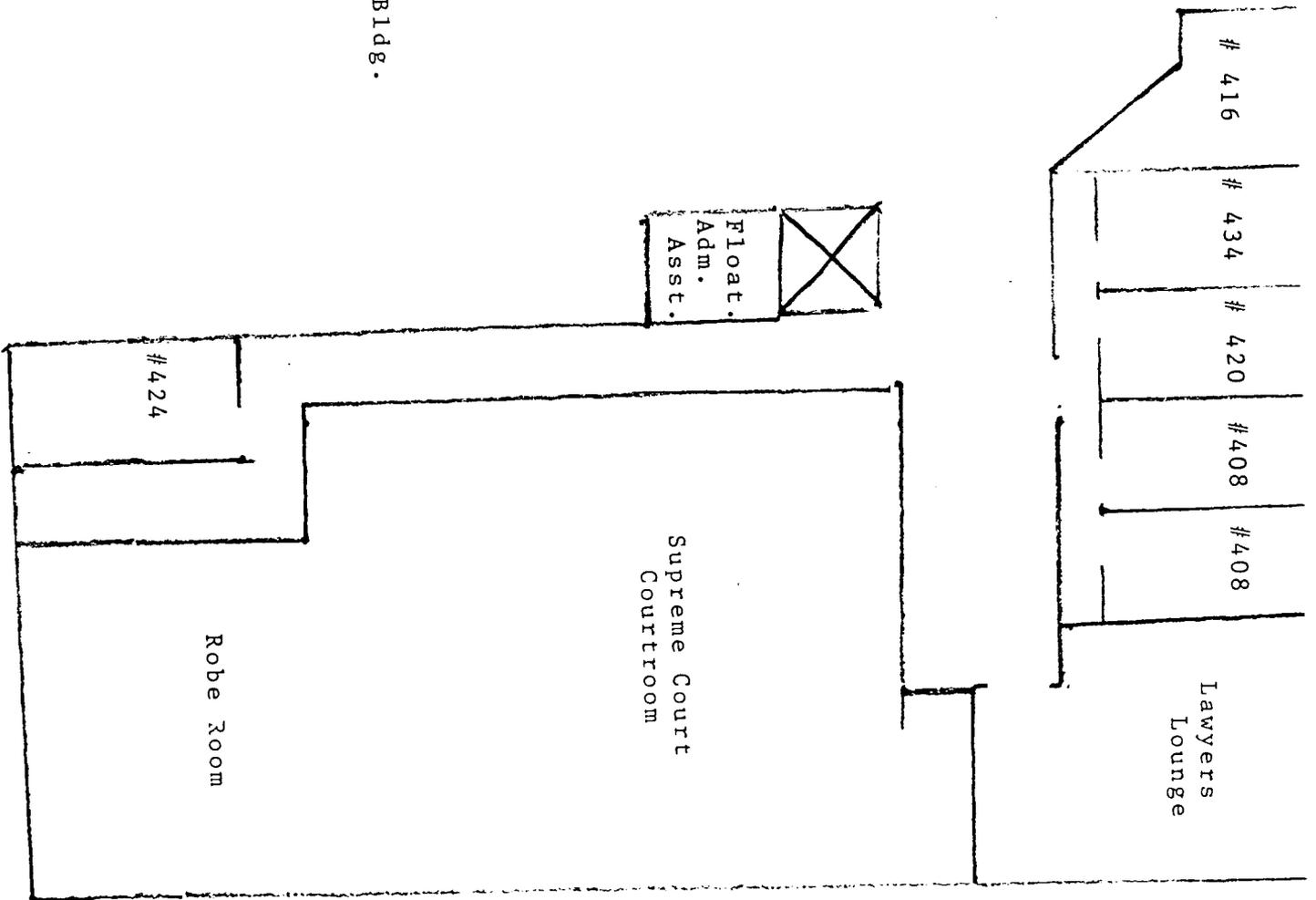
THIRD FLOOR
JUDICIAL BLDG



FOURTH FLOOR
Judicial Bldg.



SIXTH FLOOR
Judicial Bldg.



Policy Regarding Publication of Decisions
Adopted November 7, 1994

1. Criteria for Publication

The following criteria shall be considered by panels in determining whether decisions will be designated for publication in the Georgia Appeals Reports:

(a) whether it establishes a new rule of law, or alters or modifies an existing rule of law, or applies an established rule of law to a novel fact situation;

(b) whether it creates or resolves a conflict of authority between panels within the court;

(c) whether it discusses a legal or factual issue of continuing public interest;

(d) whether it is accompanied by a concurring opinion;

(e) whether it reverses the decision below, unless:

(i) the reversal is caused by an intervening change in law or fact, or

(ii) the reversal is a remand without further comment to the trial court of a case reversed or remanded by the Supreme Court;

(f) whether it is a Whole Court opinion, in which case it shall be published.

2. Designation for publication.

There shall be a presumption in favor of publication. An opinion shall be published if a majority of the panel deciding the case designates the opinion for publication after consideration of the foregoing criteria. Provided, however, that the author of any opinion, whether a majority opinion, a concurring opinion, or a dissenting opinion, may designate that such opinion be published, and in the event of such designation, the Clerk shall cause such opinion to be published.

(Source: Minutes, April 1995 Banc Meeting)

SEXUAL HARASSMENT POLICY

A Model for Georgia Courts

**Prepared by the
Supreme Court Committee for Gender Equality**

(Source: Minutes, June 1995 Banc Meeting)

Appendix 8

SEXUAL HARASSMENT POLICY
A Model for Georgia Courts

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SEXUAL HARASSMENT

I. PURPOSE

Court employees are entitled to work in an environment free from sexual harassment. The purpose of this policy is to achieve a workplace free from sexual harassment by establishing a procedure for submitting complaints regarding sexual harassment and for the investigation and resolution of those complaints.

II. SCOPE

This policy shall apply to all judicial and non-judicial employees. This policy governs the process for the filing, investigation, and resolution of a complaint. The policy does not govern the grievance and appeal procedure. This policy does not govern the discipline procedure.

III. SEXUAL HARASSMENT DEFINED

Discrimination or harassment based on race, color, religion, sex, age, disability, or national origin will not be tolerated in the courts. Sexual harassment is of particular concern to court management, and any form of sexual harassment will not be permitted. Sexual harassment is defined as "any sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, which is unwelcome." It occurs when:

- (1) Sexual favors are demanded "as a term or condition of employment." Example: A supervisor demands sexual favors from a subordinate and threatens with termination.
- (2) Sexual demands, once made, are refused and the employee faces an adverse consequence for that refusal. Example: An employee rejects the sexual advance of the supervisor, is demoted and later fired for the refusal.
- (3) The acts of verbal abuse, physical touching, sexual demands or other conduct of a sexual nature are so pervasive and persistent as to have "the effect of unreasonably interfering with an individual's work performance or creating an offensive and intimidating working environment" for an employee. Example: Persons tease and insult others in the workplace with obscene jokes, sexual innuendoes or similar conduct designed to embarrass and offend.

Sexual harassment, subtle or otherwise, shall not be tolerated. Voluntary compliance with the policy and procedure outlined below will increase professionalism and create a healthy environment for all. Malicious or frivolous complaints of sexual harassment shall result in corrective or disciplinary action against the accuser.

IV. POLICY

- A. 1. No employee shall engage in conduct constituting sexual harassment. Any employee determined after investigation to have engaged in conduct constituting sexual harassment shall be disciplined.
2. Supervisors who knew or should have known of incidents of sexual harassment and failed to take appropriate action in accordance with this policy shall be disciplined.
3. An employee who takes reprisals against another employee for (1) filing a complaint alleging sexual harassment or (2) for appearing as a witness for any party in a sexual harassment complaint shall be disciplined. An employee who submits a fraudulent or bad faith claim of sexual harassment shall be disciplined.
4. The process for filing complaints and for investigation and resolution of complaints shall be free from bias and intimidation.
5. Conduct occurring off duty or off court premises may constitute sexual harassment.
6. Any judicial or non-judicial employee who has reason to believe that another judicial or non-judicial employee is the victim of sexual harassment should encourage the victim to submit a complaint. In the alternative, the judicial or non-judicial employee may inform a designated person of the existence of a possible complaint.

V. PROCEDURE

A. Designated Person.

1. The judge of each court shall designate a person on the staff to receive complaints of sexual harassment as well as a person to serve in such position in the event the complaint is against the person designated to hear the complaints. The Executive Director of the Office of Gender Equality, in consultation with the court administrator for each district, shall appoint from among the employees of that district a designated person for each judicial administrative district. The Executive Director, in consultation with the Director of the Administrative Office of the Courts, shall appoint from among the employees of the Administrative Office of the Courts a designated person for that office. The names of the designated persons shall be published as part of the policy of the court, district or office from which designated.

2. The person selected as designated person shall display through interest, education, and experience the ability to mediate and negotiate the settlement of disputes among employees. The duties of the designated person shall be added to the job description of the person selected.
3. The Executive Director, in consultation with the Executive Director of the Institute of Continuing Judicial Education, shall develop a program for the initial and continuing education of designated persons in the skills necessary for the successful resolution of complaints of sexual harassment and in the techniques of witness interviewing.

B. Informal Process for Submitting a Complaint of Sexual Harassment Against a Court Employee

1. An employee who is the victim of sexual harassment should inform the harasser that the behavior is unwelcome or submit a complaint to a designated person.
 - a. Submitting the complaint to the designated person for the district in which the victim is employed is preferred. A complaint may be submitted to any other designated person. The designated person for the district shall provide to employees the names, addresses, and telephone numbers of all designated persons.
2. The designated person shall receive and investigate informal complaints of sexual harassment, facilitate communication between the parties, and resolve the complaint.

C. Formal Process for Submitting a Complaint of Sexual Harassment Against a Court Employee

1. A formal complaint shall be written. Upon request the designated person shall assist the complainant in submitting a written complaint. A formal complaint should be submitted if:
 - a. the informal process does not resolve the complaint
 - b. the complaint is a second complaint against the same harasser after the harasser had been informed that the behavior was unwelcome, whether or not submitted by the same complainant; or
 - c. in the discretion of the designated person or the complainant, the conduct complained of is egregious. In determining the seriousness of the conduct the designated person shall consider but is not bound by the request of the complainant.

2. The designated person shall receive formal complaints of sexual harassment and refer them to the designated person of the district of the complainant's employment or the designated person at the Administrative Office of the Courts. If the designated person of the district is the alleged harasser, the designated person shall refer the complaint to the Director of the Administrative Office of the Courts. If the complainant is employed by the Administrative Office of the Courts, the designated person shall refer the formal complaint to the three-member panel appointed by the Judicial Council. Upon referral, the designated person shall provide the alleged harasser with a copy of the written complaint.
3. The designated person of the district shall investigate the complaint and determine whether the conduct complained of occurred and whether the conduct constitutes sexual harassment. The designated person of the district shall prepare a written report of the nature of the investigation and the findings and conclusions of the investigation. The report shall be completed within twenty days of the referral from the designated person. The court administrator shall provide a copy of the report to the parties.
4. The designated person of the district may recuse himself or herself from the investigation and determination if the designated person of the district is the immediate supervisor of either party, is a personal friend or member of the immediate family of either party, is so closely involved in the matter that the impartiality of the investigation or determination may be questioned, or determines that the time required for the investigation and determination is greater than the designated person of the district can provide.
5. If the designated person of the district does not conduct the investigation and determination, the designated person of the district shall refer the matter within three days to a three member panel appointed by the designated person of the district for that purpose. The designated person of the district shall notify all parties of the referral.
6. The panel shall investigate the complaint and determine whether the conduct complained of occurred and whether the conduct constitutes sexual harassment. The panel shall prepare a written report of the nature of the investigation and the findings and conclusions of the investigation. The panel may include in the report a recommendation regarding discipline. The panel shall complete the report within twenty days of the appointment of the panel. The panel shall file the report with the designated person of the district and provide a copy to the parties. Provided, however, that this time period may be extended by the panel for a reasonable time for good cause shown.

7. At the conclusion of the investigation and determination the designated person of the district shall impose discipline in accordance with the applicable local policies and procedures regarding discipline.
 8. Either party may submit a grievance regarding the findings of the report by submitting the grievance to the Judicial Council of Georgia. Only the person disciplined may submit a grievance regarding such discipline.
- D. Process for Submitting a Complaint of Sexual Harassment Against a Person not Employed by the Courts.
1. The process for submitting a complaint against a person who is not an employee of the courts is the same as the process for a complaint against a judge with the exception that the three judges on the panel be from the same Administrative Judicial District.
 2. The designated person and, upon referral, the court administrator shall use all reasonable means to resolve the complaint, including referring the complaint to the employer of the harasser or to the regulatory agency to which the harasser is subject.
- E. Informal Process for Submitting a Complaint of Sexual Harassment Against a Judge.
1. An employee who is the victim of sexual harassment should inform the harasser that the behavior is unwelcome or should submit a complaint to a designated person.
 - a. Submitting the complaint to the designated person for the circuit in which the victim is employed is preferred. A complaint may be submitted to any other designated person.
 2. The designated person shall receive informal complaints of sexual harassment and inform the chief judge of the existence of the complaint. If the chief judge is the alleged harasser or if the alleged harasser is the judge of a single judge circuit, the designated person shall notify the Director of the Administrative Office of the Courts or designee. In conjunction with the chief judge or the administrative judge, the designated person shall facilitate communication between the parties and resolve the complaint.
- F. Formal Process for Submitting a Complaint of Sexual Harassment Against a Judge.
1. A formal complaint shall be written. Upon request the designated person shall assist the complainant in submitting a written complaint. A formal complaint should be submitted if:

- a. the informal process does not resolve the complaint;
 - b. the complaint is a second complaint against the same harasser after the harasser had been informed that the behavior was unwelcome, whether or not submitted by the same complainant; or
 - c. in the discretion of the designated person or the complainant, the conduct complained of is egregious. In determining the seriousness of the conduct the designated person shall consider but is not bound by the request of the complainant.
2. The designated person shall receive formal complaints of sexual harassment and refer them to the chief judge of the circuit of the complainant's employment. If the chief judge is the alleged harasser or if the alleged harasser is the judge of a single judge circuit, the designated person shall notify the Director of the Administrative Office of the Courts or designee. Upon referral, the designated person shall provide the alleged harasser and the court administrator with a copy of the written complaint.
 3. The chief judge, the administrative judge, or the Director of the Administrative Office of the Courts shall refer the complaint to the Judicial Council. The Council shall appoint a three member panel to investigate the complaint and determine whether the conduct complained of occurred and whether the conduct constitutes sexual harassment. The panel shall prepare a written report of the nature of the investigation and the findings and conclusions of the investigation. The panel may include in the report a recommendation regarding discipline. The panel shall file the report with the Council within twenty days of the appointment of the panel and shall provide a copy of the report to the parties, the chief judge, and the court administrator. Provided, however, that this time period may be extended by the panel for a reasonable time for good cause.
 4. The chief judge or the Director of the Administrative Office of the Courts shall take appropriate disciplinary action against the harasser.
 5. The judge may petition to have the complaint reviewed by the Judicial Council. The complainant may petition to have the complaint reviewed by the Judicial Qualifications Commission.

G. The Investigative Process.

1. Informal Process re Sections V.B. and V.E. -- The investigation conducted by the designated person is informal. The principal objective of the designated person is not to determine whether sexual harassment occurred in the past but rather to govern future conduct. The designated person shall first talk separately with the complainant and then with the alleged harasser.

The designated person should not talk with witnesses identified by either party unless necessary. The designated person may talk with the parties jointly.

2. Formal Process re Sections V.C. and V.F. -- The investigation by the designated person of the district or the three member panel is formal and shall include an interview of the parties and any witnesses identified by the parties. Other witnesses may be called by the official or body conducting the investigation. In order to provide a recommendation regarding discipline, the official or body shall consider discipline imposed in other cases involving similar circumstances.

H. Investigative Panel

1. The investigative panel selected by the designated person of the district shall consist of three members from among the designated persons. No designated person involved in the complaint under investigation may serve on the panel. No designated person supervised directly or indirectly by the designated person of the district may serve on the panel. The three member panel selected by the Judicial Council shall be chosen from its members and/or staff of the Administrative Office of the Courts. The panel shall not be comprised exclusively of one sex. The members of the panel shall select a chair from among themselves.

I. Records.

1. All written complaints, notices, correspondence, reports, and other documents regarding a formal complaint of sexual harassment shall be maintained in a file by the Executive Director of the Office of Gender Equality. The file shall be considered a private record of personnel matters involving personnel policy and procedures.
2. All records of complaints found to be without merit shall be destroyed. Provided, however, that records of complaints found to be without merit but involving the complainant shall not be destroyed but shall be retained as part of the disciplinary file in that action.
3. Records regarding discipline imposed as a result of a complaint of sexual harassment or violation of this policy shall be retained in the Office of Gender Equality.

GUIDELINES
FLOWER FUND
COURT OF APPEALS OF GEORGIA

I. PURPOSE

The Court of Appeals of Georgia shall create a flower fund to provide funds for an appropriate expression of sympathy, joy, congratulations or recognition of achievement on certain occasions involving Court personnel.

II. CREATION

1. The Administrator/Clerk shall invoice and collect from each Judge on the Court a minimum contribution of \$50 per year to establish a non-interest-bearing checking account to effect the purposes of the flower fund.

2. The Court may assess such other contributions to the fund, by majority vote, as the Court may deem appropriate. In no event shall the annual contribution in any one calendar year exceed \$150 per Judge.

3. Whenever the balance of the flower fund shall exceed \$1,000, the minimum yearly contribution shall be stayed until such time as the balance falls below \$1,000.

III. APPLICATION

1. The flower fund shall be used to provide flowers, or an appropriate expression of sympathy, joy, congratulations or recognition of achievement to Court personnel as follows:

a. To any Judge's family in the event of the death

*Changed 6-19 per B. Martin
No ref # given to indicate change approval*

of the Judge, the Judge's spouse, the Judge's child, the Judge's mother or father, or the Judge's mother-in-law or father-in-law.

b. To any Judge, Judge's spouse or Judge's child living in the Judge's home, who is hospitalized for a period of more than 24 hours.

c. To any Court personnel, other than a Judge, upon the death of such Court personnel, the death of such Court personnel's spouse, or the death of such Court personnel's child living in the home of such Court personnel.

d. To any Court personnel, other than a Judge, who is hospitalized for a period of more than 48 hours.

e. To any Judge who marries.

f. To the family of any former Judge of this Court who dies or to any former Judge if such Judge's spouse predeceases the Judge.

2. The Court may, by a vote of at least five Judges, provide for such other expressions of sympathy, joy, ~~congratulations~~ or recognition of achievement, as the Court may deem appropriate.

IV. ADMINISTRATION

1. The Administrator/Clerk shall be responsible for administrating the flower fund to include:

a. Invoicing all Judges for the minimum annual contribution by April 30 of each year and insuring collection by June 1 of each year.

*Changed
9-9-96
Banc*