



COURT OF APPEALS OF GEORGIA

(Last Update: July 9, 2012)

INTERNAL OPERATIONS MANUAL

INDEX

I.	DUTIES	
A.	Chief Judge	1
B.	Executive Council	2
C.	Budget Committee	2
D.	En Banc Secretary	3
E.	Historical Records	3
F.	Legislation	3
G.	Emergency Motions Judge	4
H.	Office of the Clerk/Court Administrator	5
I.	Planning and Facilities Management	6
J.	Rules of the Court	6
K.	Manual for Internal Operations	7
L.	Court Personnel Committee	7
II.	ADMINISTRATIVE ASSIGNMENTS	8
III.	JUDGES' RETIREMENT PRESENTATIONS	
A.	Presentation	9
B.	Court Tribute	9
C.	Portraits..	9
IV.	PROCEDURE FOR HANDLING APPLICATIONS FOR DISCRETIONARY APPEAL.	10
V.	PROCEDURE FOR HANDLING APPLICATIONS FOR INTERLOCUTORY APPEALS	11
VI.	PROCEDURE FOR HANDLING SUPERSEDEAS BOND IN CRIMINAL CASES.	12
VII.	LIABILITY COVERAGE	
A.	Bonding of Court Employees	13
B.	Comprehensive General Liability Coverage	13
C.	State Tort Claims Policy	13
D.	Additional Coverage	13
VIII.	EQUIPMENT INVENTORY	14
IX.	PERSONNEL	
A.	Mail Clerk/File Clerk	15
B.	Floating Staff Attorneys/Central Staff Attorneys	15
C.	Floating Administrative Assistants	15
D.	Court Flower Fund	16
E.	Notice of Retirements, Resignations and Terminations	17
	POLICY MATTERS AFFECTING BOTH APPELLATE COURTS	
A.	Court of Appeals	18

B.	Supreme Court	18
XI.	PROTOCOL AT SWEARING-IN CEREMONIES AND OTHER OCCASIONS SUCH AS, RETIREMENT TRIBUTES, MEMORIALS FOR DECEASED JUDGES, ETC.	19
XII.	MEDIA COVERAGE OF COURT PROCEEDINGS	20
XIII.	TRAVEL/DUES POLICY	21
XIV.	INQUIRIES REGARDING CASES	22
XV.	CASE MANAGEMENT	
A.	Court Records	23
B.	Docketing Sheet	23
C.	Panel List	23
D.	Monthly Case Number Sheet	23
E.	Oral Argument - Court Calendar	23
F.	Bench Docket	24
G.	Docketing System	24
H.	Court Minutes and Index	24
I.	Circulation of Cases	24
J.	Disseminating Cases	25
K.	Motions for Reconsideration	25
L.	Assignment of Cases	26
M.	Publication	27
N.	Orders	27
O.	Remanding a Case	27
P.	Dismissal of Appeal - Disagreement of Panel	28
Q.	Transfers to and from the Supreme Court	28
R.	Extending Term - Expediting Cases	29
S.	Interlocutory and Discretionary Cases	29
T.	Change from Seven Judge or Whole Court to Panel Case	30
U.	Voting on Opinions	30
V.	Courtesy Copy	30
W.	Revised Opinion	30
X.	Dating Communications	30
Y.	Overruling Prior Cases	31
Z.	Referring Cases to the Whole Court	31
AA.	Rebriefing	32
	AA(a) Format	32
	AA(b). Withdrawal of Counsel	33
BB.	Withdrawal of Appeal	33
XVI.	PURCHASING POLICY	34
XVII.	CONFIDENTIALITY	35
XVIII.	EN BANC MEETINGS	36
XIX.	RECORD RETENTION SCHEDULE	37

SUPERSEDEAS BOND	38
XXI. CERTIFIED QUESTIONS	39
XXII. OPINION CONTENT	
A. Juvenile and Termination of Parental Rights Cases	40
B. Recommended Routine Opinions	40
1. Misdemeanor	40
2. Felony	40
3. Civil	40
4. Excessive Verdict	40
5. Discretionary and Interlocutory	40
6. Rule 36	41
7. Opinions and Assigned Division	41
8. Judgment Lines	41
XXIII. POLICY FOR COURT CAR	42
XXIV. AUDITS	44
XXV. INCLEMENT WEATHER	45
XXVI. POSTAGE METER AND TELEPHONE USE	46
XXVII.	COPIES
47	
XXVIII.	ADMINISTRATIVE ORDERS FILE
48	
XXIX. SPACE ALLOCATIONS	49
XXX. PROCESSING OF OPINIONS	50
XXXI. MANDATORY CONTINUING JUDICIAL EDUCATION	
A. Minimum	51
B. Reporting	51
C. Creditable Activities	52
D. Credit for Teaching	52
E. Noncompliance	52
XXXII. CONTEMPT PROCEDURES	
A. Initiation of Proceedings	53
B. Service	53
C. Contemnor's Response	53
D. Hearing	53
E. Filing	53
F. Decision	54

G.	Punishment	54
H.	Notice to State Bar	54
I.	Frivolous Appeal	54

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

A.	Disqualifications	55
B.	Recusals	56

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 on the court 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.

a. Oath of Chief Judge, Court of Appeals of Georgia

I, (state your name), do solemnly swear that I will fulfill my duties as Chief Judge of the Court of Appeals of Georgia to the best of my ability and I will work to help each judge and each employee of the Court of Appeals to help them fulfill their duty to the people of Georgia. So Help Me God. (Source: Minutes November 30, 2011 Banc Meeting)

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.
 - 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. Supervises preparation of an annual statistical analysis report reflecting caseload of the court, and such other periodic reports deemed necessary by the court.
- i. Performs such other administrative duties as may be required and which are not otherwise provided for by law or rule.

B. EXECUTIVE COUNCIL

1. Shall be composed of the Chief Judge and the four Presiding Judges and shall act on all matters referred to the Chief Judge and Council as provided by committee assignments. (Source: Minutes September 1999 Banc Meeting.)
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 \$1,000 or more shall be submitted to the Executive Council for consideration and approval. (Source: November 18, 2009 Banc Meeting)

C. BUDGET COMMITTEE

The Chief Judge in consultation with the Fiscal Officer:

1. Prepares response to audit, if necessary, for consideration of the court and signature of the Chief Judge.
2. Conducts such internal or external audits as deemed necessary.
3. 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.
4. Makes all reports and recommendations directly to the full court.
5. The clerk/court administrator shall be responsible for preparation of drafting amendments on sections pertaining to the Budget Committee of the Internal Operations Manual.

EN BANC SECRETARY

1. The clerk/court administrator of the Court of Appeals shall serve as en banc secretary and shall be responsible for the preparation of minutes and the submission of the minutes to the Chief Judge who will preliminarily check the minutes for correctness and return them to the clerk/court administrator. Copies of the proposed minutes will then be sent to each judge prior to the next scheduled meeting.
2. The minutes will be presented to the next en banc and after approval shall be placed in the En Banc Minute Book.
3. The clerk/court administrator 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 January 24, 1994).

E. HISTORICAL RECORDS

The clerk/court administrator:

1. Prepares and maintains records, pictures, news stories, and documents of a 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 Internal Operations Manual.

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 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. Before the first day of each year, the chief judge shall send to all judges a schedule for each judge to serve as emergency motions judge for one month, beginning with the senior most judge in terms of service on this Court in January and extending through the year by descending order of seniority of the judges. All judges should recognize the importance of their periodic service as emergency motions judge and take steps to ensure their availability during their time of service or make appropriate arrangements through their own staffs or with the next judge in rotation to discharge this responsibility. The details of any such arrangements shall be immediately communicated to the clerk's office. The clerk's office shall maintain custody of the book of procedures and forms relating to emergency motions. (Source: March 2000 Banc Meeting)

4. If an emergency motion is filed, the clerk's office shall immediately, upon docketing, take the emergency motion and the book of procedures and forms to the emergency motion judge's office or, if applicable, the office of the judge with whom arrangements have been made for temporary assumption of that responsibility. If the emergency motion judge is unavailable and no other arrangements have been made, the clerk's office shall make attempts to contact the emergency motion judge through his office or directly. If the emergency motion judge cannot be reached or if the emergency motion judge is not in his/her office and declines to act on the emergency motion, then the clerk shall take the emergency motion to the senior most judge in the rotation who has not served as the emergency motion judge for that year, or if no such judge is available, the clerk shall then go to the top of the list and proceed down by seniority until a judge is available to act on the emergency motion. (Source: March 2000 Banc Meeting)

5. Timely disposition of emergency motions shall always take priority over scrupulous adherence to order of rotation of emergency duty among judges and over strict application of these procedures. The clerk

authorized, in his discretion, to find any judge available to act on an emergency motion when he deems it necessary to depart from these procedures to ensure timely disposition of a pending emergency motion. (Source: March 2000 Banc Meeting)

H. OFFICE OF THE CLERK/COURT ADMINISTRATOR

Judge in Charge: _____

1. The Judge in Charge of the Clerk's Office shall be the Judge next in line to be Chief Judge. (Source: November 1996 Banc meeting.) 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 for Clerk's Office personnel. Whenever the Administrator/Clerk believes a salary adjustment is appropriate, the Administrator/Clerk will prepare a memorandum to the Judge in Charge of the Clerk's Office setting out the individual's work history and salary history with the Court. The memorandum will also state the salary adjustment and its basis and would include, from the Fiscal Officer, a work, salary and leave history and a fiscal note stating whether the raise was within budget and from what source the money would come. The Administrator/Clerk will circulate a copy of the memorandum to all Judges in the Administrator/Clerk's report prior to the Banc meeting. The Judge in Charge of the Clerk's Office will offer a recommendation to the Judges as to the approval or disapproval of such requested action.
 - 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 adhere 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.

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.

K. 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.
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.

L . 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)

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.

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 retirement from this Court, any judge who has served as Chief Judge of this Court shall have his/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. As used in this provision, the word 'retirement' shall mean the departure from service as an active judge after having vested in the retirement system and having served as chief judge of this Court. (Source: Vote of the Court by Memorandum, June 9, 2000.)
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 hallway.
3. Portraits may be hung on all wood-paneled walls of the courtroom including the two areas to the left and right of the marble wall behind the bench. There shall be fourteen portrait positions, as indicated on the drawing in Appendix 9 which is incorporated herein by reference with a permanent number assigned to each position. Portraits will be hung in reverse order of the date of retirement, so that the portraits of the most recently retired judges will be displayed closest to the bench and the front of the courtroom. Using the position numbers from the drawing below, the number 1 position shall be for the portrait of the most recently retired judge, and the display will move down the order of retirement through position number 14, which shall be for the portrait of the judge who retired earliest among those whose portraits are displayed within the courtroom. As new portraits are displayed, a portrait of the number 14 position which is to be moved outside the courtroom shall be displayed at a place in the hallway of the Court as the then sitting judges shall determine. (Source: Vote of the Court by Memorandum, June 9, 2000.)

IV. PROCEDURE FOR HANDLING APPLICATIONS FOR DISCRETIONARY APPEAL

- A. 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. If the assigned judge does not grant the application and it is circulated to the panel and either of those two judges is unavailable, the application will be circulated to another judge on the Court. The application is granted as soon as one judge votes to grant the application. (Source: November 18, 2009 Banc Meeting)
- B. Granted applications which come back to the Court via filing of a Notice of Appeal shall be assigned randomly by the Court's automated docketing system as any other direct appeal.
- C. The division may consider motions for reconsideration of applications for discretionary appeals that are filed within ten days from the entry of the court's order denying or granting the application for discretionary appeal.
- D. The application shall be dismissed rather than denied when the court lacks jurisdiction. (Source: Minutes September 1999 Banc Meeting.)
- E. 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.

V. PROCEDURE FOR HANDLING APPLICATIONS FOR INTERLOCUTORY APPEALS

- A. 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. If the assigned judge does not grant the application and it is circulated to the panel and either of those two judges is unavailable, the application will be circulated to another judge on the Court. The application is granted as soon as one judge votes to grant the application. (Source: November 18, 2009 Banc Meeting)
- B. Granted applications which come back to the Court via filing of a Notice of Appeal shall be assigned randomly by the Court's automated docketing system as any other direct appeal.
- C. The division may review a motion for reconsideration which is filed within ten days from the entry of the court order granting or denying the application for interlocutory appeal.
- D. The application shall be dismissed rather than denied when the court lacks jurisdiction (e.g. the application is untimely). (Source: November 15, 2005 Banc Meeting)
- E. Regarding the timeliness of the filing of an interlocutory appeal application, the filing date of the Certificate of Immediate Review controls. (Source: November 15, 2005 Banc Meeting)

VI. PROCEDURE FOR HANDLING SUPERSEDEAS BOND IN CRIMINAL CASES

- A. 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.
- B. 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 instantan.
- C. 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).

VII. LIABILITY COVERAGE

A. BONDING OF COURT EMPLOYEES

All employees of the Court of Appeals are covered by a blanket fidelity insurance policy.

B. COMPREHENSIVE GENERAL LIABILITY COVERAGE

A single liability insurance policy shall provide coverage for each employee and each judge on the court. Limits of liability per person are \$1,000,000 and \$3,000,000 aggregate per occurrence.

C. STATE TORTS CLAIMS POLICY

There is a single liability insurance policy providing coverage for State Tort Claims which covers claims against the State of Georgia caused by the tort of any state officer or employee committed while acting within the scope of his or her official duties or employment. The limits of liability for this coverage are \$1,000,000 per person and \$3,000,000 aggregate per occurrence.

D. ADDITIONAL COVERAGE

The Court of Appeals shall obtain insurance coverage through the Department of Administrative Services Risk Management Services for coverage of personal property.

Automobile coverage shall be obtained through the Department of Administrative Services Risk Management Services for physical damage for any leased or agency-owned vehicle by the Court of Appeals.

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 judge's office.
- B. It is the general policy of this court that no inventory will be transferred between any offices in this court.
- C. Whenever any equipment inventory is transferred to a judge's office from any other office in this court, that transfer will be affected only upon approval of the court en banc, and upon the execution of the appropriate inventory transfer forms, and upon the delivery of such forms to the fiscal officer.
- D. This shall not apply to computers and other technical hardware which may, from time to time, be replaced or transferred by the court technical support services.

(See Appendix 1.)

IX. PERSONNEL

A. MAIL CLERK/FILE CLERK

The mail clerk/file clerk will perform those duties assigned to 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.

B. FLOATING STAFF ATTORNEYS/CENTRAL STAFF ATTORNEYS

1. Requests for leave shall be made in writing to the Judge in charge of the Floating Staff Attorneys/Central Staff Attorneys, which Judge 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.

2. The judge in charge of the Floating Staff Attorneys/Central Staff Attorneys shall schedule the assignments of the Floating Staff Attorneys to the judges' offices on this court.

C. 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 on a permanent basis during the term of said judge's service as Chief Judge of this Court.
- b. On days when the Chief Judge does not utilize the services of the Floating Administrative Assistant assigned to his/her office, said Floating Administrative Assistant shall report to the Clerk for assignment in the floater pool or as otherwise directed by the Clerk.
- c. Should the Floating Administrative Assistant assigned to the Chief Judge complete all tasks and duties assigned by the Chief Judge to the Floating Administrative Assistant before the end of the day, then the Floating Administrative Assistant assigned to the Chief Judge shall report to the Clerk's Office for assignment by the Clerk.

(Source: September 1996 Banc meeting).

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.
 - 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, 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 1996 Banc meeting).

D. 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). (Guidelines amended **Source:** May 1996, Banc minutes).

E.

NOTICE OF RETIREMENTS, RESIGNATIONS AND TERMINATIONS

The Fiscal Officer shall notify the Technical Services staff of the retirement, resignation or termination of an employee so that the employee's password to access the Court's automation system can be immediately deactivated.

On the next business day after an employee retires, resigns or is terminated, the Fiscal Officer shall alert the Whole Court by email that the employee's employment with the Court has ended. (**Source:** November 18, 2009 Banc Meeting).

X. 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 any adjustment in the salary for the following personnel on either the Supreme Court or the Court of Appeals, the two courts will confer and make a diligent effort to reach agreement which will satisfy the needs of both courts: attorneys, administrative assistants, Clerk, Deputy Clerk, Fiscal Officer, Computer Technician, and Reporter of Decisions. (Source: September 1996 Banc meeting).
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.

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

A. The clerk/court administrator and the Court Protocol Officer 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. (Source: September 1999 Banc Meeting.)

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.

C. There shall be only one memorial tribute per issue of the Georgia Appeals Report.

XII. MEDIA COVERAGE OF COURT PROCEEDINGS

- A. The clerk/court administrator shall serve as the public information officer for the Court and shall disseminate any news articles relating to the Court or press releases as deemed appropriate by the Court.
- B. News coverage in the courtroom via audio and visual recording and transmitting equipment shall be allowed in the courtroom pursuant to the Court's order of September 19, 2000 attached hereto as Appendix 3.
- C. If any judge or administrative assistant is contacted by any news media, that fact should be referred to the public information officer who shall contact the news media representative, ascertain what information is sought by the news media and communicate that fact to the individual judge, the court, or Chief Judge, where appropriate. After the individual judge, the court or Chief Judge of the court has made the decision regarding the course of action, the public information officer will then appropriately advise the news media.

XIII. TRAVEL/DUES POLICY

A. Judges will be reimbursed for travel expenses 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 members of professional organizations, 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. At the beginning of a new fiscal year, each judge shall be allocated \$4,000 from the Court's annual travel budget for court related travel in or out of the state and for dues to professional organizations. The Chief Judge, in light of the that judge's additional administrative duties, shall be allocated \$6,000 from the annual travel budget. The remainder of the travel budget shall be reserved for the general travel fund. (Source: May 8, 2001 Memorandum)
2. Each judge may use his/her share of the court's travel budget for dues of professional organizations at the discretion of such judge. A judge shall complete the form in Appendix 11 to authorize payment of membership dues to professional organizations.
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. Judges shall be subject to state travel regulations except they may claim actual expenses for meal and lodging reimbursements in accordance with O.C.G.A. § 45-7-20.

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 12 equal shares, one share for each judge. (Source: September 1999 Banc Meeting.)

For any amount more than \$1,000, a request shall be submitted to the Executive Council and the Executive Council may approve or disapprove such request. (Source: November 18, 2009 Banc Meeting)

C. The fiscal officer shall carefully review all travel expense statements of judges and other court personnel to ascertain if such travel expense statements are in conformity with court travel policy and the state-wide travel regulations.

If the judge and the court fiscal officer cannot agree upon the interpretation of the court travel policy, then the matter shall be submitted to the Executive Council for final resolution.

XIV. 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/court administrator 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/court administrator'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.

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 docketing sheet shall be 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 the clerk's office, unless otherwise directed by the chief judge, judge in charge of the clerk's office, clerk, deputy administrator or deputy clerk for a specific reason, such specific reason shall be documented in writing and placed in the file folder.

(Source: September 1999 Banc Meeting.)

C. PANEL LIST

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. ORAL ARGUMENT - COURT CALENDAR

1. A timely request 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. An out-of-time request for oral argument shall be granted or denied upon the vote of the judge to whom the case is assigned. An out-of-time request to argue shall not be circulated to the panel. (Source: Minutes, February 1996 Banc meeting).

3. The court shall publish a calendar of the cases set for oral argument to be mailed to the attorneys and/or pro se parties 14 days before oral argument. The court shall also publish a bench docket containing the case numbers, attorneys, the lower court judge and lower court county. (Source: September 1999 Banc Meeting.)

4. The clerk/court administrator shall cause each oral argument to be audio recorded. The clerk/court administrator shall maintain a file of the recordings of oral argument to be made available to the panel which heard the oral argument, to any judge absent from the original oral argument, or for review by a staff attorney of the original panel, or for review by a 7 or 12 judge court or a staff attorney of a 7 or 12 judge court.

The clerk/court administrator shall cause the record and file folder to be appropriately marked to indicate that the Court heard oral argument on the appeal. The audio recording of the oral argument shall be maintained until the remittitur issues on the particular appeal at which time the clerk/court administrator shall destroy or record other arguments over that recording.

The oral argument audio recording shall be for the use and benefit of the Court only, and shall not be made available to attorneys, parties or the public. (Source: January 2001 Banc Meeting.)

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. The clerk's office shall provide a view only terminal in the public area of the clerk's office for public access and viewing of the court's docket. (Source: Minutes, February 1996 Banc meeting).

H. COURT MINUTES AND 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 or a compact disc.) (Source: November 18, 2009 Banc Meeting)

I. CIRCULATION OF CASES

1. Each case will go to the other two judges on the division for review and initials in the order of his or her position on that division. 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/she has already voted, and then it must be marked "Whole Court" and circulated. The prevailing judge will disseminate the case, correcting the judgment line on the last page of the opinion to include those concurring and

those dissenting. If an opinion has no majority, then the judge who was originally assigned the opinion shall be responsible for issuing a per curiam decision. (Source: September 1999 Banc Meeting.)

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 the 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. Opinions shall be released in any case whenever ready and in conformity with OCGA Section 15-2-4 (c), but not before oral argument, if requested, or the last date upon which oral argument may be requested. (Source: January 1994 Banc meeting).

3. Examples of proposed, suggested and approved judgment lines are attached in Appendix 6 and should be used whenever possible to maintain uniformity.

4. In certain cases involving security risks, judgment lines may disseminate as "Division Per Curiam, All Judges Concur." (Source: Minutes, January 1996 Banc meeting).

5. If the original opinion is published and the Supreme Court reverses the opinion, the rewritten opinion shall be published. (Source: January 1996 Banc meeting).

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 changes, an order granting the motion for reconsideration shall go out and the new opinion shall issue. (Source: September 1999 Banc Meeting.)

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. Whenever there is a disagreement on the Division on a motion for reconsideration as to whether the motion for reconsideration should be denied or dismissed, a majority of the Division will control and the motion for reconsideration will not circulate to seven judges, unless the judgment changes. (Source: September 1999 Banc Meeting.)

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

6. If there is a dissent on reconsideration, the case goes to a seven judge court, or, if the Court deems it appropriate, whole court. In addition to the "blue slip," the circulating judge should provide the usual place for judges to initial "concur" or "dissent." (Source: September 1996 Banc meeting).

7. When an opinion is changed by substitute pages or other revisions on reconsideration 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. (Source: September 1999 Banc Meeting.)

8. After the time for the motion for reconsideration has expired in any case, or an order denying the motion has been entered, the opinion may not be recalled from the Reporter's Office except to make editorial changes therein. (Source: September 1999 Banc Meeting.)

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 for direct appeals: civil and criminal. There shall be two wheels for applications: interlocutory and discretionary. Each judge shall receive, as nearly as possible, an equal number of civil direct appeals and criminal direct appeals throughout the docket year. Each judge shall receive, as nearly as possible, an equal number of interlocutory and discretionary applications throughout the year. (Source: September 1999 Banc Meeting.)

2. Separate appeals by joint defendants shall be assigned to the same judge.

3. When a companion case or a cross appeal is docketed subsequent to the main case, the companion or cross appeal shall be assigned to the judge who was assigned the main case, so long as the main case is still pending in the Court. This is true if a subsequent application comes in or should a direct appeal come in subsequent to a pending application.

If the companion case or cross appeal is docketed subsequent to the assignment of the main case, and the subsequent case is assigned by the wheel to another judge because of clerical error in the clerk's office, or because the attorneys failed to use the appropriate lower court case number, then the case will be reassigned to the judge who was assigned the main case, when the docketing error is discovered, so long as the main case is still pending in this Court. (Source: February 26, 1999, Banc action by memo).

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 reconsideration 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. (Source: September 1999 Banc Meeting.)

2. In the event of disagreement as to the application of Rule 34, the matter will be handled the same as a dissent.
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. Criteria for Publication. The court's policy on publication is set out in Appendix 5.

N. ORDERS

1. 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.

2. Orders shall be released whenever ready. See OCGA Section 15-2-4 (c). (Source: January 1994 Banc meeting).

O. REMANDING A CASE

Remanding a case to the trial court necessitates additional work for the Court particularly if a remand can be avoided or the remand order is not clear and specific. It imposes work not only for the judge's office to which the case is assigned, but to the other judges on the panel, counsel, the clerk's office of the Court of Appeals and the clerk's office of the trial court. Therefore, prior to ordering a case to be remanded, the following steps shall be taken.

1. A judge's office shall determine whether a missing record is already with the Court or with a previous appeal before remanding the case for completion of the record.

2. If the record is not with the court, a judge's office shall check with the clerk's office to ascertain if the missing portion of the record can be brought to the Court or sent to the clerk's office as a supplemental record without incurring inordinate delay.

3. If the Court must remand a case, the order or opinion remanding the case shall express with specificity and clarity the purpose of the remand and, if appropriate, any limitation to the scope of the remand set out in the order or opinion. (Source: January 18, 2005 Banc meeting).

P. DISMISSAL OF APPEAL - DISAGREEMENT OF PANEL

Should the vote either on a Motion to Dismiss an Appeal or an order of dismissal drafted by the assigned judge result in a two to one vote for dismissal, the judge disagreeing with the dismissal shall write a memorandum explaining the reasons for his or her disagreement. The Motion to Dismiss, if there is one, the draft order of dismissal and the memorandum will be shown to the judge to whom the case is assigned and to the other judge who has already voted and then it must be marked "Whole Court" and circulated to the remainder of the seven-judge panel for a vote. The majority of the seven-judge panel will determine the vote on the case unless there is no majority, then the vote must be extended to all 12 judges.

If the order of dismissal is approved by a majority of the judges voting on either a seven judge or 12-judge panel, it will be issued without the names of the judges voting and their vote, but the vote will be maintained as a part of the case file until the case file is recycled.

Q. TRANSFERS TO AND FROM THE SUPREME COURT

1. To: Supreme Court

a. A case shall be transferred from the Court of Appeals to the Supreme Court if (a) jurisdiction lies in the Supreme Court rather than this Court or (b) when there is an equal division of all the judges of this Court when sitting as a body to decide a case.

b. The assigned central staff attorney shall draw the order of transfer when jurisdiction is proper in the Supreme Court.

c. Each judge shall devise a system in his/her office to identify as soon as possible 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 avoided.

d. The assigned judge's office shall be responsible for instructing the clerk to send the order of transfer with the case to the Supreme Court. At the assigned judge's discretion, he or she shall determine whether an opinion will be published and whether a copy of the file memorandum stating the reason for transfer shall be sent to the Supreme Court.

e. A remittitur is not issued when a case is transferred to the Supreme Court.

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.

R. 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 six judges concur. (Source: September 1996 Banc meeting).
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 § 19-9-94, Uniform Child Custody Jurisdiction and Enforcement Act, showing legislative desire to expedite resolution of such matters.) (Source: Minutes, April 1996 Banc meeting.)

S. INTERLOCUTORY AND DISCRETIONARY APPLICATIONS

1. If the application or response is not white-backed, the clerk/court administrator or applications clerk will call the attorney and advise of the requirements of an application. (Source: September 1999 Banc Meeting.)
2. If discretionary and interlocutory applications are received without the requisite stamp "filed orders", the Clerk's Office shall issue an order directing the applicant to submit a stamped "filed" copy of the order being appealed or the certificate of immediate review. The stamped filed order shall be delivered to the court physically within ten days of the date of the Court's order requiring the stamped filed copy to be filed. (Source: September 1999 Banc Meeting.)
3. Because of the short time the Court has to deal with applications, the certified mail rule will not be deemed sufficient filing for purposes of complying with the order to file a stamped filed copy of the order or certificate of immediate review. (Source: Minutes - February, 1996 Banc Meeting)

T. CHANGE FROM SEVEN JUDGE OR WHOLE COURT TO PANEL CASE

1. If after a case becomes a seven-judge case or a whole court case, 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 seven-judge or 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. (Source: September 1996 Banc meeting).

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.

U. VOTING ON OPINIONS

1. 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.

2. Whenever a special concurrence has more votes than the proposed majority opinion, the case shall be transferred to the judge who authored that special concurrence, who will then author the majority opinion. The original proposed majority opinion shall become a special concurrence. In a situation where there are multiple opinions in a case, and no single opinion receives a majority vote among the judges voting, the case shall be transferred to the judge whose opinion received the most votes. That judge shall then write and circulate an opinion which shall issue as a per curiam opinion. If two or more of the opinions tie for the highest number of votes, the senior judge authoring one of the tied opinions shall be responsible for writing, circulating and issuing the per curiam opinion, provided, however, if the judge originally assigned the case is the author of one of the opinions tied for receiving the most votes, then that judge is responsible for writing, circulating and issuing the per curiam opinion. (Source: September 2000 Banc Meeting.)

V. 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.

W. 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. All revisions in the text should be separately marked to alert the reader to the specific nature of each and every revision.

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.

Y. OVERRULING PRIOR CASES

1. When an opinion seeks to overrule a prior decision, the author of the opinion overruling the prior decision 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 first to the author of that opinion, and then to the other Judges on the panel of the case being overruled, if they are still on the Court, even before the opinion goes to the overruling author's panel members.

2. After the opinion has been circulated to the author of the opinion being overruled, and the other members of the panel, if the author of the overruling opinion holds to his/her decision to overrule a prior decision, the case shall be circulated, first to the overruling Judge's panel and then to all Judges on the Court.

3. If a Senior Judge is serving on the panel which is overruling a prior decision, and the Judge from whom the case was assigned to the Senior Judge is a Judge who sat on the panel of the case being overruled, then the case shall circulate to that Judge and the Judge junior most in time of service as a Judge of the Court of Appeals of Georgia on the panel next in succession to the panel overruling the prior decision, shall not participate in the decision, unless that Judge also sat on the panel of the case being overruled, in which case the junior most Judge on the Court, who is not on the panel overruling the prior case and who did not participate in the case being overruled, shall not participate in the decision.

4. In no event shall a case be voted on by more than 12 judges of the Court. (Source: September 1999 Banc Meeting.)

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

6. If the decision on a Motion for Reconsideration would result in the overruling of a prior case, then the Motion for Reconsideration should be circulated to all the judges of the Court in the manner as described above. (Source: November 18, 2009 Banc Meeting.)

Z. REFERRING CASES TO THE WHOLE COURT

1. In all cases which involve one or more questions which, in an opinion of the majority of the judges of the division or of the two divisions plus a seventh judge to which a case is assigned, should be passed upon by all members of the Court, the questions may be presented to all members of the Court; if a majority of all the members of the Court decide that the question or questions involved should, in their judgment and discretion, be decided by all the members of the Court, the case shall be passed upon by all members of the Court, provided that a majority of the judges passing upon the case concur in the judgment. *

2. When the Court has elected to have a case passed upon by all twelve (12) members of the Court under OCGA §15-3-1(c)(2), the author of the majority opinion shall circulate the opinion along with the dissent and any memoranda of the majority and/or dissent to all members of the Court immediately. The case shall then circulate to the five (5) judges who do not initially vote on the case in order of seniority. (Source: November 2000 Banc Meeting.)

AA. REBRIEFING

When Rule 24 of the Rules of this 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. Failure of the appellant to comply may result in dismissal of the appeal and/or the finding of appellant's attorney in

contempt of Court. Failure of the appellee to comply may result in the non-consideration of appellee's brief and the finding of the appellee's attorney in contempt of this Court. If a rule complying brief is not submitted as ordered by the Court, the case may be dismissed. (Source: November 15, 2005 Banc Meeting.)

AA(a) 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).

AA.(b) WITHDRAWAL OF COUNSEL

The following order shall be entered in civil cases:

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

Upon consideration of the motion of appellant/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.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

*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

BB. WITHDRAWAL OF APPEAL

An order granting permission to withdraw an appeal will not be issued unless all motions are ruled on, are withdrawn or are moot.

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 may pay basic State Bar dues for staff attorneys.
- D. The court may send two staff attorneys per year to the annual CASA meeting and reimburse for expenses. The attending attorney's first year of ABA/CASA membership dues may be paid by the Court with the understanding that the staff attorney will be expected to maintain membership at personal expense thereafter. (Source: Vote of the Court by Memorandum, February 13, 1998).
- E. The annual National Association for Court Management regular membership dues for the clerk/court administrator and deputy administrator may be paid from court funds. (Source: Minutes, August 1995 Banc meeting).
- F. The annual dues for each judge for the Judicial Section of the Atlanta Bar Association shall be paid from court funds. (Source: Minutes, August 1995 Banc meeting).
- G. When a new chief judge is sworn-in to the Court, the Court shall make a Whole Court photograph of all of the judges and each judge's office shall be entitled to a framed copy of the Whole Court photograph not to exceed 16"x20". A current Whole Court photograph shall be displayed in the public area of the Clerk's Office and in the Banc Room. In conjunction with each Whole Court photograph, made to reflect a new chief judge, the Court may pay for each judge of the Court to have six (6) portrait shots, not to exceed 5"x7", to be paid for by the Court, and to be used in conjunction with Court business, such as use in the Court History, the Georgia Appeals Report, publicity photos and the like. Each new judge coming on the Court will be entitled to six (6) portrait photos of the type and for the purposes above mentioned. A new Whole Court photograph will be made to reflect the composition of the Court when a new judge comes on the Court. (Source: February 2001 Banc Meeting.)

XVII. CONFIDENTIALITY

- A. The work of each judge with his/her staff shall remain confidential with that staff unless expressly authorized by the judge and then may be shared only to the extent permitted.
- B. 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/her designee specified for the purpose, shall be the spokesperson for the court.

XVIII. EN BANC MEETINGS

A. The Court of Appeals will hold en banc meetings as called by the Chief Judge, by written memorandum or by a majority of the judges on the Court by written memorandum. 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. (Source: September 1999 Banc Meeting.)

The regular Administrative Banc Meeting shall be held on the third Wednesday of each month, excepting the months of August and December, commencing at 10:30 a.m., unless otherwise directed by the Chief Judge. (Source: October 2008 Banc Meeting.)

B. A quorum of seven judges is necessary for the holding of banc. Subject to the rule requiring ten days' notice or the required consent of at least nine judges, an affirmative vote of seven judges will always be necessary in passing or adopting any motion, resolution or official action of the court. (Source: September 1999 Banc Meeting.)

C. 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.

D. The clerk/court administrator shall serve as the secretary of the court for the purpose of effectuating this rule.

E. 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 ten of the judges. (Source: September 1999 Banc Meeting.)

XIX. RECORD RETENTION SCHEDULE

Each Court of Appeals record is stored in the clerk's office, during the pendency of the case and, depending on space, for a period of one year after the remittitur is sent. Records of cases docketed through 1991 are stored at State Archives in boxes numbered for identification and prepared for transmittal to the Georgia State Archives and History for storage. If an archived record is requested, the Clerk/Court Administrator's office can advise requesting party of the box and location number and the party may go to the State Archives and request to see the record and copy any document. The record can be ordered by the Clerk/Court Administrator's office and will usually arrive the next business day after 2:00 p.m. The public should be encouraged to go to Archives to examine the records and delivery of Archive records should be reserved for the court.

Since Archives has refused to accept the court's paper records since 1993, the court has adopted a record retention schedule which calls for the destruction of the record, record appendix (if any) and transcript one year after the remittitur has gone out, if the party paying for the record does not request to receive the record and make arrangements to come to the court and pick up the record. The court will maintain for a period of years the briefs, enumeration of errors, motions, orders, and original opinion in microfilm form. Copies from microfilm are available from the Georgia State Archives.

See Appendix 8 for Records Retention Schedule. (**Source:** Minutes, November 1995 Banc meeting).

XX. 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.

XXI. CERTIFIED QUESTIONS

- A. Whenever a judge of this Court wishes to certify a question to the Supreme Court of Georgia, that question shall be circulated to all twelve judges.
- B. If the Division agrees unanimously to certify the question to the Supreme Court of Georgia, the question shall be circulated to all judges with a statement that the Division wishes to certify a question to the Supreme Court. The question shall be certified to the Supreme Court unless seven of the twelve judges vote not to certify the question.
- C. If the Division is not unanimous on certifying a question to the Supreme Court, then that fact shall be made known to the other judges of the Court, and all twelve judges shall vote to certify or not certify the question. A majority vote shall prevail.
- D. If a majority of the seven judge Court determines the question should not be certified to the Supreme Court, then the judge or judges may request all twelve judges to vote on the issue of certifying the question to the Supreme Court, and a majority vote shall prevail.

XXII. OPINION CONTENT

A. JUVENILE AND TERMINATION OF PARENTAL RIGHTS CASES

Neither the names of the parents nor that of the child will be included in the opinion; however, the normal designations will be used in adoption cases.

B. RECOMMENDED ROUTINE OPINIONS

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

1. MISDEMEANOR

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.

2. FELONY

Felony cases 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).

3. CIVIL

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

4. EXCESSIVE VERDICT

Sole enumeration of error being the 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 Construction Co. v. Stembridge, 138 Ga. App. 555, 557 (226 SE2d 797).

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. OPINION AND ASSIGNED DIVISION

Each opinion shall be marked with the Division number and the names of the judges serving on the panel that decided the case. In the event that a judge assigned to a case is disqualified or recused, then the opinion will be made to reflect the panel of judges which actually decided the case including the judge assigned to the case to replace the disqualified or recused judge.

8. JUDGMENT LINES

Standard judgment lines should be used whenever possible. Examples of standard judgment lines and when they are used are found in Appendix 6.

XXIII. POLICY FOR COURT CAR

- A. The Court of Appeals of Georgia shall provide a court car for the use of the chief judge and the Court. The court car shall be for the primary use of the Chief Judge. Other judges and court personnel may have use of the court car with the authorization of the Chief Judge or his/her designee.
- B. The Court Fiscal Officer shall purchase a court car consistent with state law and such court car shall be operated in accordance with state law.
- C. Any tax consequences occasioned by the use of the court car shall be the responsibility of the user.
- D. The Court shall provide liability insurance and such other insurance as may be required by state law and state regulations for the use and operation of state vehicles.
- E. The court car shall be titled in the Court of Appeals of Georgia or the State of Georgia, as may be required by state law or regulations. In no event shall the court car be titled in the name of any individual.
- F. The court car shall be maintained as required by state law and, when appropriate, shall be disposed of according to state law or regulations.
- G. The court car shall be a Ford Crown Victoria or such other car typically furnished to the Chief Justice or other agency heads. (Source: Minutes April 2001 Banc Meeting.)
- H. All persons in advance of driving a Court Vehicle or personal vehicle on Court business shall provide the Fiscal Office a copy of his or her Georgia driver's license and complete a Motor Vehicle Use Form. At any time the form on file has become outdated or inaccurate and/or his or her driver's license has been renewed since he or she last traveled on Court business, that person shall provide the updated form or renewed license to the Fiscal Office. No one is authorized to drive on the Court's business if her or she has not provided an accurate Motor Vehicle Use form and a copy of his or her current driver's license to the Fiscal Office in advance of the trip. (Source: November 18, 2009 Banc Meeting)
- I. All persons driving on Court business must view an approved Driver Safety video prior to driving for the first time on the Court's business and annually thereafter. A form acknowledging the safety video has been viewed must be filed with the Fiscal Office annually. (Source: November 18, 2009 Banc Meeting)
- J. All persons driving on Court business shall report any moving traffic citations or accidents while on the Court's business whether using a Court Vehicle or his or her personal vehicle. The report shall be made no later than the next business day by calling the Fiscal Office and calling 1-877-656-7475. (Source: November 18, 2009 Banc Meeting)
- K. All persons operating a vehicle on Court business must have a valid Georgia driver's license in his or her possession. No one may drive on Court business with an expired, suspended, or revoked driver's license. Anyone who has more than 10 points on his or her driving record, was convicted of one of the offenses listed below within the last 6 months, or has had an "at Fault" motor vehicle accident within the last 6 months and was convicted of one of the offenses listed below within the last 6 months does not meet the Court's safety standard. (Source: November 18, 2009 Banc Meeting)

Driving under the influence of alcohol, drugs, or other intoxicating substances (OCGA §40-6-391); Leaving the Scene of an Accident (OCGA §40-6-270); any other charge if a conviction of that charge would result in more than 10 points accumulated on the employee's driving record. (Source: November 18, 2009 Banc Meeting).

Anyone who does not meet the Court's safety standard above cannot drive on Court business unless he or she successfully completes the following tasks: (1) review of an approved driver safety video and/or (2) successful completion of an approved defensive driving course. (Source: November 18, 2009 Banc Meeting).

XXIV. AUDITS

The Department of Audits will provide the Chief Judge a copy of the Court's Annual Audit.

XXV. INCLEMENT WEATHER

- A. The Court will be kept open to the extent possible.
- B. The office of the clerk/court administrator will be kept open to the extent possible.
- C. 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.
- D. It is within the discretion of each judge to decide if weather conditions warrant his/her employees absence without being charged leave.
- E. 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.
- F. The chief judge, after consultation with the clerk/court administrator, shall make the determination whether the clerk's office and Court shall close during inclement weather.
- G. Court closings or late openings shall be broadcast, as feasible, on local radio stations. Once a year, the Court will notify all personnel which radio station(s) will carry the announcements.

XXVI. POSTAGE METER AND TELEPHONE USE

The postage meter is not to be used for personal mail. No personal long distance telephone calls may be made.

XXVII. COPIES

A. The clerk's office shall provide copies of opinions at a cost of \$1.00 per page with a minimum of \$5.00 per opinion. Copies of the record may be purchased from the clerk's office at \$1.00 per page. Copies of indexes and case histories are \$4.00. (Source: September 1999 Banc Meeting.)

B. Beginning January 1, 1996, opinions may be purchased electronically through the Reporter's office by subscription at a cost of \$1.00 per page. Opinions purchased through the Reporter's office at a cost of \$1.00 per page have no \$5.00 per opinion minimum. (Source: Minutes, November 1995 Banc meeting).

XXVIII. ADMINISTRATIVE ORDERS FILE

An Administrative Orders File shall be kept and shall include court rules, the history and operations of the court.

XXVIX. SPACE ALLOCATIONS

Space allocated to each judge's office as of January 31, 2007, shall remain with that office. (See Appendix 4.) There shall be space succession and not succession of persons.

XXX. PROCESSING OF OPINIONS

1. It is the duty of each judge to complete a draft of the opinion on all his or her assigned cases by thirty (30) days prior to the distress date.

2. It is the duty of every judge to give his/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.

3. Items 1 and 2 above are not fixed rules but express guidelines which, when reasonably possible, will be followed.

XXXI. MANDATORY CONTINUING JUDICIAL EDUCATION

This section of the Internal Operations Manual has been suspended effective October 15, 2008, due to the potential budget impact during this period of state budget reductions until reactivated by a majority vote of the judges. (Source: Minutes October 2008 Banc Meeting.)

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 educational requirement for the succeeding two year period.
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, but 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 two 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/court administrator 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/her certificates of attendance, or file them with the clerk/court administrator 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.

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 of 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 up 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.

XXXII. 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/court administrator 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/court administrator'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 \$2,500; 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. (**Source:** Court of Appeals Rule 7 effective February 21, 2008.)

H. NOTICE TO STATE BAR

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

I. FRIVOLOUS APPEAL

1. Whenever the court enters an order finding any party or attorney in contempt, and assessing a fine for contempt or whenever the court awards damages for a frivolous appeal or any other monetary sanctions, the court shall issue a separate order, separate and apart from the opinion, specifically stating what monetary damages are assessed against which attorney or which party and to whom the monetary damages should be paid.
2. Any such orders on contempt, frivolous appeals or monetary sanctions shall be flagged and copies of such orders shall be sent to the clerk/court administrator, and the clerk/court administrator shall follow-up on the matter and ascertain that the court's orders are being followed.

XXXIII. PROTOCOL ON DISQUALIFICATION AND RECUSAL OF JUDGES

A. DISQUALIFICATIONS

Whenever a judge disqualifies or recuses, that judge shall notify the Clerk's Office by memorandum with a copy to the other judges of the disqualification and that the case is to be transferred to another judge. If the case is to be reassigned, all records, transcripts, exhibits, briefs, motions, etc. are to be attached and given to the Clerk, Deputy Clerk or Deputy Administrator. The procedures for transfer shall be as follows.

1. The Clerk shall maintain two containers with twelve balls or lots in each. One container will be used to reassign cases for the purpose of authoring the opinion. The second container will be used to reassign cases for voting purposes. The twelve balls or lots will be numbered one through 12. The numbers 1 through 12 will represent the judges of the Court starting with the most senior judge as number 1 to the least senior judge as number 12.
2. Upon receipt of a memorandum of a disqualifying or recusing judge, the Clerk shall draw a ball or lot to designate the judge to whom the case will be transferred. The draw must be made in the presence of three persons, at least one of whom shall be the Chief Judge or a Presiding Judge, but not the recused or disqualified judge, and at least one of the following persons, the Clerk of Court, Deputy Clerk or Deputy Administrator. If neither the Chief Judge nor any of the Presiding Judges are available to witness the draw, any judge may do so long as that judge is not the recused or disqualified judge. If no judge is available, at least one of the following persons must be present and one must draw the lot or ball: the Clerk of Court, Deputy Clerk and Deputy Administrator. Should the ball or lot drawn be the number of the judge who is disqualifying or recusing, another ball or lot will be drawn, and, thereafter, the first ball drawn will be replaced in the container. (Source: April 22, 2008 Banc Meeting)
3. Once a number is drawn from the container, unless it is the ball of the disqualifying or recusing judge, it will not be replaced until all the numbers have been drawn from the container. After the last number is drawn, the container will be re-filled with all the numbers 1-12.
4. The Clerk shall inform the judge whose number was drawn of the transfer of the case to that judge immediately. If the transfer was for the purpose of designating a judge to author the opinion, that judge's office shall designate within 24 hours a case assigned that judge's office from either the current or the next term to be transferred to the disqualified or recused judge as reciprocation so as to balance the docket wheel.

5. A civil direct appeal shall be identified for reciprocation for the transfer of a civil appeal. A criminal direct appeal shall be identified for reciprocation for the transfer of a criminal appeal.
6. There shall be no reciprocation for cases transferred for voting purposes only.
7. The clerk shall prepare an order of transfer indicating the transfer due to disqualification and recusal and an order of transfer for any reciprocation.
8. For each case transferred, the Clerk shall change the judge and color code on the record; and deliver the record, transcript, exhibits, motions, briefs etc. to the newly assigned judge. The Clerk's memorandum shall also notify the newly assigned judge whether oral argument has been scheduled or a request is pending and shall list all pending motions.
9. If a judge is disqualified or recuses himself or herself from the decision on an application, a new judge will be assigned the application in the same manner as a new judge when a judge recuses on a direct appeal. The Court will not issue an order announcing the changed assignment since the application docketing notice does not list the judges assigned to the application. (Source: November 18, 2009 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 the remaining members of that judge's panel and the presiding judge of the next division to pass on the motion to recuse.
3. If the three judges assigned to decide the motion find that sufficient facts are presented which would authorize the recusal of the judge from the case, the assigned judges 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 notify the Clerk's Office, and the clerk shall assign another judge to the matter according to the protocol on disqualification of judges.

5. If the assigned judges find 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. If the three assigned judges cannot agree, the issue will be decided by a majority of all of the judges on the Court excluding the judge against who the motion 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.

(Source: Court of Appeals June 15, 2011 Administrative Banc Meeting)

INTERNAL OPERATIONS MANUAL

APPENDICES

APPENDIX 1	Request for Transfer of Property/Equipment
APPENDIX 2	Approval Request Form
APPENDIX 3	Cameras in the Courtroom
APPENDIX 4	Floor Plans
APPENDIX 5	Publication Policy
APPENDIX 6	Guidelines for Judgment Lines
APPENDIX 7	Flower Fund Guidelines
APPENDIX 8	Records Retention Schedule
APPENDIX 9	Towing Procedures
APPENDIX 10	Court - Related Dues

APPENDIX 1

REQUEST FOR TRANSFER
OF
PROPERTY/EQUIPMENT

INVENTORY TRANSFER FORM 10/94 CA-1	COURT OF APPEALS OF GEORGIA	Original to Fiscal Office
REQUEST FOR TRANSFER OF PROPERTY/EQUIPMENT Office transferring inventory shall initiate transfer form		
PROPERTY TO BE TRANSFERRED FROM:	State Inventory Number	Description of Property
PROPERTY TO BE TRANSFERRED TO:		
COMMENTS:		
FISCAL OFFICE	REQUESTED:	DATE
	TRANSFERRED:	DATE
	APPROVED: CHIEF JUDGE	DATE
	POSTED FISCAL OFFICER	DATE

APPENDIX 2

APPROVAL REQUEST FORM

APPROVAL REQUEST FORM

DATE OF REQUEST:

STAFF ATTORNEY/EMPLOYEE:

PURPOSE:

DATES OF REQUESTED TRAVEL OR CLE:

LOCATION:

REGISTRATION FEE:

APPROXIMATE OTHER ASSOCIATED COSTS:

NUMBER OF CLE HOURS (If applicable):

NOTE: The Court of Appeals of Georgia 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 by the Court of Appeals.

Staff/Attorney/Employee

Approval

APPENDIX 3

CAMERAS
IN THE COURTROOM

Court of Appeals of the State of Georgia

ATLANTA, SEPTEMBER 19, 2000

The Court of Appeals hereby passes the following order:

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 NEW 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 not later than one week before the scheduled oral argument date unless waived by the majority of the judges on the Division.
- (2) With regard to the conduct of the news media personnel and the use of photography, and broadcast equipment, it is hereby ordered:
 - (a) Not more than one "pooled" stationary electronic television camera, to be located as designed 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 proceedings 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 proceedings;
- (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 videotape (with sound) of all Court proceedings

broadcast live, videotaped 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 provisions of this Order relative to media coverage.

Due to the limitations of space and 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 **SEP 19 2000**

*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

W. L. Martin, III

IN THE COURT OF APPEALS, STATE OF GEORGIA

**Request to Install Audio and Visual Recording and Transmittal Equipment
For Electronic and Photographic News Coverage of Oral Argument**

Pursuant to the Order of the Court of Appeals of Georgia dated September 19, 2000 regarding news coverage and regulation of movement and placement of persons and audio and visual recording and transmitting equipment in the Courtroom, 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 the following case.

Case Number: _____

v. _____

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 _____ (date). Subject to direction from the Court or the News Media Coordinator, the undersigned wishes to install this equipment in the courtroom on _____ (date).

The personnel who will be responsible for the installation and operation of this equipment during its use are:

All media personnel must have and produce upon request of court officials credentials identifying them and the company for which they work.

It is understood by the undersigned that the parties will be notified of the request for media coverage even though the consent of the parties is not determinative of whether the request for media coverage will be approved.

The undersigned hereby certifies that the equipment to be installed and the location and operation of such equipment will be in conformity with the guidelines of the aforementioned order.

This the _____ day of _____, 20_____.

Name and Title

Name of Company or Firm

Address

City, State, Zip

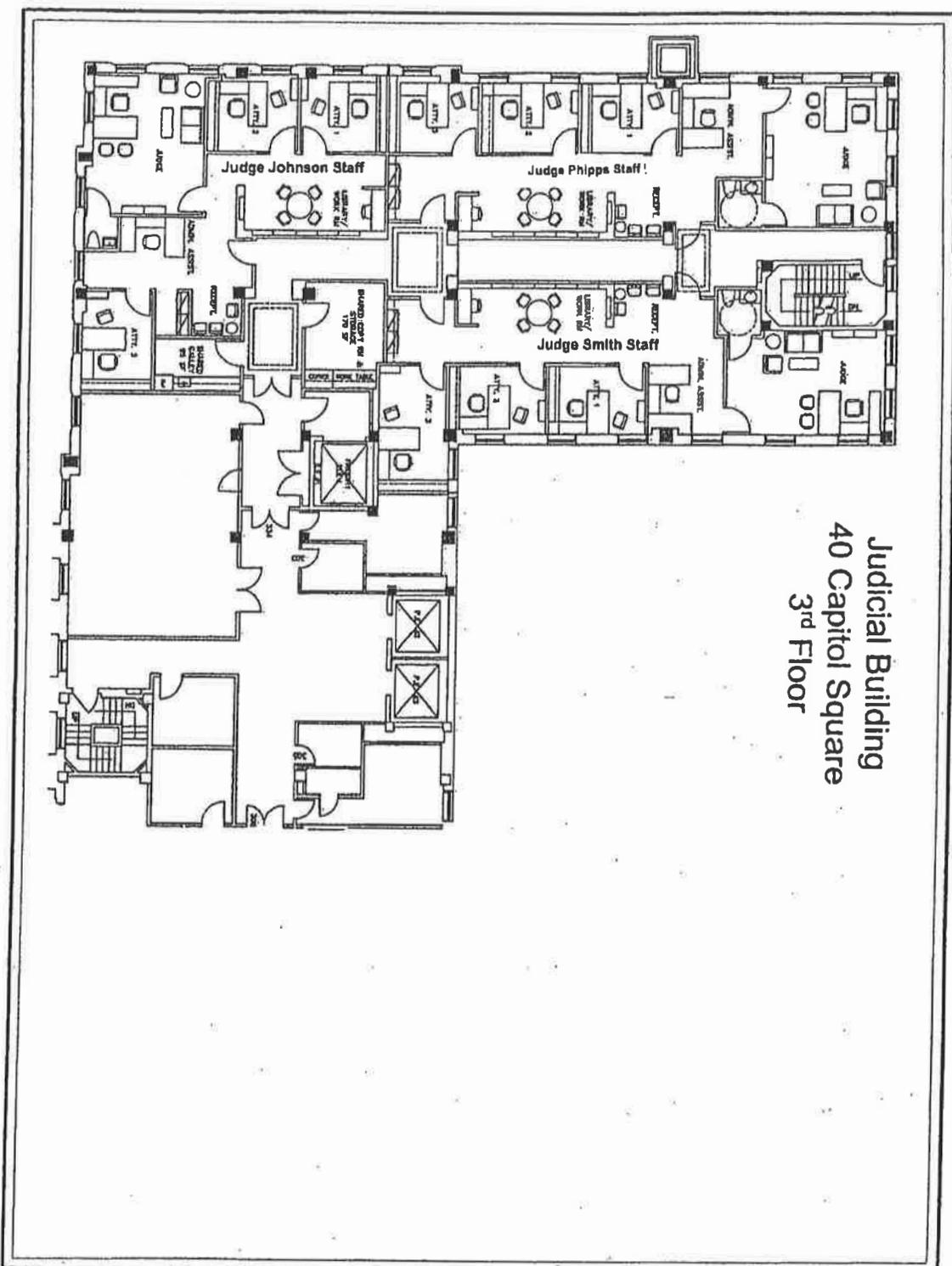
Phone Number

Approved: _____

William L. Martin, III
Clerk/Court Administrator (News Media Coordinator)
Court of Appeals of Georgia
Form Rev. December 7, 2004

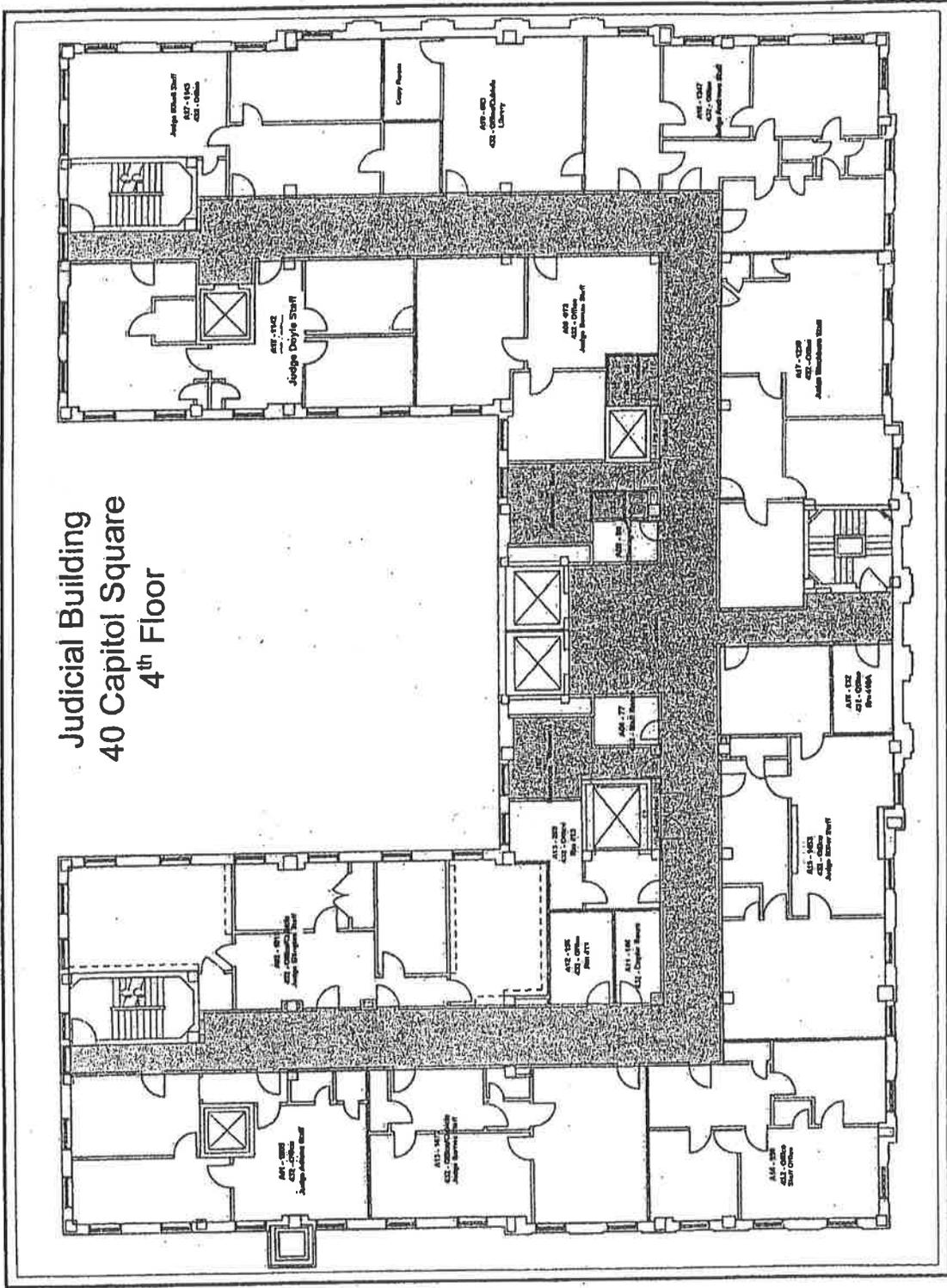
APPENDIX 4

FLOOR PLANS



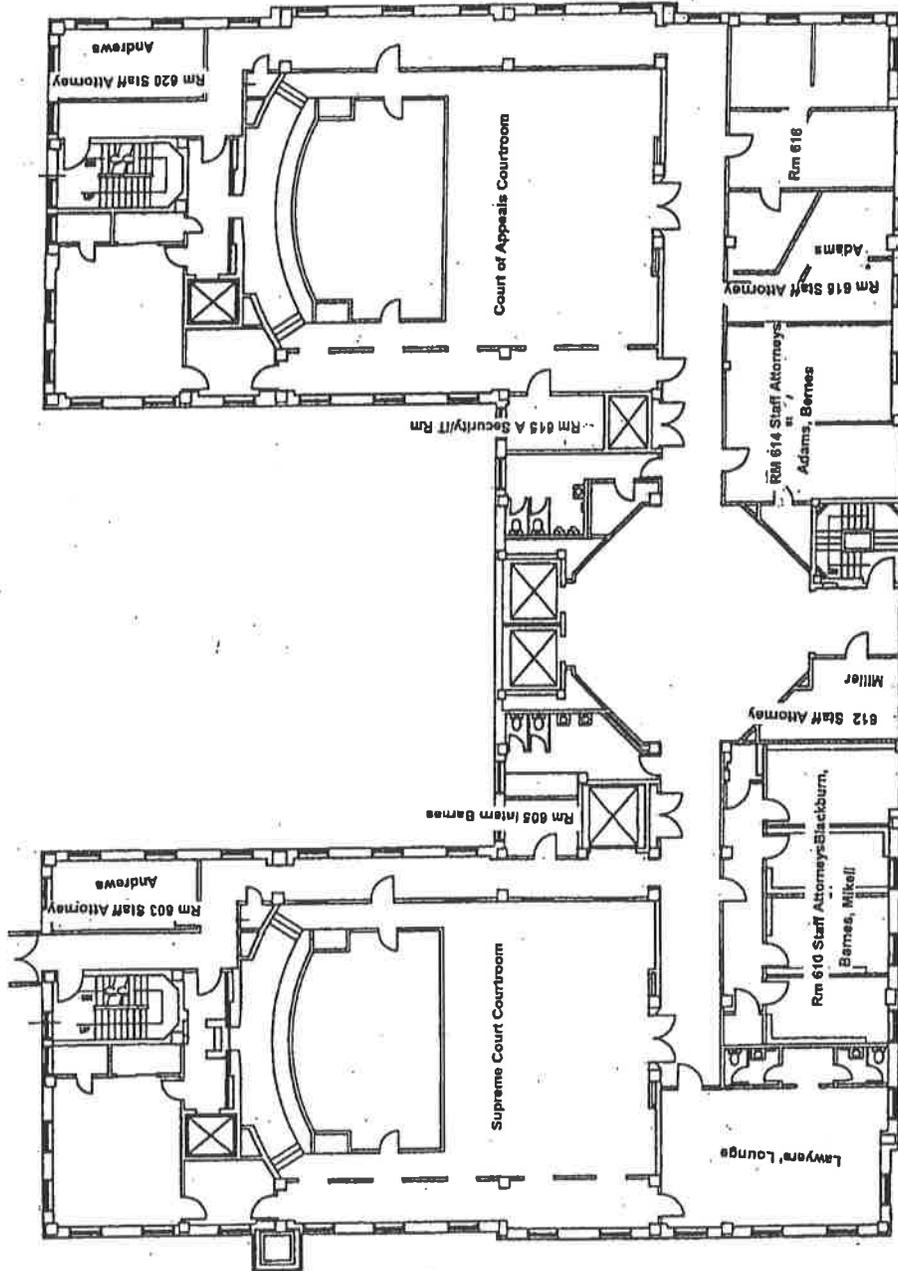
Judicial Building
40 Capitol Square
3rd Floor

Judicial Building 40 Capitol Square 4th Floor



 FACILITY DATABASE GEORGIA BUILDING AUTHORITY 1 North Lake Dr., N. W. Atlanta, GA 30334	SURVEY DATE: 2002
	SPACE CLASS TOTALS INTERIOR GROSS SF: 202 ASSIGNABLE SF: 202 RESTROOM SF: 202 VERTICAL PENETRATION: 202
ASSIGNED SPACE AGENCY: 200208 AGENCY NO.: 2/19/2008 SQUARE FT.:	AGENCY NO.: 200208 SPACE NO.: 2/19/2008
JUDICIAL BUILDING # 206 40 CAPITAL SQUARE 6th FLOOR	

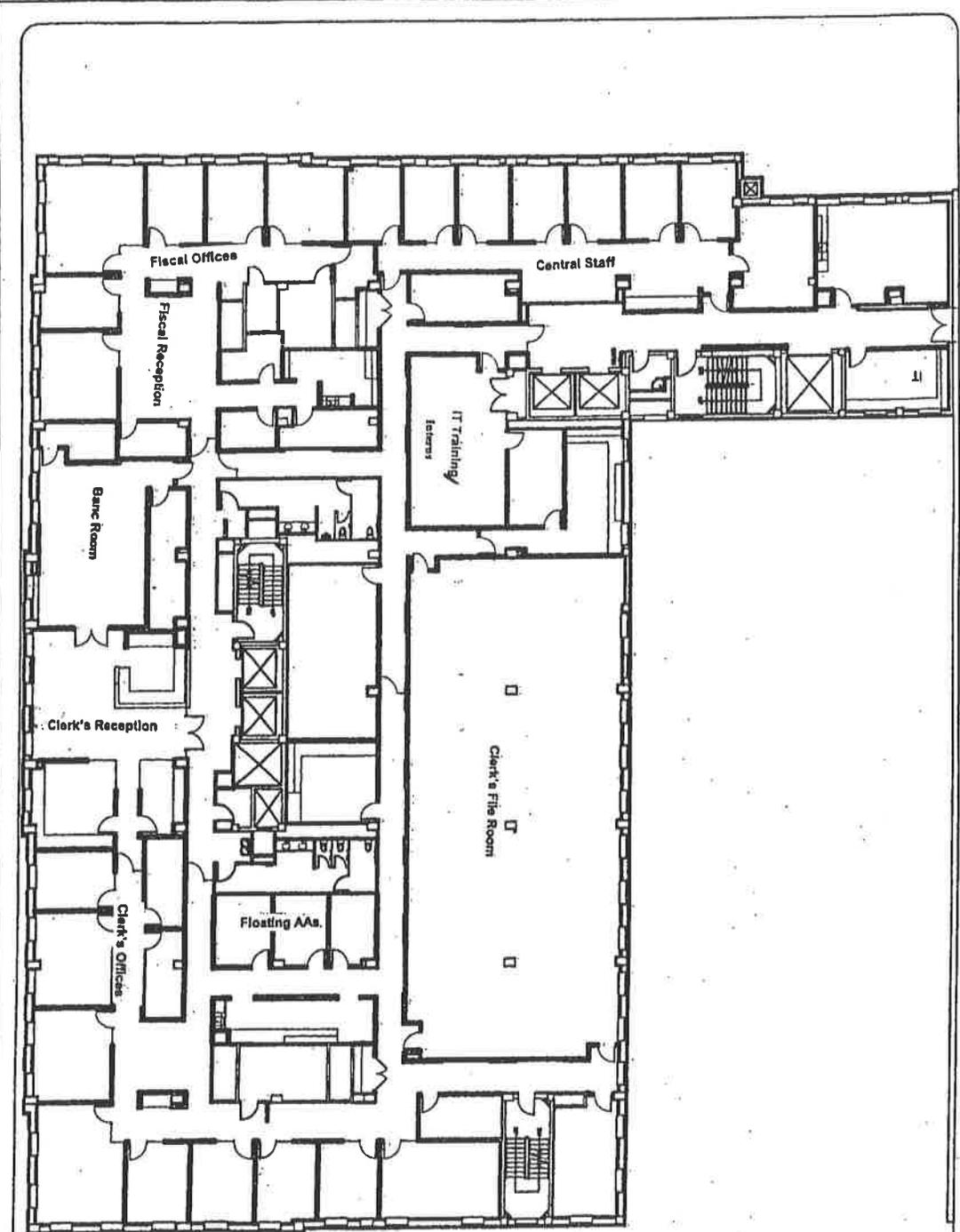
WASHINGTON STREET



(244 WASHINGTON - OFFICE ANNEX BLDG.)

CAPITOL SQUARE (MITCHELL ST.)

(LEGISLATIVE OFFICE BLDG.)



66th FLOOR

PUBLIC HEALTH BUILDING # 202
 47 TENNYSON AVENUE

AGENCY NO. [] SPACE NO. []

AGENCY FILE NAME: 2/1/2008

PLANT DATE: 2/1/2008

ASSIGNED SPACE

AGENCY NO. []

AGENCY FILE NAME: []

SPACE CLASS TOTALS

WORKSTATION: []

RECEPTION: []

OFFICE: []

VERTICAL: []

FACILITY DATABASE

GENERAL BUILDING ADJUSTMENT

1000 1000 1000 1000 1000 1000

APPENDIX 5

PUBLICATION POLICY

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 is accompanied by a concurring opinion;
- (d) 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;
- (e) 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.

APPENDIX 5

APPENDIX 6

GUIDELINES
FOR
JUDGMENT LINES

GUIDELINES FOR JUDGMENT LINES

I.

There are two aspects of a judgment line which should be considered in every case. The first is the actual disposition of the case. The body of the opinion should be studied carefully before formulating the judgment line. The following are the more frequently occurring disposition lines:

(a) Judgment(s) affirmed. Be careful to ascertain whether there are actually multiple judgments before using the plural. Also, don't automatically use the singular every time. Generally, a single order awarding relief in favor of one party or the other would call for the singular. The most frequent use of the plural will occur when the court affirms the grant of one side's motion for summary judgment and also affirms the denial of the cross-appeal. However, there are other variations and again the case must be looked at carefully.

(b) Judgment affirmed in part and reversed in part. In using this disposition line, it is important to remember that you are dealing only with the judgment of the trial court and not its rulings or analysis. In other words, if you are using the "right for any reason rule," it would simply be "judgment affirmed" although the body of the opinion would have rejected the trial court's analysis. A common correct use of this judgment line would be where the court affirms the grant of a motion for directed verdict on liability in favor of one party, but reverses the damage

award. Another common example would be where a compensatory damage award is affirmed, but a punitive damage award is reversed. A permissible variation in the last example would be "judgment affirmed in part and vacated in part." It is also important to bear in mind that the judgment line needs to be accurate, but not necessarily fully descriptive. One needs to read the body of the opinion with the judgment line. If you try to put too much explanation into the actual judgment line, it becomes unwieldy.

(c) Judgment affirmed with direction. This is used when the court affirms fully a part of a judgment, but directs the trial court to amend it in some way. A good example is where attorney's fees were improperly awarded. The court would affirm the judgment in favor of the winning party with direction that the attorney's fees award be vacated. Although you will see that some judges still will "affirm on condition," it is better to give direction and, thus, finality. This would also commonly be used when the court is affirming the judgment in favor of the appellee and adding a penalty or statutory damages.

(d) Judgment reversed and case remanded [with direction]. This will be used where the opinion directs specific future proceedings. Although, technically, a reversal of a judgment which will result in a new trial could carry this judgment line, this form is more usually used where the court finds the judgment erroneous and remands the case for the trial court to enter an

order not inconsistent with the opinion. There are several variations of this such as "judgment vacated and case remanded." Please note that the most common error appearing in the opinions of both courts is the following: Judgment reversed and remanded. The judgment is never "remanded," only the case.

(e) Judgment of conviction affirmed, sentence reversed (or vacated). Of course, some judges still use judgment affirmed in part and reversed in part for the conviction/sentence scenario. I think it is better to separate the two in the judgment line.

(f) Appeal dismissed. This is usually self-explanatory and most frequently occurs

- (1) when there was a direct appeal without interlocutory or discretionary procedures being followed,
- (2) the notice of appeal was untimely or
- (3) the case has become moot.

The above list is not all inclusive and there are many permissible variations. It is important to analyze the opinion in each case before crafting the judgment line.

II.

After the disposition part of the judgment line has been formulated, you need to indicate the votes of judges:

(a) Judges who fully concur will be shown first by seniority. As an example, if Presiding Judge Birdsong writes an opinion in which his panel concurs, it would be: Judgment affirmed. Johnson and Smith, JJ., concur.

(b) After full concurrences would be any judge who writes and concurs and also concurs specially. The reason this one is next is that the "full concurrence" gives precedential value to the opinion notwithstanding the special concurrence portion.

(c) Next would come judges who concur in judgment only. In this connection, in a multi-division opinion, judges should be encouraged to rob the opinion of precedential value only to the extent necessary. In other words, if there is only one division of an opinion in which a judge cannot join, it should be specified as follows: Andrews, J., concurs in Divisions 1, 2, 4 and 5 and in the judgment. It is better to state it positively rather than stating that the judge "concurs in the judgment only as to Division 3."

(d) Next will follow the judges who concur in part and dissent in part. This would be only with a written opinion and the

opinions must be carefully analyzed to be sure that the judge is really dissenting in part. A frequent misuse of this term occurs when a judge agrees with the bottom line, but disagrees with the reasoning. That is not a concur in part and dissent in part. If a judge agrees with the result and what is going to happen to the case by virtue of that result, he or she does not dissent in part. Rather, such an opinion is probably a special concurrence.

(e) The final thing on a judgment line would be judges who are disqualified or are not participating. It is important to show this in a panel case as well as a whole court case. For example, if Judge Johnson is disqualified on a case decided by his current panel, an opinion written by Presiding Judge Birdsong would carry the following judgment line: Judgment affirmed. Smith and Ruffin, JJ., concur; Johnson, J., disqualified [or not participating]. The distinction between disqualified and not participating is not a clear one. It is up to the judge to decide. If he is not clearly disqualified, but fails to participate because of appearance of impropriety, he should be shown not participating.

(f) If a judge not presently a member of the court participates in a decision, that capacity should be shown. In other words, if Senior Judge Banke participates in a case written by Presiding Judge Birdsong, the judgment line would be as follows: Judgment affirmed. Johnson, J., and Senior Appellate Court Judge Harold Banke concur, Smith, J., disqualified.

III.

It is important to realize that all of the above deals with the judgment line on the majority opinion. That judgment line does not give details as to who joins with whom or whether there is a separate dissent or concurrence. In other words, in a case where three judges write separate dissenting opinions, the judgment line will still simply list all three in order of seniority as "dissenting." The separate opinions, concurrences or dissents, show who joins with whom. In other words, if Chief Judge Beasley writes a dissent and Judges Andrews and Ruffin join her, she would state: " I am authorized to state that Judges Andrews and Ruffin join in this dissent." If a judge writes so as to concur in part and dissent in part, it is less awkward to state at the end: "I am authorized to state that Judges Andrews and Ruffin join in this opinion," rather than state that they join in "this Concurrence in part and dissent in part."

There are a lot of variations to all of the above. If any judge has a question about a judgment line, he should check with Judge _____ before the opinion is taken to the clerk's office. (Source: Minutes, November 1995 banc meeting).

APPENDIX 6

APPENDIX 7

FLOWER FUND GUIDELINES

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 an appropriate contribution of each 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 each Judge.

3. Whenever the balance of the flower fund shall exceed \$750, the minimum yearly contribution shall be stayed until such time as the balance falls below \$750.

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 of the Judges, 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 seven 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 administering 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.
- b. Invoicing all Judges for all special contributions and insuring collection of any special contribution within 30 days of such invoicing.
- c. Balancing the flower fund account and reporting to the Banc when there has been any activity in the flower fund account, and in the event of no activity in the flower fund account, reporting to the Banc at least annually, beginning with the January 1996 Banc Meeting.
- d. Sending an appropriate expression from the Court on appropriate occasions pursuant to these guidelines.
- e. Doing such other things as may be reasonably required to effect the purposes of the flower fund.

2. The Administrator/Clerk and the Protocol Officer shall be signatories on the flower fund checking account.

3. In the absence of the Administrator/Clerk or at the direction of the Administrator/Clerk, the Protocol Officer shall be responsible for administering the flower fund.

V. COST OF EXPRESSION - NUMBER OF EXPRESSIONS

1. The amount of funds expended on any one flower fund donation or expression shall not exceed \$100.

2. The Administrator/Clerk shall send, when appropriate under the guidelines, a gift, expression or donation, the cost of which shall be determined by the local economy where the flowers are purchased or the expression or donation is made.

3. Any gift, donation or expression made by the Court shall reflect taste and thoughtfulness, and shall not be so penurious as to embarrass the Court, but shall not exceed the \$100 limit.

4. Any gift, donation or expression sent in excess of \$100 shall be authorized by a vote of seven Judges on this Court.

5. No Judge on the Court, or other Court personnel, shall receive more than one expression per calendar year for hospitalization. (For example, flowers shall be sent to a Judge's spouse only once during the calendar year; flowers may be sent to each Judge's child during the year, but only one expression per child per year.)

6. Only one recognition of achievement per Court personnel may be sent per year.

VI. UNEXPENDED FLOWER FUNDS

1. The Court may, at any time, by majority vote, dissolve or discontinue the flower fund.

2. Upon such dissolution, the Administrator/Clerk or Deputy Administrator shall distribute the funds remaining in the flower fund to the Judges on the Court proportionately, based upon their contributions of unexpended funds remaining in the flower fund.

VII. AMENDMENT TO GUIDELINES

1. These guidelines shall be placed in the Court's Internal Operations Manual as an appendix to that manual so that all Judges will have convenient access to these guidelines.

2. These guidelines may be amended at any time by majority vote of the Judges on this Court.

APPENDIX 8

RECORDS RETENTION
SCHEDULE

RECORDS RETENTION SCHEDULE
COURT OF APPEALS OF GEORGIA
Adopted November 21, 1995

The Georgia Court of Appeals was created by constitutional amendment which became effective upon ratification by the electorate at the General Election of October 3, 1906. On January 2, 1907, the three elected judges of the Court of Appeals convened at the State Capitol at the Court's first en banc meeting. The Court of Appeals of Georgia was created to relieve the onerous caseload burden of the Supreme Court of Georgia. The Court of Appeals hears appeals, reviews decisions, and corrects errors of law in the State's trial courts. The Court of Appeals has general appellate and certiorari jurisdiction in all cases not specifically reserved to the Georgia Supreme Court by the State Constitution. [1983 Georgia Constitution, Art. VI, Sec. V, Para. III]

Since the Georgia Court of Appeals is a court to which decisions of the trial courts are appealed, the original trial court rulings, transcripts, evidence, exhibits and other records relating to specific cases are filed in the respective trial courts. The records and corresponding transcripts of cases docketed before the Court of Appeals are duplicate copies of trial court case records submitted to the Court by the clerks of trial courts. Trial court clerks must maintain the original case files according to provisions of State law and established records retention schedules. The only original case documents created or received by the Court of Appeals are the Court's opinions, which are published in bound volumes, the Court's internal orders, and

briefs and motions filed by the attorneys for the parties in individual appellate cases, specifying their arguments and contentions.

Emergency motions are also filed with the Court on occasion, but the original records and transcripts upon which a claim for relief may be based are located in the trial courts.

To develop a comprehensive records retention schedule that will provide for the ongoing management and orderly disposition of the records of the Court of Appeals, it is necessary to identify and analyze the records the Court creates and maintains. This information is submitted on the following pages.

Felony, Misdemeanor, and Civil Case Appeal Record Files - 1991
- [Ongoing]:

Description:

Felony, Misdemeanor, and Civil Case Appeal Record Files are the largest records series maintained by the Court of Appeals. At least 90 percent of the documents that make up the case files are duplicate copies of documents in the trial courts' original case files, retained by the trial courts.

Case files contain:

- 1) Attorneys' enumerations of errors, motions, and other pleadings related to the appeal, filed directly with the Court of Appeals;
- 2) Attorneys' briefs;
- 3) Copies of documents certified and transmitted by clerks of trial courts, including all pleadings, motions, orders, and other documents filed in trial court case files which have been designated as part of the record on appeal;
- 4) Original transcripts by of trial court proceedings; (The Clerk of the trial court, by statutes maintains a copy of the transcript and the original record in the trial court Clerk's Office);
- 5) Internal orders and/or opinions of the Court of Appeals.

APPENDIX 9

TOWING PROCEDURES

WARNING!

YOU HAVE PARKED IN AN ASSIGNED PARKING SPACE WHICH HAS BEEN ASSIGNED TO THE COURT OF APPEALS. YOUR VEHICLE WILL BE TOWED IF IT IS PARKED HERE IN THE FUTURE. IF THESE IS ANY QUESTION CONCERNING THIS MATTER, PLEASE CONTACT THE UNDERSIGNED.

ALL UNAUTHORIZED PARKING IS SUBJECT TO REMOVAL BY THE GEORGIA BUILDING AUTHORITY.

Please contact: _____

THANK YOU. THE COURT OF APPEALS OF GEORGIA

Towing Procedures

How to proceed if an unauthorized car is parked in your space:

1. Confirm that this is your correct space.
2. Record the following information: license tag number & county; model and make of car; color and number of parking decal.
3. Check with your office to make sure that no one has been told to park in your space.
4. Report violation to the Fiscal Office and provide the above information.
5. Fiscal office should assign you to a visitor spot while they confirm the information provided. Fiscal office will document all actions.
6. Fiscal office will contact GBA to insure they have not authorized someone to park in your space and, with information gathered, contact violator if possible.
7. Leave a COA preprinted warning notice on the unauthorized vehicle.
8. If the vehicle is parked in violation the next day, you should return to the temporary space you were assigned and notify the fiscal office. The Fiscal Office will take appropriate action. If the violator still cannot be contacted, Fiscal Office may proceed with towing, making a verbal request of GBA to tow the vehicle and provide GBA with a copy of the documentation. Fiscal office will set up a file for the incident and include a log of actions through confirmation that space has been cleared. This file shall be maintained for one year.
9. Any judge of this Court or the Clerk thereof, shall be authorized to act at variance with these procedures under emergency circumstances, where they deem it advisable.

APPENDIX 10

COURT - RELATED DUES

STATE OF GEORGIA

FULTON COUNTY

CERTIFICATE

IN RE: COURT-RELATED DUES

I HEREBY CERTIFY that I am a member of the following organization (or that I am joining said organization) _____, and I hereby authorize payment of membership dues in the amount of \$ _____, on my behalf and that said expenditure is court-related.

This ____ day of _____, 200__.

Judge, Court of Appeals of Georgia

