

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



*we make copies
for 7 or 12 judges -*

NUMBER OF COPIES

Court of Appeals

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

Supreme Court

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

Briefs, petitions for certiorari, applications for appeal and all motions and requests must be accompanied by a certificate of service. Rule 14.

would be fax factory

FACSIMILE FILINGS

Court of Appeals

The Court does not accept facsimile filings. Rule 1(e).

Supreme Court

No filing, except requests for an extension of time, oral argument, extra time or extra pages, will be accepted by facsimile without the prior permission of the Court. Rule 2.

MAIL RULE

Court of Appeals

Document shall be deemed filed:

*can't change date on
new P B's meter
\$5.54 CRRR
now*

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

Mail shall be deemed filed as of the date such mail is received in the Clerk's office; registered or certified mail shall be deemed filed on the official United States Postal Service postmark date; a document will be deemed filed as of the date on which it is delivered to the United States Postal Service or a commercial delivery company for overnight delivery as evidenced by the receipt provided by the Post Office or commercial delivery company.

DROP BOX

If it is in the box today - you get yesterday's date

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

Show 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.

*Court
we doesn't really
have cross appellants
and cross appellees*

BRIEFS

Court of Appeals

Briefs shall be limited to an initial appellant's brief, 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.

Extensions of Time must be requested in advance of the due date.

HABEAS

Court of Appeals

No jurisdiction.

Supreme Court

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

COSTS

*COA We don't accept
briefs, applications w/o \$ or P.A.*

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 in all criminal cases and in habeas corpus cases are \$80. Costs shall be paid upon filing, except in direct appeals when the costs 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

*must be filed w/IN
20 days of doct.
ext. of time to file brief does not
ext. time to file
Request to
Argue*

Court of Appeals

*Questions to get info -
if you don't know
ask for plea to file
Suppl. brief -*

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

Mandatory oral argument from judgments imposing the death penalty, interim death penalty review and all granted writs of certiorari. In all other cases, a request for oral argument shall be filed within 20 days of the date of docketing 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 and in granted appeals from cases involving divorce or alimony, which are limited to 10 minutes per side. Rule 54.

ORIGINAL SIGNATURE

Court of Appeals

No signatures by express permission are permitted. Rule 1(a).

Supreme Court

No specific rule.

ISSUING OPINIONS IN THE SUPREME COURT

Supreme Court meets en banc on a regular basis to conference about cases and issue written opinions. On Fridays at 2 p.m., we will provide on our website a list of any opinions due to come out the following Monday. A hard copy of the opinions will be mailed to lawyers Monday morning and electronic access to the opinions is also available that morning.

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 additional email addresses 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 purchasing of the appellant's filing fee.
- You have up to midnight of the date the brief is due to file.
- You will receive an email 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 email 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 a 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.