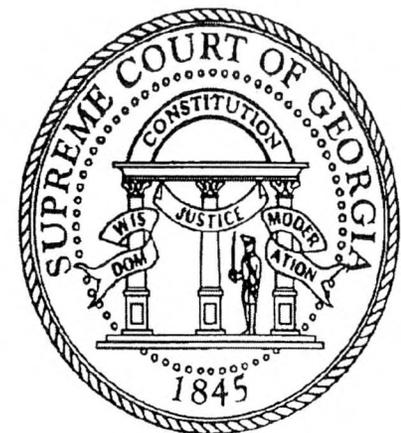


DIFFERENCES IN PRACTICING
IN THE
GEORGIA COURT OF APPEALS
AND THE
GEORGIA SUPREME COURT



NUMBER OF COPIES

Court of Appeals

All documents filed with the clerk shall include an original and two copies. Rule 6.

Supreme Court

An original and seven copies shall be filed of briefs, petitions for certiorari, applications for appeal, motions and responses. Rule 15.

FACSIMILE FILINGS

Court of Appeals

The Court does not accept facsimile filings.

Supreme Court

No filing, except requests for an extension of time, oral argument, extra time or extra pages, will be accepted by facsimile. Rule 2.

MAIL RULE

Court of Appeals

The United States Postal Service postmark date or commercial delivery service transmittal date that appears on the envelope or container in which the document was received, if the document is accompanied by sufficient costs, if applicable. Rule 4(c).

Supreme Court

The contents of properly addressed, registered or certified mail shall be deemed filed on the official United States Postal Service postmark date. Rule 13.

DROP BOX

Court of Appeals

The clerk's office has provided a drop box at the street level entrance to the 47 Trinity Avenue Building for filing documents after hours. Rule 4(a).

Supreme Court

No drop box.

BRIEF STRUCTURE

Court Of Appeals

Rule 25(a). Part One shall contain a succinct and accurate statement of the proceedings below and the material facts relevant to the appeal and citation of such parts of the record or transcript essential to a consideration of the errors complained of, and a statement of the method by which each enumeration of error was preserved for consideration. Part Two shall be the enumeration of errors and Part Three shall be the argument and citation of authority.

Rule 25(b)(1) Part One shall point out any material inaccuracy or incompleteness of appellant's statement of facts and any additional statement of facts deemed necessary. Part Two shall contain appellee's argument and the citation of authorities as to each enumeration of error.

BRIEF STRUCTURE continued

Supreme Court

Generally, a presentation by the moving party in the following order where applicable, is the most efficient; type of case showing Supreme Court jurisdiction, the judgment appealed and date of entry; a brief statement of the facts showing the general nature of the case; enumeration of errors; the argument in sequence with the enumeration of errors, including additional facts where essential, and citation of authorities; and the certificate of service. Rule 19, Footnote 1.

CROSS APPELLANTS CROSS APPELLEES

Court of Appeals

Briefs shall be limited to an initial appellant's brief, a responding appellee's brief and a reply brief of the appellant. Other briefs shall be accepted only if filed as an amicus curiae brief or a supplemental brief. Rule 24.

Supreme Court

Appellant's and cross-appellant's briefs shall be filed within 20 days after the case is docketed. Appellee's and cross appellee's briefs shall be filed within 40 days after the case is docketed or 20 days after the filing of appellant's brief, whichever is later. Rule 10.

HABEAS

Court of Appeals

No jurisdiction.

Supreme Court

A certificate of probable cause to appeal a final judgment in a habeas corpus case involving a criminal conviction will be issued where there is arguable merit. Rule 36.

COSTS

Court of Appeals

Costs in all criminal cases are \$80.00 and \$300 in all civil cases. Costs shall not be required where there is either a sufficient pauper's affidavit or a form showing a public defender has been appointed to represent the party has been filed with the Court or is contained in the record. Rule 5 §5-6-4.

Supreme Court

Costs in all civil cases are \$300, unless pauper's status has been granted in the trial court and the record so reflects....Costs shall be paid upon filing, except in direct appeals when the costs, which accrue on docketing, shall be paid upon filing of the original brief. Costs need not be paid again where a discretionary or interlocutory application, an application for interim review, a certificate of probable cause, or a petition for certiorari has been granted. Costs are not required for certified questions or in disciplinary cases. Rule 5 §5-6-4.

Oral Argument

Court of Appeals

The request must be a separate document, an original and two copies, directed to the clerk, certifying that opposing counsel has been notified of the request and that opposing counsel desires, or does not desire to argue orally. The request shall contain a brief statement describing specifically how the decisional process will be significantly aided by oral argument. Rule 28(a) (3) & (4).

Supreme Court

A request for oral argument shall be filed by letter directed to the clerk, and shall certify that the opposing parties or their attorneys have been notified of the intention to argue the case orally and that inquiry has been made whether they intend also to argue orally. Rule 51.

Oral Argument Length

Court of Appeals

Argument is limited to 30 minutes for each case, 15 minutes on each side unless by special leave an enlargement of time is granted. On the day of the argument, counsel may request 5, 10 or 15 minutes for argument. Rule 28(d).

Supreme Court

Unless otherwise provided by the Court, oral argument is limited to 20 minutes for each side except in direct appeals of judgments imposing the death penalty, which are limited to 30 minutes for each side. Rule 54.

Original Signature

Court of Appeals	No signatures by express permission are permitted. Rule 1(a).
Supreme Court	No specific rule.

E-Filing in the Court of Appeals

- The EFaST system was opened for filing December 1, 2009 and has been useful to both attorneys and the Court. Only briefs on direct appeals may be filed.
- We recommend you read the instructions on the Court web page carefully. Register now so you will be ready to file and feel comfortable with the system. Make your first filing during clerk's office business hours so you can be sure you have the process correct.
- The process is simple. You can set your profile so the notices of e-filings are sent to an additional email address such as, an administrative assistant or a paralegal.

Benefits of E-Filing

- You no longer have to pay a courier or mailing fee or bring the document to the Court to be filed.
- The only additional fee to use the system is \$5.00 for the credit card processing of the appellant's filing fee.
- You have up to midnight of the date the brief is due to file.
- You will receive an e-mail response when your document has been docketed showing the stamped filed date of the brief.
- If you are registered and the opposing party e-files a brief, you will receive an email notice and can immediately view the document filed. This is a courtesy by the Court, not a substitute for official service by the party.

Problems with E-Filing

- The system sometimes does not have an attorney's admission date. You will need to let us know immediately if you have a problem registering by e-mail or telephone and we will fix it.
- Failure to follow directions about the format for the signature on the brief. Please read the instructions carefully.
- You have an older version of Internet Explorer (below 7.0) or you missed some version 7 update and you cannot upload your brief .pdf file. Change to the free browser, Firefox and try again.
- There is a slowdown in the state Internet Network or the Court of Appeals server is down. Although rare, this has happened three times since the system started on December 1st. The problem should be resolved within a few hours. Let us know immediately of such problem.

E-Filing Motions

- We hope to permit e-filing of motions soon. We are targeting the most frequently filed motions. Additions to the system are slow due to reduction in state funding.

Electronic Court Orders

- When e-filing of motions begin, we will also send the corresponding court orders out to registered attorneys electronically.

Feedback

- If you like the system, please let us and your legislators know. All comments are always welcome.