

Association of Legal Professionals, Inc.
48976

Georgia Center for Continuing Education
University of Georgia
Athens, Georgia 30602-3603

FINAL EXAM

Write True or False to the left of each numbered question.

1. All pleadings filed with the Court of Appeals of Georgia should be filed as an original and two copies.
Answer: True. Court of Appeals Rule 6. Also, Court of Appeals Rule 1 requires service to opposing counsel.
2. The clerk cannot accept Appellant's Brief without the \$80.00 filing fee or evidence of indigency in the record or a sufficient pauper's affidavit.
Answer: True. Court of Appeals Rule 5 and OCGA §5-6-4. Rule 5 says costs are incurred as soon as the case is docketed and the appellant or appellant's counsel is liable for the costs even if the case is settled, withdrawn, dismissed or otherwise disposed of before the brief is filed.
3. An Extension of Time to File Brief and Enumeration of Errors automatically extends the time to file a request for oral argument.
Answer: False. Court of Appeals Rule 28 says an Extension of Time to File Brief and Enumeration of Errors does not extend the time to request oral argument.
4. OCGA §5-6-35 sets out all of the types of cases in which a discretionary application must be filed.
Answer: False. See OCGA §42-12-1, the Prisoner Litigation Reform Act of 1996. Subsection 8 of the Act requires a discretionary application be filed when prisoners are initiating civil actions.
5. All discretionary applications must be filed within 30 days of the entry of the order or judgment being appealed.
Answer: False. OCGA §44-7-56 provides that an appeal in a dispossessory action must be filed within seven (7) days. If the dispossessory is the type that must be initiated by discretionary application, then the application must be filed within seven (7) days of the entry of the appealable order.
6. A Motion for Reconsideration in the Court of Appeals of Georgia may be filed timely by complying with Rule 4, the Certified Mail Rule.
Answer: False. Court of Appeals Rule 4 and Rule 37(b) provide that Motions for Reconsideration must be physically filed in the Court within ten (10) days of the date of the order or opinion for which reconsideration is sought.

7. A Request for Oral Argument must be filed as a separate document, setting forth a reason or reasons that oral argument will be beneficial to the Court.
Answer: True. Court of Appeals Rule 28.
8. The Notice of Appeal should state if a transcript or transcripts will be filed for inclusion with the record on appeal.
Answer: True. OCGA §5-6-37.
9. The filing of a discretionary application when the subject matter of the appeal should have been initiated by filing a direct appeal with the filing of a Notice of Appeal in the trial court will result in the dismissal of the application in the Court of Appeals.
Answer: False. OCGA §5-6-35(j).
10. Briefs in civil cases are limited to 30 pages.
Answer: True. Court of Appeals Rule 23(e).
11. Briefs in criminal cases are limited to 50 pages.
Answer: True. Court of Appeals Rule 23(e). In both cases, the page limits are inclusive, that is, it includes title page, table of cases reported, index, appendices and the like. Table of cases cited and table of contents, appendices and the like are not required in the Court of Appeals of Georgia.
12. Supplemental briefs may be filed at anytime by any party.
Answer: False. Court of Appeals Rule 24 requires that parties must, by motion, seek permission to file a supplemental brief. Supplemental briefs are limited to 15 pages. An exception to this is when the Court asks for a supplemental brief at oral argument.
13. The Court of Appeals will render a decision in a docketed appeal within two terms.
Answer: True. Constitution of Georgia 1983, Art. VI, Sec. IX, Para. II, provides that the appellate courts shall dispose of every case at the term for which it is entered on the Court's docket for hearing or at the next term.
14. The filing of an Application for Certiorari in the Supreme Court of Georgia transfers jurisdiction of an appeal from the Court of Appeals to the Supreme Court.
Answer: True.
15. The Notice of Intent alerts the Court of Appeals clerk's office to hold the remittitur.
Answer: True.
16. The remittitur returns jurisdiction to the trial court.
Answer: True. See Slappy v. Georgia Power, 109 Ga. Apps. 850 (1964) regarding the Court's authority to recall the remittitur.
17. If you have a question about a pending appeal, you may call the chief judge, or any presiding judge on the Court of Appeals to discuss the matter with him or her.
Answer: False. Court of Appeals Rule 1(b) provides that there should be no communication between counsel or party and any judge or the judge's staff. All communications should be directed to the clerk.

18. The type size or font is limited to 10 characters per inch.
Answer. True. Court of Appeals Rule 1(c). However, there may be a new type style available when the rules are next amended which will be a font more easily read but providing more characters per inch. It is called Times New Roman Regular 14pt (Western).
19. The Court of Appeals has a Drop Box for after hours filings.
Answer. True. It is located on the third floor of the Judicial Building.
20. The grant of a Certificate of Immediate Review by the trial judge for interlocutory applications is discretionary with the trial judge.
Answer. True. But see the Supreme Court case of Waldrip v. Head, 272 Ga. 572 (2000).

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