



# Court of Appeals

## Memorandum

To: All Judges

From: Dorothy Toth Beasley *DTB*

Subject: Banc Meeting, Tuesday, September 24, 10:00 a.m.

Date: September 23, 1996

### A G E N D A

Special Order - Welcome to Judge Frank M. Eldridge

1. Approval of Minutes of August 27 Banc Meeting - **BRING YOUR COPY**

2. Court Administrator Report - **BRING YOUR COPY**

3. Budget

\* Year-End Report

*Delayed in Oct. because of the Olympics -*

4. Technical Services

\* Introduction of John Ruggeri, New Support Staff ✓

\* LAN - Participation of Superior Court Council

\* Electronic Transmission of Trial Judges' Names & Counsel

*none MTP  
2d  
passed 100  
per case.*

5. Committee/Commission Reports

\* Space - Judge Andrews

\* Commission on Professionalism - Substitute needed for P.J. Birdsong for meeting next Friday

\* Network Security Committee

\* Joint Seminar on Opinion Writing & Drafting - Judge Ruffin

\* Courts Automation Commission

\* Commission on the Appellate Courts - Chief Judge Beasley, Presiding Judge Pope, Senior Judge Banke

6. Portrait for Judge John W. Sognier

7. Rule 15 (b) & (c) on Frivolous Appeals

8. Announcements



# Court of Appeals

## Memorandum

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**To:** To All Judges  
**From:** Bill Martin  
**Subject:** Report of Administrator/Clerk  
**Date:** September 19, 1996

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Attached please find a copy of my report for the September 24, 1996 Banc Meeting. Please bring the report to the Banc Meeting along with the attachments.

Should you have any questions about any item prior to the Banc Meeting, please feel free to contact me.

Holes have been punched if you wish to place this report in your Banc notebook.

**PLEASE BRING THIS REPORT WITH YOU TO THE BANC MEETING**

Attachments

SEPTEMBER 24, 1996 BANC MEETING

REPORT OF ADMINISTRATOR/CLERK

1. ORAL ARGUMENT REPORT

Attached please find a monthly and cumulative report of the number and percent of oral arguments requested, granted and denied from January - October, 1996.

2. IOM CHANGES

Attached please find proposed changes to the IOM which were distributed prior to the August Banc Meeting.

3. RULES REVISIONS

Attached please find the rule revisions adopted in principal at the August Banc. These are in final form for your approval. If approved, these rules will be effective December 1, 1996.

4. COURT HISTORY

Attached please find the estimates from Darby Printing Company for reprinting the current Court History versus printing a new Court History.

5. COURT PHOTOGRAPH

Attached please find the quotes from five photographers for a new Court photograph.

6. SENATE STUDY COMMISSION ON CIVIL JUSTICE REFORM

Attached please find two memoranda regarding my attendance at the above committee meetings.

7. APPELLATE SETTLEMENT CONFERENCE REPORT

Attached please find a comprehensive and final report of the Appellate Settlement Conference detailing the total number of cases filed with the Conference and the number actually settled through the Conference, as well as a fiscal report. Moneys collected through the Conference do not remain with the Court but pass through the General Fund of the State Treasury.

The two remaining cases which were discussed at the August Banc have now settled and there is outstanding \$400 in costs to be paid to the Conference. Once these costs have been collected, all the Conference business will have been completed.

Oral Arguments  
Court of Appeals of Georgia 1996

Below is a listing of the number and percentages of oral arguments requested, granted and denied in the Court of Appeals from January through October, 1996.

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Sep</u>	<u>Oct</u>	<u>Total</u>
No. of arguments requested	41	77	65	48	59	41	53	123	44	507
No. of arguments granted	29	39	48	36	38	24	33	65	21	333
No. of arguments denied	12	38	17	12	21	17	20	58	23	218
Granted	71	51	74	75	64	59	62	53	48	60%
Denied	29	49	26	25	36	41	38	47	52	40%

O.

~~FLOATING ADMINISTRATIVE ASSISTANTS.~~

NEW

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.
  
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.

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 an adjustment in the wages for the staff attorneys, ~~or administrative assistants, the Clerk, the Deputy Clerk, the Computer Technician, the Fiscal Officer and the Reporter of Decisions,~~ the Court of Appeals will confer with the Supreme Court and a diligent effort to reach agreement will be made. (Source: June 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.

### XIII. TRAVEL POLICY

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

1. The court's travel budget shall be divided into ~~12~~ <sup>13</sup> equal shares by the fiscal officer as soon as practicable after the beginning of the new fiscal year. The Chief Judge shall be entitled to two shares of the travel budget and each other judge shall be entitled to one share of the travel budget. Two shares of the travel budget shall be reserved for the general travel fund.
2. Each judge may use his/her share of the court's travel budget for court related travel in or out of the state.
3. Any judge who wishes to utilize travel funds in excess of his/her share must request additional monies from the general travel fund. Such request must be made to the Executive Council and the Executive Council may approve or disapprove such request.
4. Any travel funds not utilized by an individual judge shall lapse into the general travel fund. Any judge may direct all or part of his/her share of the travel funds to the general travel fund.

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

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

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

K. MOTIONS FOR RECONSIDERATION

1. If the case returns, the assigned judge will review and initial it and circulate it to the judges who originally voted on it. When all reconsideration work has been done, the case shall then be taken back to the clerk/administrator's office to be disseminated.
2. If the motion for reconsideration is granted and if the judgment line changes, an order granting the motion for reconsideration shall go out and the new opinion shall go out.
3. The clerk/court administrator shall not refuse to accept tardy motions for reconsideration. Generally, untimely motions for reconsideration will be dismissed, however, the judge to whom the case is assigned may take into consideration the reasons for the untimeliness, such things as problems with mail delivery.
4. Second motions for reconsideration will be dismissed if they are not accompanied by a motion for permission to file second motion for reconsideration.
5. If there is a dissent on reconsideration, the case goes 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."
6. When an opinion is changed by substitute pages or other revisions on rehearing or for other reasons, the office of the judge to whom the case is assigned is responsible for putting the revised opinion together and submitting it to the clerk/court administrator's office.

L. ASSIGNMENT OF CASES

1. Cases are assigned on a strict automatic rotation basis, except for companion cases and pre-assigned cases. There shall be two wheels 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. Except for the Chief Judge, who will not receive applications, each judge shall receive, as nearly as possible, an equal number of interlocutory and discretionary applications throughout the year.

Each judge shall have a "judge code number" so as to secure the integrity of confidentiality and maintain anonymity with respect to which judge a case is assigned.

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

- b. Each judge shall devise a system in his/her office to ferret out early those cases over which the Supreme Court, rather than this court, has jurisdiction, for prompt transfer. Transfers at the end of a term should be prevented.
  - c. The central staff attorney shall draw the entire order on transfer.
2. From: The Supreme Court:
- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
  - b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
  - c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
  - d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.

P. EXTENDING TERM - EXPEDITING CASES

1. In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided ~~five~~ ~~Six~~ judges concur.
2. If the appeal is from an order involving the custody of a child, a parent's visitation rights to a child, a child allegedly deprived, or parental rights, the decision in the case shall be expedited. (See OCGA § 19-9-64, part for Uniform Child Custody Jurisdiction Act, showing legislative desire to expedite resolution of such matters.) (Source: Minutes, April 1996 Banc meeting.)

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

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. Said 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.
3. Because of the short time the Court has to deal with applications, the certified mail rule will not be deemed sufficient filings for purposes for complying with the order to file a stamped filed copy of the order or certificate of immediate review.  
(Source: Minutes - February, 1996 Banc Meeting)

R. CHANGE FROM ~~SEVEN JUDGE OR~~ WHOLE COURT TO PANEL CASE

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

XVIII. EN BANC MEETINGS

- A. The Court of Appeals will hold en banc meetings on the fourth Tuesday of every month except August and December, at 10:00 a.m. The Chief Judge may for good cause change the date of a particular meeting. The regular banc sessions shall be held notwithstanding that additional special en banc session may be set by the Chief Judge. No en banc meetings shall interfere with the setting of oral arguments.
- B. A quorum of ~~five, six~~ judges is necessary for the holding of banc. Subject to the rule requiring ten days' notice or the required consent of at least seven judges, an affirmative vote of ~~five, six~~ judges will always be necessary in passing or adopting any motion, resolution or official action of the court.
- 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 ~~seven, eight~~ of the judges.

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

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

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

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

e. To any Judge who marries.

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

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

#### IV. ADMINISTRATION

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

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

b. Invoicing all Judges for all special contributions and insuring collection of any special contribution within 30 days of such invoicing.

Rule 1. (b) All documents filed with the Court, excluding letters, shall be typed or printed on non-transparent, letter size (8 1/2" x 11") white paper and bound at the top or sides with staples or round head fasteners and all matters contained therein, including quotations, shall have no less than double spacing between the lines. ~~The type size shall not be smaller than standard size pica or 10 characters per inch.~~ Letter spacing and type or font size shall be no smaller than Courier 10 cpi, 12 point (or equivalent). Any documents filed which the Court deems inappropriate as to type size, type style and/or form may be returned to counsel and counsel may be ordered to redact and recast such documents. All documents filed with this Court, excluding letters, shall be backed with a non-glossy, white manuscript cover of recyclable paper, heavier than regular stationery-type paper.

## II. Attorneys

### Rule 9. Attorneys

#### (f) Change of Address or Telephone Number

If during the pendency of any appeal or application counsel for either party has a change of address or telephone number, counsel shall file a notification of change of address with the Court, notifying the Court of counsel's correct address and telephone number.

The notification of change of address shall be filed as a separate document, an original and two copies, and service made to opposing counsel.

Upon receipt of the notification of change of address, the Clerk will enter the change of address on the Court's docket and all further notices generated from the Court will be to counsel's new address.

Failure of counsel to properly notify the Court of any change of address or telephone number, which may result in counsel not receiving notification of Court action, shall not be grounds to reinstate or reconsider any matter adverse to counsel or parties because of the failure of counsel to receive notification from the Court.

All reference to counsel in these rules shall include pro se parties.



September 4, 1996

Mr. William L. Martin, III  
Clerk/Court Administrator  
Court of Appeals of Georgia  
344 State Judicial Building  
Atlanta, GA 30334  
FAX: 404-651-6187

Dear Bill:

In regards to your request for a quotation for the printing and binding of the Georgia Court of Appeals History Book, the prices are:

Reprints of 1996 book:	500 copies	\$2,407
	1000 copies	\$2,673
	1500 copies	\$2,906

Updated version with new judges picture and new judge biography:		
	3000 copies	\$4,010
	4000 copies	\$4,559
	5000 copies	\$5,108

These prices reflect the increased cost of paper. Should you wish to proceed just let me know the quantity you prefer. A reprint of the 1996 book can be done fairly quickly; a new version will take longer because of the typesetting involved and a color separation of the color photo.

Please let me know if you have any questions.

Best regards,

James D. Macdonald  
Contract Administrator

**Price Quotes for Court Photographs**

**16 X 20 inch mounted on artboard  
shoot set up and 11 prints**

<b>Charles Huguley<sup>1</sup></b>	<b>\$715.00</b>
<b>Mike Rary</b>	<b>1100.00</b>
<b>Picture Perfect</b>	<b>1153.00</b>
<b>Agency Burnette<sup>2</sup></b>	<b>1339.00</b>
<b>Eric Bern Photo</b>	<b>2110.00</b>

- 1. Mr. Huguley made the last court photo.**
- 2. Agency Burnette offered to meet quotes and give a 5% discount if "reasonable".**



# Court of Appeals

*file*

## Memorandum

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To: Chief Judge Beasley  
From: *WSM*  
Bill Martin  
Subject: Senate Study Committee on Civil Justice Reform  
Date: August 27, 1996

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I attended the initial meeting of the Civil Justice Reform Committee chaired by Senator Clay Land. Also on the committee were Senators Mary Margaret Oliver and Rene' Kemp.

The focus of this first meeting was primarily on the trial courts with special emphasis on the number, types, disposition and time of disposition of tort cases. Generally, those persons reporting stated that Georgia has a faster disposition of these cases than the national average; Georgia has a lower median jury award amount than the national average and fewer punitive damage awards.

The study focused on a four year period ending in 1992 using Fulton County and four other counties in Georgia, as a representative sample. The other counties in Georgia were Bibb, Gwinnett, Irwin and Oconee.

There was a lengthy discussion about the process that was used to capture and collect the data on case filings and dispositions in the trial courts. Senator Oliver was particularly concerned that there was a dearth of information regarding cases involving child custody.

The general consensus of the committee after the first meeting is

hat there is not an explosion of plaintiff tort litigation in Georgia, nor is there a tremendous backlog of civil cases, but rather the case disposition times in the trial courts are better than the national average.

The next meeting of the committee is scheduled for September 13, 1996. I assume that the time and place will be announced later.

There was no direct discussion of the appellate process and how it impacted on the civil caseload.

The study centered on 102 jury trials in which there was a clear winner and loser in each case. Also, because the study was compared to national data, only the superior courts of those counties listed were studied and not the jury trials from the state courts.



# Court of Appeals

## Memorandum

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To: Chief Judge Beasley

From: *W. Martin*  
Bill Martin

Subject: Senate Study Commission on Civil Justice Reform

Date: September 16, 1996

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I attended the Senate Study Commission on Civil Justice Reform meeting on Friday, September 13, 1996. I stayed for a little over an hour and heard comments from special interest groups representing the insurance and medical communities. There was not much substance to the meeting, mostly comments and complaints from these groups about the effects of the current civil justice system on medical insurance, the legal community and medical malpractice cases. There was no discussion of these issues relative to the appellate process. I spoke with Aubrey Villines after the meeting and he stated nothing of substance occurred.

I shall check with Bob Doss and Holly Sparrow to ascertain that there was no discussion of the appellate process in the meeting.

The meeting for October 7, 1996 has been canceled and the next meeting is scheduled for October 25, 1996.

Thank you.

APPELLATE SETTLEMENT CONFERENCE CASE  
DISPOSITION HISTORY [1989 - 1995]

YEAR	CASES FILED	CASES REJECTED	CASES ELECTED	CASES SETTLED	TERMINATED W/OUT SETT
1989	172	163	9	2	7
1990	995	914	81	38	43
1991	893	823	70	32	38
1992	1181	1100	81	31	50
1993	1179	1102	77	36	41
1994	728	639	89	33	56
1995	700	669	31	9	22
<b>TOTAL</b> =====	<b>5848</b>	<b>5410</b>	<b>438</b>	<b>181</b>	<b>257</b>

7.5 % of all cases elected

92.5 % of all cases rejected

3.0 % of all cases settled

41.3 % of cases electing settled

58.7 % of cases electing did not settle

\*Conference began in July, 1989

\*\*Conference suspended in July, 1995

## APPELLATE SETTLEMENT CONFERENCE

## APPROPRIATION

Fiscal Year 1990	\$ 250,000
Fiscal Year 1991	250,000
Fiscal Year 1992	100,000
Fiscal Year 1993	100,000
Fiscal Year 1994	100,000
Fiscal Year 1995	100,000
Fiscal Year 1996	50,000
Fiscal Year 1997	50,000

## EXPENDITURES

Fiscal Year 1990	\$ 59,910
Fiscal Year 1991	61,288
Fiscal Year 1992	60,492
Fiscal Year 1993	61,968
Fiscal Year 1994	68,288
Fiscal Year 1995	37,213
Fiscal Year 1996	10,568**
Fiscal Year 1997 to date	0**

\*\*Expenditures for Senior Judge Program not included

## COLLECTIONS

Fiscal Year 1990	\$ 1,480
Fiscal Year 1991	5,050
Fiscal Year 1992	14,170
Fiscal Year 1993	9,400
Fiscal Year 1994	15,975
Fiscal Year 1995	15,249
Fiscal Year 1996	6,125
Fiscal Year 1997 to date	0

BANC REPORT  
FEBRUARY 29, 1996

CHIEF JUDGE'S AGENDA

1. Approval of minutes. (Specific content of minutes, to include personnel matters).

2. Special Order - Introduction of Law Department Representative of the Court.

3. Report of Court Administrator.

- a) Court Planning Session. The Court can meet at Amicalola Fall State Park Lodge on the following dates: September 10-11; September 11-12; October 23-24; October 5-6.
- b) Appellate Settlement Conference Report.
- c) Final Appellate Settlement Conference Report.
- d) Court History.
- e) Distress List - Number of cases, any problem cases?
- f) Public Access Terminal.



# Court of Appeals

## Memorandum

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To: PRESIDING JUDGE POPE  
WL *W.L. Nasse*

From: BILL MARTIN

Subject: STAMPED FILED COPIES OF ORDERS ON APPLICATIONS

Date: February 28, 1996

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Attached please find a revised copy of the order dismissing applications for failure to provide physically a copy of the stamped filed order to the Court within 10 days. As we discussed in your office last week with John Pilgrim, this procedure is much more acceptable to Central Staff.

By adopting this procedure, it saves Central Staff the extra work of having to deal with cases on the merits if attorneys fail to provide the Court with a stamped filed copy of the order or if no such copy of the stamped filed order exists or if the stamped filed copy of the order shows that the application is out-of-time. However, it gives the attorneys a chance to rehabilitate their applications.

This process will still give the Court (1) opportunity to make an exception for the case in which a stamped filed copy of an order cannot be obtained, for instance, in some adoption cases where records are sealed. (2) If there is no stamped filed copy of the order, then the case is being brought prematurely and should be dismissed. (3) The adoption of this policy will not require any change in the rules. (4)

The Court will have the authority to dismiss the application for failure to obtain a copy of the stamped filed order as well as for the breach of Rule 7, failure to follow the orders of this Court.

Attachments

cc: John Pilgrim



# Court of Appeals

## Memorandum

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To: ALL JUDGES

From: DOROTHY T. BEASLEY *DTB*

Subject: Banc Meeting, January 23 - Agenda

Date: January 22, 1996

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1. Approval of minutes of 10/31, 11/21, & 12/19. PLEASE BRING YOUR COPIES.

2. Court Administrator Report.

Planning Session - proposed 9/19 & 9/20. PLEASE BRING YOUR CALENDAR.

3. Courtroom Security - GBA Police Chief W.W. Holley.

4. Quarterly Budget Report - Kaye Carter: TAB 1.

5. Senior Judges Program (SB 279) - Judge Smith

6. Olympics - Bill Martin & Committee chairs.

7. Central/Floating Staff Evaluations - Presiding Judge Pope.

8. Standards of Conduct for Staff Attorneys - Judge Ruffin.

9. Rules (31, 32 & 4) - Presiding Judge Pope. PLEASE BRING PILGIM MEMO OF 12/18 DISTRIBUTED AT PRIOR BANC, BEASLEY RESPONSE OF 12/30 DISTRIBUTED THAT DATE, AND MARTIN MEMO OF 1/12 DISTRIBUTED THAT DATE.

10. IOM -

Per curiam judgment line - Judge Johnson

Publishing court opinion after Supreme Court reversal - Judge Smith

Amendment of OCOA S 5-6-35 (j) & (k).  
Presiding Judge Pope, Judge Johnson, Chief Judge

HB 191

4 Judges - Tab 2.

### Judicial Legislative Log

12. Space - Judge Andrews
13. Middle Judicial Circuit Bicentennial - Judge Smith.
14. Hall Memorial - Presiding Judge Birdsong.
15. Special Order - Presiding Judge Pope
16. Announcements
17. Adjournment.



# Court of Appeals

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10. IOM -

Per curiam judgment line - Judge Johnson

Publishing court opinion after Supreme Court reversal - Judge Smith

11. Legislation - Presiding Judge Pope, Judge Johnson, Chief Judge  
Beasley

Amendment of OCGA § 5-6-35 (j) & (k).

HB 191

4 Judges - Tab 2.

Judicial Legislative Log

12. Space - Judge Andrews

13. Middle Judicial Circuit Bicentennial - Judge Smith.

14. Hall Memorial - Presiding Judge Birdsong.

15. Special Order - Presiding Judge Pope

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COURT OF APPEALS  
 Second Quarter Expenses FY96

	2nd Quarter Expenses	Year-to-Date Expenses
Personal Services	\$ 1,488,338.41	\$ 3,027,600.69
Supplies & Materials*	24,555.34	65,298.03
Repairs & Maintenance	2,399.61	6,551.44
Publications & Printing (Printing of Court Calendars, Stationery, etc.)	2,106.60	5,614.13
Duplicating and Rapid Copy	143.35	323.65
Insurance & Other	0.00	9,000.00
Other Operating Expenses (Registration fees, subscription, ICLE, etc.)	2,165.90	17,144.97
Per Diem, Fees and Contracts (Includes fees paid to Senior Judges for Appellate Settlement Conference)	372.50	2,048.79
Equipment	1,634.00	1,838.00
Lexis, Westlaw and Internet	3,273.05	6,217.42
Travel	2,646.39	9,078.64
Real Estate Rents	61,256.15	122,512.30
Telecommunications	4,735.54	13,592.88
Computer Expenses (Repairs, Software, etc.)	23.65	381.55
<b>TOTAL</b>	<b>\$ 1,593,650.49</b>	<b>\$ 3,287,202.49</b>
Copy Costs Collected	\$ 6,948.25	\$ 25,349.49

The Court has used 48.5% of budgeted Personal Services funds to date this fiscal year. Because our FICA contribution is always lower the second quarter, we are right on target on Personal Services expenditures. The only major expense that needs watching is our postage costs! We have now spent \$ 15,000 in postage so far this year compared to \$22,000 for the entire past fiscal year.

PLEASE INSERT THESE DOCUMENTS AS TAB 22 IN YOUR NOTEBOOK:

FULFILLING THE INTERMEDIATE APPELLATE FUNCTION  
IN GEORGIA



*The Court of Appeals  
of the  
State of Georgia  
Atlanta, Georgia 30334*

CHAMBERS OF  
CHIEF JUDGE DOROTHY TOTH BEASLEY

PHONE (404) 656-3457  
FAX (404) 651-6187

January 17, 1996

Honorable Robert Benham  
Chief Justice of Georgia  
Supreme Court of Georgia  
Atlanta, Georgia 30334

Dear Chief Justice Benham:

Thank you for your excellent message on the State of the Judiciary of Georgia. You covered the waterfront and presented the picture in a most interesting and informative way. I believe your address was well-received by the legislators and that they understand the operations of this branch much better due to your enlightenment.

We are enormously grateful to you for the high profile you gave to this Court. Your willingness to take a stand on its needs is deeply appreciated, as we know that it is not always an easy thing to do. However, your perspective and your experience here should bear great weight as we try to move this Court forward. The 21st Century present an enormously exciting challenge, and we want to be responsibly ready for fulfilling the intermediate appellate function adequately.

We are proud of your leadership as Chief Justice and we look forward to continuing to work with you as you lead the judicial branch in its many efforts to improve itself as well as the law and the lives of Georgia's people and businesses.

I wish your family had been present, and I hope they will see your presentation on a video at least.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy Toth Beasley".

DOROTHY TOTH BEASLEY



January 11, 1996

Mr. Mark Cohen  
Governor's Office  
State Capitol  
Atlanta, GA 30334-0900

RE: Court of Appeals Legislation

Dear Mark:

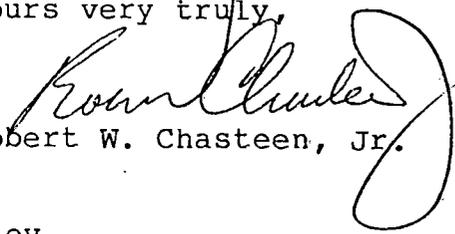
You had previously spoken with me concerning support by the State Bar for proposed legislation to increase the size of the Court of Appeals from 9 to 13 judges. In accordance with our procedure, the legislation was referred to the Advisory Committee on Legislation.

At our mid-year meeting this past week, the Advisory Committee on Legislation approved a resolution supporting this legislation. The resolution supporting this legislation was also approved by the Board of Governors of the State Bar on Saturday, January 6, 1996.

The State Bar recognizes that the Court of Appeals operates under a heavy case load and should be given additional support. We appreciate the opportunity to have input into these matters and I am glad that we are able to endorse legislation that will give the Court of Appeals needed help.

If I can be of further assistance or if you need any additional information concerning this, please let me know.

Yours very truly,

  
Robert W. Chasteen, Jr.

RWC/lis

cc: Honorable Dorothy Toth Beasley  
Mr. Richard T. deMayo  
Mr. Thomas Boller  
Mr. Cliff Brashier

1/11/3



## YOUNGER LAWYERS

SECTION  
STATE BAR OF GEORGIA

December 7, 1995

Hon. Dorothy T. Beasley  
Chief Judge, Georgia Court of Appeals  
334 State Judicial Building  
Atlanta, GA 30334

Re: **Proposed Increase in Number of Judges on Georgia Court  
of Appeals**

Dear Judge Beasley:

During its meeting on November 4, 1995, the Executive Committee of the Younger Lawyers' Section of the State Bar of Georgia voted to support the Georgia Court of Appeals in its efforts to have the Court increased in size from 9 to 13 members.

Although the vote in favor of supporting the recommendation of the members of the Court of Appeals was unanimous by those members of the Executive Committee in attendance at our meeting, not all members could attend. Therefore, I have called those members who were unable to attend, and I am pleased to announce the unanimous support of all members of the YLS Executive Committee.

Please let me know the steps best taken to make our support be effective.

As always, I remain

Very truly yours,

Nolie J. Motes

NJM/mjb

cc: YLS Executive Committee  
Ms Heather Lowe

File

January 6, 1996

Mr. Thomas M. Boller (872-0335)  
Russell N. Sewell, Jr., Esq.  
1100 Spring Street, N. W.  
Suite 380  
Atlanta, Georgia 30309

Quintus W. Sibley, Esq.  
999 Peachtree Street, N.E.  
Suite 1760  
Atlanta, Georgia 30309-3993

Dear Tom, Rusty and Quintus:

How exciting it is to have the endorsement of the State Bar! Thank you for helping to shepherd the proposal to add four judges to the Court of Appeals through the various committees and the board so that we can now say, "The State Bar supports it." The comments which I have received from members of the Bar give us great hope that action will be taken by the General Assembly this year to relieve this Court's workload.

You now have the updated and final version of the Assessment of Need paper, which I handed to Rusty this morning. But to give you an idea of what we are immediately faced with, we ended the last term of court on December 20. The next day, the number of direct appeals which became in "distress", i.e., needing resolution by March 16, was 117 for each of us. That means I am the judge responsible for initiating the opinion, dismissal, or Rule 36 disposition on all of those cases, except for the rare one which is withdrawn by appellant. That does not count the applications for interlocutory or discretionary appeal which also must be ruled on, or my review of the cases assigned to the other two members of my panel or the whole court. I show this to be graphic, not to complain. It is a privilege to be here, but justice should not be given short shrift.

Twenty years ago, the 1975 Governor's Commission on Court Organization and Structure recommended changes (albeit not addition of judges) because "it appears safe to say that the Georgia Court of Appeals has close to the highest, if not the highest, caseload per appellate judge in the United States."

January 6, 1996  
Page Two

Ten years ago, the 1985 Report of the Governor's Judicial Process Review Commission (Justice 2000) recommended the addition of a panel of three judges to the Court of Appeals.

Last year, the Chief Justice (Hunt) in his State of the Judiciary address told the General Assembly that the Court of Appeals judges "need more judges -- either on their court or at least on another appellate tier."

The time to make the proposed structural change is now, in 1996, before the new millennium takes us to a new age. The increase in workload per judge has been enormous, despite interim measures to shortcut the method of resolving appeals.

Enclosed is a list of members of the House and Senate Judiciary and Appropriations Committees, in the event you wish to distribute this to the members of the Board of Governors and Officers for follow-up to the vote of approval given today. These, plus the Speaker and the Lieutenant Governor, are probably the key to passage.

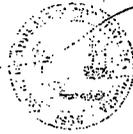
Please let me know if I can provide anything further.

Sincerely,

DOROTHY TOTH BEASLEY

Enclosure

*File*



*The Court of Appeals  
of the  
State of Georgia  
Atlanta, Georgia 30334*

CHAMBERS OF  
CHIEF JUDGE DOROTHY TOTH BEASLEY

PHONE (404) 656-3457  
FAX (404) 651-6187

January 6, 1996

Dear Members of the Board of Governors,  
and Officers, State Bar of Georgia:

This morning as I sat at the meeting and listened to the business being conducted, I was extremely proud to be a member of the State Bar. So many areas of responsible participation are actively engaged in by the Bar and its members, from improvements in the law itself to accountability in its practice. Thank you for playing a vital role in the assurance of the rule of law and respect for it and the profession in Georgia.

I wish particularly to extend our gratitude to you for the support of the legislation to add four judges to the Court of Appeals in 1996. The unanimous approval which was given at the meeting is a mark of great confidence, and it will encourage the legislature to give serious consideration to the recommendation. Your voice is a significant one, both collectively and individually, and your positive reception of the proposal as it has been discussed in the committee meetings as well as informally among you is heartening indeed.

I was prepared this morning to lay before you the what, why, how, and when aspects of the recommendation, but it was evident that you had reviewed the assessment of need paper and the draft legislation which had earlier been presented to you along with the report of the Judicial Procedure and Administration Committee. Thus I did not want to impose upon your time and attention further, although it is a subject I relish discussing.

However, I, and I am sure any of my brethren, would be happy to answer any questions you may have and to hear your comments. After all, the Court of Appeals does not belong to us but to the people of Georgia, whose servants and trustees we are; you are the Court's officers and thus share in the privilege and in the responsibility of assuring that the intermediate appellate function is adequately fulfilled. A principle as fundamental as due process demands it.

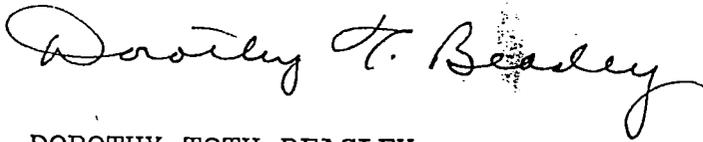
Board of Governors  
State Bar of Georgia  
January 6, 1996  
Page Two

The Court considered the pros and cons of several options quite extensively, drawing on our own experience, the recommendations of earlier study groups, the structure in other states, and the court administration literature. The Court reached a consensus that the simplest, most direct, and most immediate step forward is the one which you have now endorsed.

Be assured that it is necessary so that the quality of appellate review is not further jeopardized and the motto of the Court, which is repeated below, is not compromised:

"Upon the integrity, wisdom, and independence of the  
judiciary depend the sacred rights of free men and women."

Sincerely,



DOROTHY TOTH BEASLEY

bcc: Russell N. Sewell  
Quintas Sibley  
Tom Boller  
Ron Ellington



**State Court**  
OF  
**Hall County**

KATHLENE F. GOSSELIN, JUDGE  
P. O. BOX 737  
GAINESVILLE, GEORGIA 30503

(404) 531-7007

January 12, 1996

The Hon. Dorothy Beasley  
Chief Judge, Court of Appeals  
403 State Judicial Building  
Atlanta, GA. 30334

Dear Judge Beasley:

The Executive Committee of the Council of State Court Judges has unanimously voted to support the Court of Appeals request for four additional judges. We are aware of the extraordinarily heavy workload of the Court of Appeals, especially in comparison to other states, and it is time for you to have some relief.

Please feel free to use our support in any way that will prove beneficial and if there is anything else that we can do, let me know.

Sincerely yours,

Kathlene F. Gosselin  
President, Council of State Court  
Judges

cc: Members of the Executive Committee

COUNCIL OF MAGISTRATE COURT JUDGES



President  
Judge Dan F. Pierce  
Walton County

President-Elect  
Judge Kelly R. Burko  
Houston County

1st Vice President  
Judge T.O. Sturdivant, III  
Cobb County

Secretary  
Judge Aluc Glenn Dorsey  
Wilcox County

Treasurer  
Judge Yolanda T. Bala  
Effingham County

Immediate Past President  
Judge Wayne M. Purdom  
DeKalb County

Post Office Box 1188  
Monroe, Georgia 30655-1188  
(404) 267-1349  
Fax: (404) 267-1417

A RESOLUTION SUPPORTING THE ADDITION OF JUDGES  
TO THE GEORGIA COURT OF APPEALS

BY THE COUNCIL OF MAGISTRATE COURT JUDGES

WHEREAS the Georgia Court of Appeals provides an invaluable and necessary function for the State of Georgia as the intermediate court of review;

WHEREAS the primary function of the Court is to correct errors of the trial courts of this state, and the manner in which the appellate judges of the Court carry out this role is in the consideration of matters presented to them and in the writing of legal opinions for the disposition of cases and the establishment of precedence;

WHEREAS the written opinions of the judges, in addition to being of direct benefit to litigants of a particular appeal, provide guidance to the trial courts and lawyers of this state, and, therefore, require an adequate period of time to be thoughtfully researched, prepared, reflected upon, discussed among colleagues and composed;

WHEREAS the ability of the Court to adequately and timely carry out its role of review instills public confidence in the fairness and redress of the judiciary of this state;

WHEREAS the judges also must perform public roles and handle internal administrative matters, both of which require time diverted from their primary function;

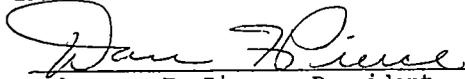
WHEREAS the Court has presented compelling, succinct, and objective evidence of dramatic increases in the persons and agencies it deals with, and comparatively, of a caseload far exceeding the numbers of all other states, regionally and nationally;

WHEREAS it has been 35 years since there has been an increase in the number of judges on the Court and 17 years since the General Assembly has provided relief from the Court's ever-burgeoning caseload by enacting legislation providing for discretionary review; and

WHEREAS the Court has presented for consideration to the General Assembly in the Second Session of its 1995-1996 Term a well-reasoned and clearly necessary request for relief in the form of one additional three-judge panel and one judge to act as Chief Administrative Judge with a reduced caseload.

NOW, THEREFORE, be it resolved by the COUNCIL OF MAGISTRATE COURT JUDGES, that the Council wholeheartedly supports the Georgia Court of Appeals in its effort to increase its body by the addition of one three-judge panel and one administrative judge.

THIS January 19, 1996

  
Judge Dan F. Pierce, President  
Council of Magistrate Court Judges, Inc.  
Walton County Magistrate Court  
111 East Spring Street, P.O. Box 1188  
Monroe, Georgia 30655



EXECUTIVE COMMITTEE

Judge Cheryl Barclay  
Judge Ted E. Darnor  
Judge Rita L. Cavanaugh

Judge William J. "Jerry" Day  
Judge Marie A. Dowbony  
Judge Glenda Dowling

Judge Joseph Iannazzone  
Judge Ronald P. Jayson  
Judge Kay U. Lancaster

Judge Victor D. Reynolds  
Judge James F. Timble  
Judge Johnny W. Warren

## **Joint Resolution**

**of**

**Atlanta Bar Association, Inc.,  
Clayton County Bar Association, Inc.,  
DeKalb Bar Association, Inc.,  
Gate City Bar Association,  
Gwinnett County Bar Association, Inc.,  
North Fulton Bar Association, Inc.  
and  
South Fulton Bar Association**

### **Supporting Legislation to Expand the Membership of the Court of Appeals of Georgia**

**WHEREAS**, assurance that the decisions of the trial courts of Georgia are legally correct is essential to the rule of law;

**WHEREAS**, appellate courts provide such assurance;

**WHEREAS**, it is therefore essential to the stability and reliability of Georgia's courts that the Court of Appeals of Georgia have adequate resources;

**WHEREAS**, the Court of Appeals of Georgia has consisted of nine judges since 1961;

**WHEREAS**, the number of Georgia trial court judges whose decisions must be reviewed has increased substantially since 1961;

**WHEREAS**, the population and economy of Georgia have expanded rapidly since 1961, and this growth has brought with it additional litigation;

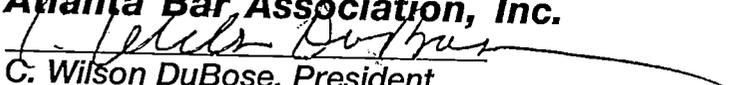
**WHEREAS**, in 1993, the most recent year for which figures are available, the judges of the Court of Appeals of Georgia handed down 278 signed opinions per judge, more than any other state appellate court in the United States -- and more than double the 137 opinions handed down in that year by California, the next nearest state;

**WHEREAS**, the caseload of the Court of Appeals of Georgia greatly exceeds the size recommended by scholars who have studied the operation of such institutions;

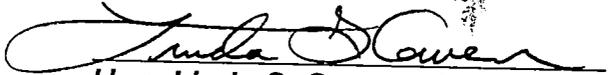
**WHEREAS**, the members of the Court of Appeals of Georgia have voted to recommend an increase in their number to 13 judges and to that end have voted to recommend passage of the appropriate legislation in that regard;

**NOW THEREFORE**, be it hereby known that the Atlanta Bar Association, Inc., Clayton County Bar Association, Inc., DeKalb Bar Association, Inc., Gate City Bar Association, Gwinnett County Bar Association, Inc., North Fulton Bar Association, Inc. and South Fulton Bar Association endorse legislation to increase the number of judges on the Court of Appeals and urge the members of the House of Representatives and Senate of the State of Georgia to enact appropriate legislation in that regard.

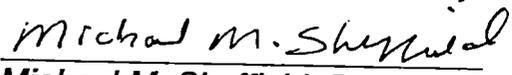
**Atlanta Bar Association, Inc.**

  
C. Wilson DuBose, President

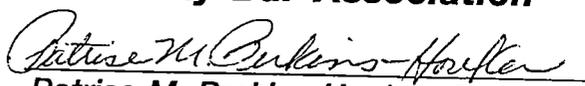
**Clayton County Bar Association, Inc.**

  
Hon. Linda S. Cowen, President

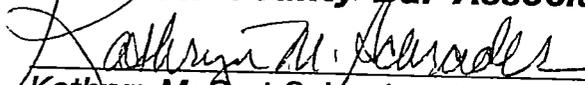
**DeKalb Bar Association, Inc.**

  
Michael M. Sheffield, President

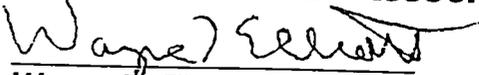
**Gate City Bar Association**

  
Patrise M. Perkins-Hooker, President

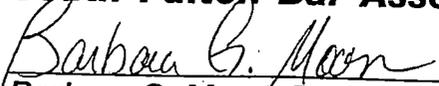
**Gwinnett County Bar Association, Inc.**

  
Kathryn McCart Schrader, President

**North Fulton Bar Association, Inc.**

  
Wayne T. Elliott, President

**South Fulton Bar Association**

  
Barbara G. Moon, President

## *RESOLUTION*

WHEREAS, THE COURT OF APPEALS OF GEORGIA, has proposed to the General Assembly of Georgia an amendment to §15-3-1 of the Official Code of Georgia relating to the composition and division of the Court so as to increase its membership from nine to thirteen judges and increase the number of divisions from three to four; and

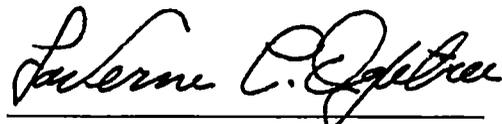
WHEREAS, the membership of the Court has not been increased since 1961 and since that time increases in population and the numbers of trial court judges and caseload from which appeals ultimately come to the Court either directly or through application have had a dramatic impact upon the workload of the Court; and

WHEREAS, comparative figures collected by the National Center for State Courts indicate that judges of the Court of Appeals of Georgia have the highest rate of signed opinions per judge in the nation; and

WHEREAS, these factors are subject to further increase which may adversely effect the Courts effectiveness at addressing justice in a timely and efficient manner.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee of the Council of Probate Court Judges of Georgia on behalf of the Council commend to the General Assembly of Georgia the proposal of the Court of Appeals of Georgia and endorse any efforts which may be taken by the General Assembly to bring about the adoption of said proposal.

Adopted by the Executive Committee of the Council of Probate Court Judges of Georgia Thursday, January 18, 1996.



Judge LaVerne C. Ogletree,  
President

# Olympic ring access tightly controlled • Peachtree will become a pedestrian walkway

By Alma E. Hill  
STAFF WRITER

Atlanta police will form a perimeter around the downtown Olympic ring next summer, and only ACOG and people who live or work in the area will be permitted access, according to a traffic circulation plan released today by Mayor Bill Campbell.

The plan consists of an earlier version, proposed in the spring by ACOG, combined with additional street closings and restrictions recommended by the Atlanta Police Department, the state Department of Transportation, the Georgia State Patrol and the city's traffic and transportation departments.

The vicinity around the Olympic Village will be off-limits 24 hours a day to motorists, as will the Olympic stadium area and the immediate vicinity of Centennial Olympic Park, the Omni and the Georgia World Congress Center.

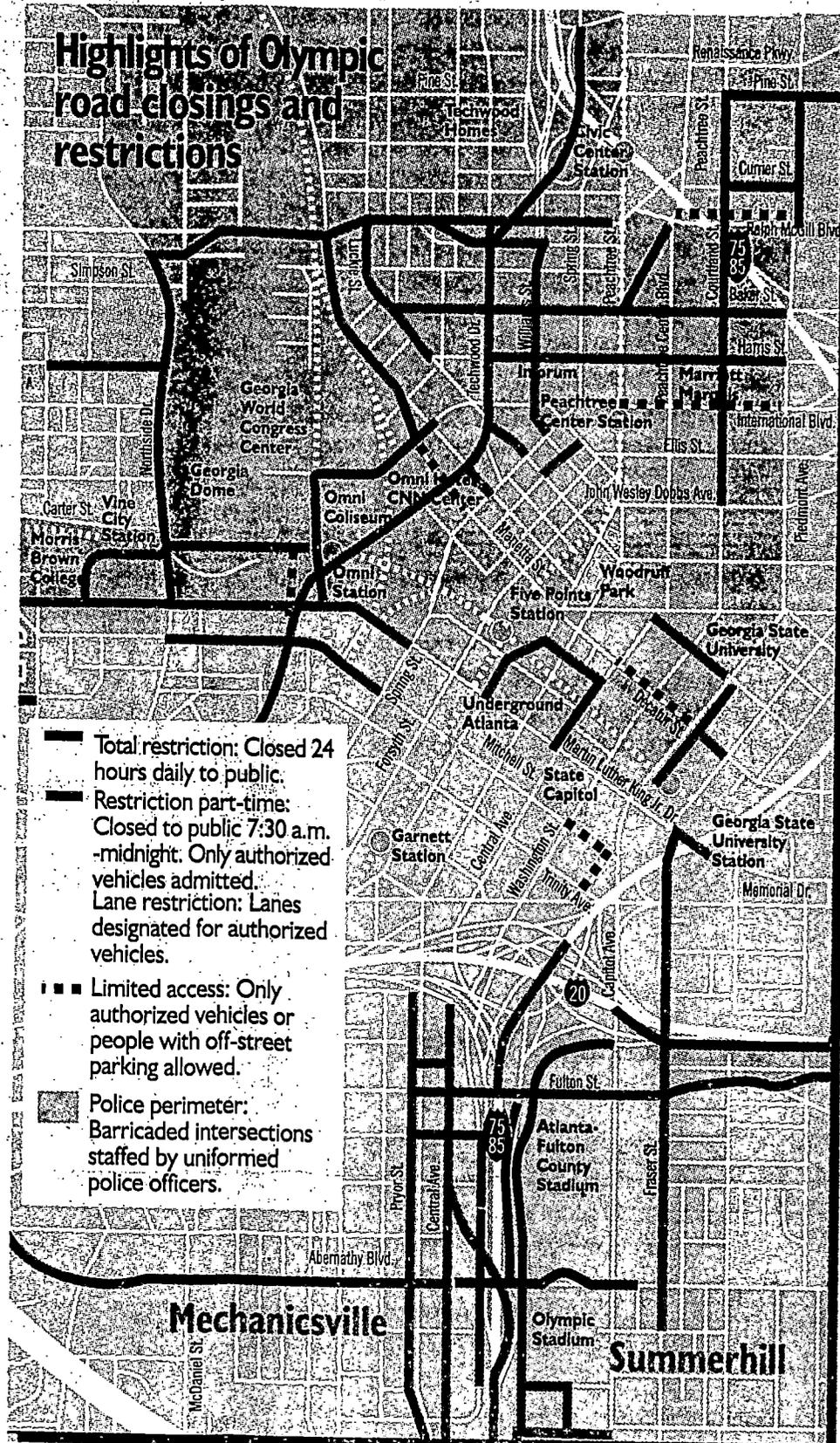
Peachtree Street, one of the city's most heavily traveled thoroughfares, will become a pedestrian walkway during the Games. Courtland Street will be restricted to people who live or work in the area and have off-street parking.

Penetrating the barricaded perimeter won't be impossible. Atlanta police will let motorists enter as long as they have off-street parking.

But on-street parking spaces will be impossible to find. The city will tow anyone who parks illegally or on the street.

Police will ask people who don't have a place to park or legitimate business in the area to leave the downtown area at the nearest exit. However, because motorists will be allowed inside the ring, police are bracing themselves for gridlock.

"If they think rush hour is bad now, wait until they get into that," said Atlanta police.



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ASSOCIATED PRESS

**Major streets closed during the Games:**

**Location:** Atlanta University Center: James P. Brawley between Parsons and Greensferry; Greensferry between Westview and Lawshe; and Sunset between the Hickman Parking Lot and Martin Luther King.

**Location:** Olympic Center and Georgia State University: International between the Georgia Dome and Techwood; Luckie between Baker and Techwood; Marietta between International and Foundry; Simpson between Lovejoy and Techwood and Walton between Marietta and Techwood.

**Location:** Olympic stadium area: Interstate 20 off-ramp westbound at Capitol; Interstate 75/85 off-ramp northbound at Central/Fulton; Interstate 75/85 off-ramp northbound at Ormond; Interstate 75/85 on-ramp southbound at Pulliam; Ralph David Abernathy between Central and Interstate 75/85.

**Location:** Olympic Village area: North Avenue between Luckie and Interstate 75/85 off-ramp southbound.

**Major streets closed 7:30 a.m. until midnight; no vehicles allowed:**

**Location:** Atlanta University Center: Brawley between Beckwith and Parsons.

**Location:** Olympic Center and Georgia State University: Baker, between Luckie and Techwood; Peachtree between Ralph McGill and Martin Luther King; International between Techwood and Peachtree; Walton between Techwood and Spring.

**Location:** Olympic stadium area: Capitol between Martin Luther King and Fulton.

**Location:** Olympic Village area: Ponce de Leon between West Peachtree and Spring.

**Major streets closed 7:30 a.m. until midnight; only authorized vehicles allowed**

Vehicles allowed include ACOG vehicles, emergency vehicles, and people with businesses or residences in the area.

**Location:** Atlanta University Center: Beckwith between Brawley and Walnut; Brawley between Martin Luther King and Beckwith; Electric between Rhodes and Carter; Maple/Carter between Martin Luther King and Northside; Westview between Ashby and Greensferry.

**Location:** Olympic Center and Georgia State University: Alexander between Northside and West Peachtree; Currier between Courtland and Piedmont; Luckie between Alexander and Baker; Marietta between Jones and Foundry; Pine between Courtland and Piedmont; Simpson between Marietta and Lovejoy; Techwood between West Peachtree Place and Martin Luther King; West Peachtree Place between Alexander and Williams; Williams between West Peachtree Place and Spring.

**Location:** Olympic stadium area: Alice between Pryor and Pulliam; Central between Rawson and Pryor; Fraser between Georgia and Fulton; Fulton between Pryor and Glenwood; Glenn between Pryor and Central; Glenwood between Fulton and Hill; Interstate 75/85 off-ramp southbound at Fulton; Little between Washington and Capitol; and Pryor between University and Ridge.

**Location:** Olympic Village: 10th between Northside and Techwood; Biltmore Place between Spring and West Peachtree; Peachtree Place between West Peachtree and Crescent.

■ FINAL TRAFFIC PLAN UNVEILED / A1

**Los Angeles** — Three suspected members of a paramilitary group have been charged with plotting to invade Cuba and overthrow the regime of Fidel Castro.

The trio was arrested after an office building and a warehouse owned by one of the men turned up an invasion plan and a cache of weapons including 18 AK-47 assault rifles and 14,000 rounds of ammunition, the FBI said Monday.

Also seized were grenades, a book on mine warfare, about 40 gas masks, body armor, night vision goggles, bayonets and survival kits, the FBI said.

The plan, according to government documents, was to arm residents in several Cuban cities "to provoke an armed rebellion of the people."

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# Court of Appeals

## Memorandum

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To: LaVerne Johnson  
From: *W. J. Martin*  
Bill Martin  
Subject: Special Banc Meeting  
Date: December 14, 1995

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There is a special Banc Meeting called for Tuesday, December 19, 1995 at 10:00 AM in the Court Banc Room. Pursuant to the Court's Policy in the Internal Operations Manual regarding Floating Administrative Assistants for the Chief Judge for Banc Meetings, you will be assigned to Chief Judge Beasley on Monday, December 18, 1995 through Thursday, December 21, 1995 to assist with the preparation of the Banc Meeting, the setting up of the Banc Meeting and the follow-up work that needs to be done after the Banc Meeting to include minutes.

Should you conclude all of your Banc business before December 21, 1995, please contact me.

If you have any questions about this assignment, please feel free to see me.

cc: Chief Judge Beasley  
Judge Johnson  
Gail Arceneaux