



Court of Appeals

Memorandum

To: All Judges
From: Chief Judge Blackburn *HAB*
Subject: Legislation
Date: September 7, 2001

Enclosed is a bill which deals with the state-wide election of judges on page 8. This bill passed the House on September 6, 2001.

cc: Mr. Bill Martin ✓



Court of Appeals

Memorandum

To: All Court Personnel

From: Chief Judge Blackburn *JAB*

Subject: Adoption of New Font for Opinions

Date: March 19, 2001

This Court has voted to use New Times Roman 14 font for all circulating and published opinions, etc. of this Court effective no later than April 1, 2001. This Court has also voted to use italicized case style citations rather than underlined citations in circulating as well as published opinions, etc. effective no later than April 1, 2001.

Bud Tirey's office will make whatever changes need to be made on the computers, and will be happy to demonstrate how to italicize a style citation to anyone needing assistance. Thank you.

Attachment: Sample

cc: Mr. Bill Martin

FOURTH DIVISION
SMITH, P. J.,
BARNES AND PHIPPS, JJ.

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.
(Court of Appeals Rules 4 and 37, December 14, 2000)
<http://www.appeals.courts.state.ga.us/rules.html>

February 22, 2001

In the Court of Appeals of Georgia

A01A0217. CHANDLER v. THE STATE

BA-008C

BARNES, Judge.

Andrew Chandler appeals from his convictions of driving under the influence and no proof of insurance, contending insufficient evidence supports his convictions and that the trial court erred when it allowed admitted hearsay evidence. Because the State failed to prove venue beyond a reasonable doubt, we must reverse.

Relying upon the Georgia Supreme Court's recent opinion in *Jones v. State*, 272 Ga. 900 (SE2d) (2000), Chandler asserts the State failed to prove venue beyond a reasonable doubt. In *Jones*, the Supreme Court clarified the "slight evidence exception" as follows:

The slight evidence exception has two parts and is written in the conjunctive; before slight evidence of venue will be deemed sufficient,

Font Selection Vote:

| <u>Judge</u> | <u>Font Change</u> | <u>Italicize</u> |
|-----------------|---|---|
| Blackburn 3/14 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Pope 3/14 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Andrews 3/28/01 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Johnson 3/14 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Smith 3/19 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Ruffin 3/19 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Eldridge 3/19 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Barnes 3/29/01 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Miller | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Ellington 3/20 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Phipps 3/14 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |
| Mikell 3/15 | <input checked="" type="checkbox"/> _adopt/___not adopt | <input checked="" type="checkbox"/> _adopt/___not adopt |



Court of Appeals

Memorandum

To: All Judges

From: Chief Judge Blackburn *AAB*

Subject: Court Filings - Change Rule 1 (c)

Date: March 28, 2001

In light of this court's adoption of NEW TIMES ROMAN 14 for all official opinions and orders of this court, Bill Martin has suggested that we consider requiring lawyer filing with this court to also be NEW TIMES ROMAN 14. See attached memo.

I would point out that NEW TIMES ROMAN 14 does not take up more space than COURIER 12, because it is a proportional print that adjusts the space between the characters. Bill is correct that NEW TIMES ROMAN 14 is a larger font than COURIER 12 and would make it easier to read briefs, etc.

My one concern in making this change is that it would generally preclude the use of typewriters by lawyers to prepare documents as I doubt that NEW TIMES ROMAN 14 is readily

available on a typewriter. In any event, please give this some thought and we will discuss this on April 19, 2001.

cc: Mr. Bill Martin ✓



Court of Appeals

Memorandum

To: Chief Judge G. Alan Blackburn
From: *W.L. Martin*
William L. Martin, III
Subject: New Font for Opinions
Date: March 26, 2001

Thank you for your memorandum regarding the new font for the Court's opinions. Since the Court is adopting New Times Roman 14 font for published opinions, I believe the Court may wish to consider adopting New Times Roman 14 font for briefs and other matters filed in the Court. While this is more than 10 characters per inch, it is certainly easily read and might help satisfy some concerns of some areas of the Bar regarding our 10 characters per inch requirement in our Rules.

If you think is worth considering, you may wish to put it on the agenda for the April Banc Meeting.

Thank you.

/ld

cc: Presiding Judge J.D. Smith

I. GENERAL

Rule 1.

(a) All filings, documents, motions, briefs, requests and communications relating to appeals shall be in writing, shall be filed with the Clerk's office, shall be signed by counsel and shall show that copies have been furnished to opposing counsel. Service shall be shown by written acknowledgment, certificate of counsel or affidavit of server, to include the mailing address of all opposing counsel. Service shall be made before filing. Any document without a Certificate of Service will not be accepted for filing. All signed documents shall include the State Bar of Georgia membership number of all submitting attorneys.

(b) There shall be no communications relating to pending cases to any judge or member of the judge's staff.

(c) All documents filed with the Court shall be typed or printed on non-transparent, letter size (8 1/2" x 11") white paper and bound at the top with staples or round head fasteners and all matters contained therein, including quotations and footnotes, shall have no less than double spacing between the lines. Letter spacing and type or font size shall be no smaller than Courier 10 cpi, 12 point (or equivalent). Any documents which the Court deems inappropriate as to type size, type style and/or form may be returned to counsel after filing by the Court, and counsel may be ordered to redact and recast such documents. All documents filed with this Court shall be backed with a non-glossy, white manuscript cover of recyclable paper, heavier than regular stationery-type paper.

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

(e) The Court does not accept facsimile filings.

Rule 2.

(a) The Clerk's office shall be open Monday through Friday from 8:30 a.m. to 4:30 p.m. E.S.T./E.D.T. The address is: Clerk, Court of Appeals of Georgia, 334 State Judicial Building, Atlanta, Georgia 30334. The telephone number is (404) 656-3450.

(b) Drop Box

The clerk's office has provided a drop box for filing documents after business hours. Any items placed in the drop box after 4:30 p.m. Monday through Friday, will be docketed to the date the documents were placed in the drop box. The Judicial Building is open from 7:00 a.m. until 5:30 p.m. Court personnel will remove the documents the morning of the following business day and clock documents to the present time and date and file the documents to the date they were placed in the drop box.



Court of Appeals

Memorandum

To: Chief Judge G. Alan Blackburn
From: William L. Martin, III
Subject: February Banc Minutes
Date: February 22, 2001

*OK BM.
WAB - Please distribute to
Judges - 2/22/00*

Enclosed please find the Banc Minutes for the February 21, 2001 en Banc Meeting of the Court of Appeals. Please review these Minutes and make whatever changes you deem appropriate. If you are satisfied with the Minutes as presented, please initial same and return them to me so that I may make a distribution for the other judges.

Thank you.

/ld

Attachment

MINUTES OF THE BANC MEETING
OF THE COURT OF APPEALS OF GEORGIA

February 21, 2001

OK AAB
2/22/01

The February Banc Meeting of the Court of Appeals of Georgia was held in the Third Floor Conference Room on Wednesday, February 21, 2001, at 10:00 a.m. Those present were:

Chief Judge G. Alan Blackburn
Presiding Judge Marion T. Pope, Jr.
Presiding Judge Gary B. Andrews
Presiding Judge Edward H. Johnson
Presiding Judge J. D. Smith
Judge Frank M. Eldridge
Judge Anne E. Barnes
Judge M. Yvette Miller
Judge John J. Ellington
Judge Herbert E. Phipps
Judge Charles B. Mikell, Jr.
Mr. Bill Martin, Clerk/Court Administrator

Those absent were:

Judge John H. Ruffin, Jr.

I. CALL TO ORDER:

Chief Judge Blackburn called the meeting to order at 10:00 a.m.

II. APPROVAL OF THE MINUTES:

Chief Judge Blackburn asked the judges to take a few minutes and review the Minutes of the January 16, 2001 Banc Meeting. After a brief review of the Minutes, Judge Miller made a motion to approve the Minutes which was seconded by Presiding Judge Pope and the motion passed unanimously.

III. COURT PHOTOGRAPHS

Chief Judge Blackburn told the members of the Banc he thought it would be appropriate to locate the portraits of former chief judges of the Court of Appeals with the idea of displaying them prominently in the halls of the Judicial Building. He reported Mr. Martin had been in contact with State Archives to locate the portraits. Chief Judge Blackburn also suggested it would be appropriate to hang former Whole Court photographs of the Court on the walls in the halls of the third floor or possibly other areas of the Court. Chief Judge Blackburn reported he and Mr. Martin would be locating the portraits and report back to the Banc at a later date.

Chief Judge Blackburn then called to the attention of the judges a suggested change in the Internal Operations Manual requested by Jan Kelley to clarify and authorize in writing the procedure on providing Whole Court photographs to judges of the Court and individual portrait photographs. After a brief review of the proposed IOM addition, Presiding Judge Andrews moved for its passage which was seconded by Judge Ellington and the motion passed unanimously.

IV. LEGISLATION UPDATE:

Chief Judge Blackburn called upon Presiding Judge Pope for a report on legislation. Presiding Judge Pope said he met with Representative Tom Shanahan, Vice Chair of the House Retirement Committee, along with Presiding Judge Johnson, Judge Ellington and Bill Martin. Presiding Judge Pope reported Representative Shanahan was going to introduce a bill in the House to provide retirement at age 60 with 12 years service as an Appellate Court judge and that Representative Shanahan was going to handle the matter in the House.

Presiding Judge Pope said both House and Senate bills would be introduced in March and an actuarial study would be requested during the break in the two-year legislative session.

Judge Mikell asked if the retirement bill would be an additional option or in lieu of the current retirement legislation. It was the consensus of all the judges that the proposed retirement legislation would be an additional option and would not exclude or repeal the existing retirement legislation for appellate judges.

Presiding Judge Pope also reported that all four of Senator Seth Harp's bills and/or resolutions dealing with domestic relation matters have been tabled for the first year of the two year session. Those bills directly effecting the Court of Appeals are House Bill 125 which would make domestic matters directly appealable as opposed to coming up by discretionary application and Senate Resolution 136 which would give the Court of Appeals jurisdiction over divorce and alimony matters, rather than the Supreme Court as set out in the State Constitution.

Chief Judge Blackburn brought to the judges attention the resolutions introduced by Representative John Wiles which would call for the election of all judges and provide that parties could request to have matters heard before an elected judge. Chief Judge Blackburn stated he brought this to the judges attention purely for informational purposes.

V. OLD BUSINESS:

Chief Judge Blackburn recognized Mr. Martin who stated he received a letter from Senior Judge John D. Crosby formerly a Superior Court Judge in the Tifton Judicial Circuit thanking the members of the Court of Appeals for the Resolution passed in his honor.

VI. NEW BUSINESS:

Chief Judge Blackburn recognized Judge Phipps. Judge Phipps discussed the possibility of changing the font size used by the Court of Appeals to a font similar to that used by the Supreme

Court. Judge Phipps said the larger font was easier to read and he felt it would be better for the review of opinions. After a general discussion, the Court agreed unanimously to change the font size and voted to adopt Courier Regular 14 beginning no later than March 1, 2001. Chief Judge Blackburn directed Mr. Martin to send a memorandum to the Court notifying everyone of the change.

Chief Judge Blackburn recognized Presiding Judge Andrews and presented him with a certificate recognizing 25 years of faithful, dedicated and distinguished service to the State. He also presented a similar certificate to Presiding Judge Pope recognizing 20 years with the State but added that included only his time on the Court of Appeals. He said Presiding Judge Pope would receive additional certificates recognizing his service as a Superior Court Judge and a Judge on the Court of Appeals.

Chief Judge Blackburn also reported the Georgia Building Authority had recently tested the water in the Judicial Building, primarily for metal contaminants. According to the Georgia Building Authority, Chief Judge Blackburn said the water in the building was potable.

VII. ADJOURN:

There being no further business, and upon hearing a motion to adjourn by Presiding Judge Pope and second by Presiding Judge Andrews, Chief Judge Blackburn adjourned the meeting at 10:30 a.m.

Respectfully submitted,

WILLIAM L. MARTIN, III
Clerk/Court Administrator
Court of Appeals of Georgia

Minutes approved by the Court
En Banc on the _____ day of _____, 2001



Court of Appeals

Memorandum

To: Self

From: William L. Martin, III

Subject: February Banc Meeting

Date: February 19, 2001

Items we may wish to discuss at the Banc Meeting:

- (1) Whole Court Photographs - display old ones
- (2) Portraits of Former Chief Judges of the Court of Appeals
- (3) Legislation Update
- (4) IOM - Protocol for portraits and Whole Court photographs
- (5) Special Presentations



Court of Appeals

Memorandum

To: All Judges
From: *W. L. Martin*
Bill Martin
Subject: Banc Meeting Agenda
Date: February 20, 2001

Attached please find a copy of the Banc meeting agenda Chief Judge Blackburn asked that I distribute to each of you. You will find attached a purposed IOM addition which will memorialize the Court's policy on Whole Court photographs and individual portraits.

Thank you.

Attachments

COURT OF APPEALS OF GEORGIA
BANC MEETING

Wednesday, February 21, 2001
Third Floor Conference Room
10:00 a.m.

A G E N D A

- | | | |
|------|--|-------------------------------------|
| I. | Call Meeting to Order | Chief Judge G. Alan Blackburn |
| II. | Approval of Minutes of January 16, 2001 Banc Meeting | Chief Judge G. Alan Blackburn |
| III. | Court Photographs | |
| | a) Whole Court Photographs - display old ones | Chief Judge G. Alan Blackburn |
| | b) Portraits of Former Chief Judges of the Court of Appeals | Chief Judge G. Alan Blackburn |
| | c) IOM Addition for Court Photographs | |
| IV. | Legislation Update | Presiding Judge Marion T. Pope, Jr. |
| V. | Old Business - <i>Letter from J. John D. Crook →</i> | Chief Judge G. Alan Blackburn |
| VI. | New Business | Chief Judge G. Alan Blackburn |
| VII. | Adjournment | Chief Judge G. Alan Blackburn |

MINUTES OF THE BANC MEETING
OF THE COURT OF APPEALS OF GEORGIA



January 16, 2001

The January Banc Meeting of the Court of Appeals of Georgia was held in the Third Floor Conference Room on Tuesday, January 16, 2001, at 10:00 a.m. Those present were:

Chief Judge G. Alan Blackburn
Presiding Judge Marion T. Pope, Jr.
Presiding Judge Edward H. Johnson
Judge Frank M. Eldridge
Judge Anne E. Barnes
Judge M. Yvette Miller
Judge Herbert E. Phipps
Judge Charles B. Mikell, Jr.
Mr. Bill Martin, Clerk/Court Administrator

Those absent were:

Presiding Judge Gary B. Andrews
Presiding Judge J. D. Smith
Judge John H. Ruffin, Jr.
Judge John J. Ellington

I. CALL TO ORDER:

Chief Judge Blackburn called the meeting to order at 10:00 a.m.

II. APPROVAL OF MINUTES:

Judge Mikell made a motion to approve the Minutes which was seconded by Judge Miller. The motion passed unanimously.

III. REPORT OF THE LEGISLATION COMMITTEE:

Presiding Judge Pope reported the Legislation Committee had met with the Lieutenant Governor and his Chief of Staff regarding Retirement Legislation. Presiding Judge Pope stated he was encouraged by the meeting at which Lieutenant Governor suggested that one bill be introduced in the Senate for retirement at age 60 with 10 years creditable service and another bill introduced in the House for retirement at age 60 with 12 years creditable service. Presiding Judge Pope stated the Legislative Council's Office would draft the bill and the Lieutenant Governor had appointed Senator Vincent D. Fort as Chair of the Senate Retirement Committee. Representative Bill Cummings is the Chair of the House Retirement Committee.

Presiding Judge Pope said the process for retirement legislation takes two years. The bill must be introduced the first year of the two year session with an actuarial study done between the first and second years. After the actuarial study has been completed, the bill must then come back for approval

by the House and Senate Retirement Committees and then final approval by the House and Senate and, of course, signature by the Governor.

IV. EMERGENCY MOTION JUDGE EQUIPMENT:

Chief Judge Blackburn reported he had consulted with Bud Tirey, Head of Technical Services, and has provided for the Court a statewide pager for the Emergency Motion Judge as well as a laptop computer. This will enable the Emergency Motion Judge to be in constant contact with the Court. The laptop computer which is also available will have information on it regarding prior orders of the Court in dealing with various emergency motions. The Emergency Motion Judge equipment was then turned over to January's Emergency Motion Judge, Presiding Judge Pope.

Chief Judge Blackburn directed the clerk/court administrator to set up a procedure for rotating the Emergency Motion Judge equipment among the judges on the Court. Chief Judge Blackburn also said the laptop will have an e-mail address and sample orders available for use by the Court.

V. ORAL ARGUMENTS

Chief Judge Blackburn stated the Court had received the digital clock for the courtroom the purchase of which had been authorized by the Executive Council last Summer. He suggested the clock would benefit the Court and attorneys attending oral argument by having a clock which the judges and attorneys can plainly see with the time remaining in oral argument.

Chief Judge Blackburn also discussed the idea of tape recording all oral arguments in the Court for use of the Division hearing oral arguments or judges who are not present at oral argument on 7 judge or 12 judge cases. Chief Judge Blackburn said the oral argument tapes would also be available to staff attorneys or judges who wish to hear or rehear the oral arguments. Chief Judge Blackburn directed the clerk/court administrator to set up a procedure by which the clerk's office could be responsible for identifying the file folder and record of cases which have been orally argued and set up a procedure in which the oral argument tapes can be checked out. After a brief discussion, it was decided the tapes would only be available for use by Court personnel and not available to the public, attorneys or parties.

VI. RECORDING BANC MEETINGS:

Chief Judge Blackburn discussed the possibility of tape recording the Banc Meetings for judges who were not able to attend the Banc Meetings. After a brief discussion about the pros and cons of such action, Presiding Judge Johnson made a motion not to tape record the Banc Meetings. The motion was seconded by Judge Barnes and passed unanimously.

Presiding Judge Pope then urged the judges of the Court to be circumspect in their use and disposition of the Court's Administrative Banc Minutes. Presiding Judge Pope made a motion that no sensitive information be memorialized in the Minutes and that the Minutes be safeguarded or destroyed by the individual judges after each has read the Minutes.

Judge Miller seconded the motion and it passed unanimously.

VII. COURT PLANNING SESSION:

Chief Judge Blackburn asked if the judges would be interested in a Court Planning Session this year. After a brief discussion, the Court decided a Court Planning Session would be beneficial. It was decided the Court would plan for such a session at Fieldstone Inn and Conference Center in Hiawassee, the site of the last Court Planning Session, and Mr. Martin was directed to make arrangements for the first week in November 2001. Chief Judge Blackburn asked the judges to think of items to be discussed at the Court Planning Session and to communicate those topics to him as soon as possible.

VIII. OLD BUSINESS:

There was no old business to report.

IX. NEW BUSINESS:

Presiding Judge Pope said the Georgia Association of Criminal Defense Lawyers was holding a roast and tribute in honor of Bobby Lee Cook at the Century Center Hotel at 4:15 p.m. on January 19, 2001. Presiding Judge Pope also reminded the judges that the State of the State Address would be at the State Capitol on Wednesday, January 31st and the State Bar Luncheon would be held on Thursday, January 25th at the Commerce Club. Finally, Presiding Judge Pope stated the Annual Bird Supper hosted by Hugh McNatt and Cliff Adams would be held at the Trolley Barn on Edgewood Avenue at 6:00 p.m. on Wednesday, February 7th.

Mr. Martin reported that he had provided each judge with their official Court e-mail address. Presiding Judge Johnson and Judge Barnes stated the e-mail address on Mr. Martin's list was not the one they were using. Chief Judge Blackburn asked Mr. Martin to meet with Bud Tirey to ascertain the correct e-mail address for the judges and to meet with the judges individually to ascertain if each wanted his/her e-mail address included in the information for the *Fulton County Daily Report's* Judicial Directory and other Judicial Directories.

Chief Judge Blackburn stated he and Mr. Tirey were looking at ways to improve the Court through technology. Chief Judge Blackburn stated he hoped to soon have available on each office's e-mail a comprehensive Court calendar. The upgrade of that calendar may be able to provide each judge's office with the ability to put information on the calendar strictly for that judge's office.

X. ADJOURN:

There being no further business and upon hearing a motion to adjourn by Presiding Judge Pope, Chief Judge Blackburn adjourned the meeting.

Respectfully submitted,

WILLIAM L. MARTIN, III
Clerk/Court Administrator
Court of Appeals of Georgia

Minutes approved by the Court
En Banc on the ____ day of _____, 2000

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 will pay basic State Bar dues for staff attorneys.
- D. The court will 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 will 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 shall 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, each judge of the Court shall be entitled to 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.

SB125 : Appeals in Domestic Relation Cases

A bill to be entitled an Act to amend Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases requiring application for appeal, so as to change provisions for appeals in domestic relation cases; to provide for related matters; to

House Committee:

Senate Committee: JUDY

Sponsors

- Harp, Seth 16 th

History

| Date | Action |
|------------|--------------------------|
| 2001-02-05 | Senate Hopper |
| 2001-02-07 | Senate Read and Referred |

Full Text

01 LC 29 0059

Senate Bill 125

By: Senator Harp of the 16th

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases requiring application for appeal, so as to change provisions for appeals in domestic relation cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 5-6-35 of Title 5 of the Official Code of Georgia Annotated, relating to cases requiring application for appeal, is amended by striking in its entirety subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Appeals in the following cases shall be taken as provided in this Code section:

(1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers' Compensation, the State Board of Education, auditors, state and local administrative agencies, and lower courts by certiorari or de novo proceedings; provided, however, that this provision shall not apply to decisions of the Public Service Commission and probate courts and to cases involving ad valorem taxes and condemnations;

~~(2) Appeals from judgments or orders in divorce, alimony, child custody, and other~~

~~domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony, awarding or refusing to change child custody, or holding or declining to hold persons in contempt of such alimony or child custody judgment or orders;~~

~~(3)~~(2) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

~~(4)~~(3) Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34;

~~(5)~~(4) Appeals from orders revoking probation;

~~(6)~~(5) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;

~~(7)~~(6) Appeals, when separate from an original appeal, from the denial of an extraordinary motion for new trial;

~~(8)~~(7) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief upon a complaint in equity to set aside a judgment;

~~(9)~~(8) Appeals from orders granting or denying temporary restraining orders;

~~(10)~~(9) Appeals from awards of attorney's fees or expenses of litigation under Code Section 9-15-14; and

~~(11)~~(10) Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings so long as the subject matter is not otherwise subject to a right of direct appeal."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

[Return to Legislative Search](#)

SR136 : CA: Supreme Court; appellate jurisdiction; remove divorce, alimony, child support and child custody cases

A resolution proposing an amendment to the Constitution so as to provide that the Supreme Court does not have appellate jurisdiction in divorce, alimony, child support, and child custody cases; to provide for the submission of this amendment for ratification

House Committee:

Senate Committee: JUDY

Sponsors

- Harp, Seth 16 th

History

| Date | Action |
|------|--------|
|------|--------|

| | |
|------------|---------------|
| 2001-02-05 | Senate Hopper |
|------------|---------------|

| | |
|------------|--------------------------|
| 2001-02-07 | Senate Read and Referred |
|------------|--------------------------|

Full Text

Senate Resolution 136

By: Senator Harp of the 16th

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the Supreme Court does not have appellate jurisdiction in divorce, alimony, child support, and child custody cases; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VI, Section VI of the Constitution is amended by striking Paragraph III and inserting in lieu thereof a new Paragraph III to read as follows:

"Paragraph III. *General appellate jurisdiction of Supreme Court.* Unless otherwise provided by law, the Supreme Court shall have appellate jurisdiction of the following classes of cases:

(1) Cases involving title to land;

(2) All equity cases except those involving divorce, alimony, child support, or child custody or modification or contempt of those judgments;

(3) All cases involving wills;

(4) All habeas corpus cases;

(5) All cases involving extraordinary remedies;

~~(6) All divorce and alimony cases;~~

~~(7)~~(6) All cases certified to it by the Court of Appeals; and
~~(8)~~(7) All cases in which a sentence of death was imposed or could be imposed.
Review of all cases shall be as provided by law."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution be amended so as to provide that the
() NO Supreme Court does not have appellate jurisdiction in divorce,
 alimony, child support, or child custody cases or for
 modification or contempt of those judgments?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

[Return to Legislative Search](#)

Keyword Search Results

Searched for: **judicial retirement**
18 items found

- [HB174](#) : Supplemental Appropriations; FY 2000-2001
- [HB215](#) : Income tax; gradual reduction
- [HB254](#) : Judicial Retirement; state court judges; transfer funds from Employees' Retirement
- [HB283](#) : Judicial Retirement; creditable service
- [HB309](#) : Higgston, City of; new charter
- [HB466](#) : Snellville, City of; new charter
- [HB470](#) : Health care work force policy advisory committee; provisions
- [HB498](#) : Mental health; regional and substance abuse boards; abolish; transfer functions
- [HB557](#) : Judicial Retirement; survivors benefit fund
- [HB574](#) : Sandy Springs, City of; incorporate
- [HB606](#) : Employees' Retirement; certain law assistants; membership
- [HB625](#) : Judicial Retirement; transfer from local system; creditable service
- [SB64](#) : Judicial Retirement; creditable service; forfeited annual and sick leave
- [SB122](#) : Cusseta-Chattahoochee County Charter and Unification Commission; create
- [SB144](#) : Gwinnett County Recorder's Court; judges; compensation
- [SB161](#) : State Agencies; employee incentive award programs; incentive compensation pay
- [SB169](#) : Sandy Springs, City of; incorporation, boundaries, powers
- [SR187](#) : Strickland, Judge Joe; commend

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THE COURT OF APPEALS

OF THE

STATE OF GEORGIA

334 State Judicial Building

Atlanta, Georgia 30334

(404) 656-3450

FAX: (404) 651-6187

FACSIMILE TRANSMISSION SHEET

DATE: 2/20/01 TIME: 2:10 a.m./p.m.

TO: Andrew Taylor

FAX: 404 - 656 - 2949 ~~404-656-2949~~

FROM: Bill Martin

MESSAGE: Andy,

I am trying to locate the portraits of
the following Chief Judges of the Court of
Appeals: Benjamin Harvey Hill 1907-1913
Richard Brevard Russell 1913-1916
Peyton L. Wade 1916-1919
Nash Bose Broyles 1919-1947
I. Homer Sutton 1947-1954

Thanks for your help.

THIS TRANSMISSION CONSISTS OF COVER SHEET PLUS _____ PAGE(S)

END OF PAGE

support a guilty verdict of felony murder while in the commission of that lesser underlying felony. Restoration of appellants to their proper positions requires both reversal of the felony murder convictions because of the insufficient evidence of the underlying felony of armed robbery, and remand of the case for retrial on felony murder while in the commission of the lesser underlying felony of attempted armed robbery. Such a retrial would not give the State a second chance to convict and punish appellants for a single offense. To the contrary, the effect of reversal and remand will be to give them, at their request, another chance to rebut the State's evidence that they committed felony murder, even though the State has already obtained a conviction for that offense. Beverly v. Jones, 854 F2d 412, 415 (II) (B) (11th Cir. 1988).

By conditioning retrial on the giving of a lesser included offense instruction, the majority "creates the anomaly of forcing a defendant to make himself subject to retrial if he requests a lesser-included offense in those cases in which he challenges the sufficiency of the evidence with respect to the higher offense." 5 LaFave, Israel & King, *supra* at § 25.4 (b), p. 681. The majority places a burden on the State to request a charge on the lesser included offense. The opinion cites no authority for this holding and I submit that there is none. Even if the prosecutor did have that burden, he clearly did

| CONCUR | DISSENT |
|--------|---------|
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«JANUARY, 2001»

«AFFIRMED»

K:A01A0351.70

February 21, 2001

In the Court of Appeals of Georgia

A01A0351. SOUTHWIRE COMPANY, NSA, LTD., et al. v. PH-017
 AMERICAN ARBITRATION ASSOCIATION et al.

PHIPPS, Judge.

Southwire Company, NSA, LTD., and ICG Kaiser Engineers, Inc., (referred to collectively as Southwire) filed a "motion and application" in the Superior Court of Carroll County.«R14» Southwire named Pamas & Company, Inc., (Pamas) and the American Arbitration Association (AAA) as respondents. Southwire sought to vacate an arbitration award in favor of Pamas and to disqualify the arbitration panel. The AAA filed no responsive pleadings, but Pamas answered and filed a cross-motion to confirm the award.«R304» Southwire appeals an order granting Pamas's motion and denying Southwire's.«R375» The question is whether the court erred in

These conflicts in the witnesses' testimony were for the jury to resolve.¹ Viewed in the light most favorable to support the verdict, the evidence was sufficient to enable a rational trier of fact to find Couch guilty beyond a reasonable doubt of child molestation.²

2. Couch challenges the trial court's admission of the similar transaction evidence because his stepdaughter, who was removed from her mother's and stepfather's home and is now living with her grandmother, testified that she did not remember whether he had molested her and did not recall that she had accused him of molesting her.«T81-82» He also claims that there was insufficient similarity between the independent acts and the crimes charged to warrant admission of the extrinsic evidence.

Before similar transaction evidence may be admitted, the State must show, among other things, that there is sufficient evidence to establish that the accused committed the independent offense or act, and that there is a sufficient connection or

¹ Bales v. State, 232 Ga. App. 761, 763 (1) (503 SE2d 607) (1998).

² Jackson v. Virginia, 443 U. S. 307 (99 SC 2781, 61 LE2d 560) (1979).

situation had improved after DFACS was alerted to the incidents.«T93-96»

1. Couch challenges the sufficiency of the evidence based on his testimony that he touched A. L.'s breasts and vagina under the mistaken belief that she was his wife.«T203-205» According to Couch, the bathroom was dark, he thought his wife was in the shower, and he stopped immediately when he realized otherwise.«T203-205» A. L., however, testified that she and Couch were clearly visible to one another while he was touching her, that he continued touching her after she told him to stop, and that she did not look or sound like his wife.«T132-133»

These conflicts in the witnesses' testimony were for the jury to resolve.¹ Viewed in the light most favorable to support the verdict, the evidence was sufficient to

¹ Bales v. State, 232 Ga. App. 761, 763 (1) (503 SE2d 607) (1998).

COURT OF APPEALS OF GEORGIA
BANC MEETING

Wednesday, February 21, 2001
Third Floor Conference Room
10:00 a.m.

A G E N D A

- | | | |
|------|--|-------------------------------------|
| I. | Call Meeting to Order | Chief Judge G. Alan Blackburn |
| II. | Approval of Minutes of January 16, 2001 Banc Meeting | Chief Judge G. Alan Blackburn |
| III. | Court Photographs | |
| | a) Whole Court Photographs - display old ones | Chief Judge G. Alan Blackburn |
| | b) Portraits of Former Chief Judges of the Court of Appeals | Chief Judge G. Alan Blackburn |
| | c) IOM Addition for Court Photographs | |
| IV. | Legislation Update | Presiding Judge Marion T. Pope, Jr. |
| V. | Old Business | Chief Judge G. Alan Blackburn |
| VI. | New Business | Chief Judge G. Alan Blackburn |
| VII. | Adjournment | Chief Judge G. Alan Blackburn |

MINUTES OF THE BANC MEETING
OF THE COURT OF APPEALS OF GEORGIA

January 16, 2001

The January Banc Meeting of the Court of Appeals of Georgia was held in the Third Floor Conference Room on Tuesday, January 16, 2001, at 10:00 a.m. Those present were:

Chief Judge G. Alan Blackburn
Presiding Judge Marion T. Pope, Jr.
Presiding Judge Edward H. Johnson
Judge Frank M. Eldridge
Judge Anne E. Barnes
Judge M. Yvette Miller
Judge Herbert E. Phipps
Judge Charles B. Mikell, Jr.
Mr. Bill Martin, Clerk/Court Administrator

Those absent were:

Presiding Judge Gary B. Andrews
Presiding Judge J. D. Smith
Judge John H. Ruffin, Jr.
Judge John J. Ellington

I. CALL TO ORDER:

Chief Judge Blackburn called the meeting to order at 10:00 a.m.

II. APPROVAL OF MINUTES:

Judge Mikell made a motion to approve the Minutes which was seconded by Judge Miller. The motion passed unanimously.

III. REPORT OF THE LEGISLATION COMMITTEE:

Presiding Judge Pope reported the Legislation Committee had met with the Lieutenant Governor and his Chief of Staff regarding Retirement Legislation. Presiding Judge Pope stated he was encouraged by the meeting at which Lieutenant Governor suggested that one bill be introduced in the Senate for retirement at age 60 with 10 years creditable service and another bill introduced in the House for retirement at age 60 with 12 years creditable service. Presiding Judge Pope stated the Legislative Council's Office would draft the bill and the Lieutenant Governor had appointed Senator Vincent D. Fort as Chair of the Senate Retirement Committee. Representative Bill Cummings is the Chair of the House Retirement Committee.

Presiding Judge Pope said the process for retirement legislation takes two years. The bill must be introduced the first year of the two year session with an actuarial study done between the first and second years. After the actuarial study has been completed, the bill must then come back for approval

by the House and Senate Retirement Committees and then final approval by the House and Senate and, of course, signature by the Governor.

IV. EMERGENCY MOTION JUDGE EQUIPMENT:

Chief Judge Blackburn reported he had consulted with Bud Tirey, Head of Technical Services, and has provided for the Court a statewide pager for the Emergency Motion Judge as well as a laptop computer. This will enable the Emergency Motion Judge to be in constant contact with the Court. The laptop computer which is also available will have information on it regarding prior orders of the Court in dealing with various emergency motions. The Emergency Motion Judge equipment was then turned over to January's Emergency Motion Judge, Presiding Judge Pope.

Chief Judge Blackburn directed the clerk/court administrator to set up a procedure for rotating the Emergency Motion Judge equipment among the judges on the Court. Chief Judge Blackburn also said the laptop will have an e-mail address and sample orders available for use by the Court.

V. ORAL ARGUMENTS

Chief Judge Blackburn stated the Court had received the digital clock for the courtroom the purchase of which had been authorized by the Executive Council last Summer. He suggested the clock would benefit the Court and attorneys attending oral argument by having a clock which the judges and attorneys can plainly see with the time remaining in oral argument.

Chief Judge Blackburn also discussed the idea of tape recording all oral arguments in the Court for use of the Division hearing oral arguments or judges who are not present at oral argument on 7 judge or 12 judge cases. Chief Judge Blackburn said the oral argument tapes would also be available to staff attorneys or judges who wish to hear or rehear the oral arguments. Chief Judge Blackburn directed the clerk/court administrator to set up a procedure by which the clerk's office could be responsible for identifying the file folder and record of cases which have been orally argued and set up a procedure in which the oral argument tapes can be checked out. After a brief discussion, it was decided the tapes would only be available for use by Court personnel and not available to the public, attorneys or parties.

VI. RECORDING BANC MEETINGS:

Chief Judge Blackburn discussed the possibility of tape recording the Banc Meetings for judges who were not able to attend the Banc Meetings. After a brief discussion about the pros and cons of such action, Presiding Judge Johnson made a motion not to tape record the Banc Meetings. The motion was seconded by Judge Barnes and passed unanimously.

Presiding Judge Pope then urged the judges of the Court to be circumspect in their use and disposition of the Court's Administrative Banc Minutes. Presiding Judge Pope made a motion that no sensitive information be memorialized in the Minutes and that the Minutes be safeguarded or destroyed by the individual judges after each has read the Minutes.

Judge Miller seconded the motion and it passed unanimously.

VII. COURT PLANNING SESSION:

Chief Judge Blackburn asked if the judges would be interested in a Court Planning Session this year. After a brief discussion, the Court decided a Court Planning Session would be beneficial. It was decided the Court would plan for such a session at Fieldstone Inn and Conference Center in Hiawassee, the site of the last Court Planning Session, and Mr. Martin was directed to make arrangements for the first week in November 2001. Chief Judge Blackburn asked the judges to think of items to be discussed at the Court Planning Session and to communicate those topics to him as soon as possible.

VIII. OLD BUSINESS:

There was no old business to report.

IX. NEW BUSINESS:

Presiding Judge Pope said the Georgia Association of Criminal Defense Lawyers was holding a roast and tribute in honor of Bobby Lee Cook at the Century Center Hotel at 4:15 p.m. on January 19, 2001. Presiding Judge Pope also reminded the judges that the State of the State Address would be at the State Capitol on Wednesday, January 31st and the State Bar Luncheon would be held on Thursday, January 25th at the Commerce Club. Finally, Presiding Judge Pope stated the Annual Bird Supper hosted by Hugh McNatt and Cliff Adams would be held at the Trolley Barn on Edgewood Avenue at 6:00 p.m. on Wednesday, February 7th.

Mr. Martin reported that he had provided each judge with their official Court e-mail address. Presiding Judge Johnson and Judge Barnes stated the e-mail address on Mr. Martin's list was not the one they were using. Chief Judge Blackburn asked Mr. Martin to meet with Bud Tirey to ascertain the correct e-mail address for the judges and to meet with the judges individually to ascertain if each wanted his/her e-mail address included in the information for the *Fulton County Daily Report's* Judicial Directory and other Judicial Directories.

Chief Judge Blackburn stated he and Mr. Tirey were looking at ways to improve the Court through technology. Chief Judge Blackburn stated he hoped to soon have available on each office's e-mail a comprehensive Court calendar. The upgrade of that calendar may be able to provide each judge's office with the ability to put information on the calendar strictly for that judge's office.

X. ADJOURN:

There being no further business and upon hearing a motion to adjourn by Presiding Judge Pope, Chief Judge Blackburn adjourned the meeting.

Respectfully submitted,

WILLIAM L. MARTIN, III
Clerk/Court Administrator
Court of Appeals of Georgia

Minutes approved by the Court
En Banc on the ____ day of _____, 2000

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 will pay basic State Bar dues for staff attorneys.
- D. The court will 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 will 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 shall 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, each judge of the Court shall be entitled to 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.

SB125 : Appeals in Domestic Relation Cases

A bill to be entitled an Act to amend Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases requiring application for appeal, so as to change provisions for appeals in domestic relation cases; to provide for related matters; to

House Committee:

Senate Committee: JUDY

Sponsors

- Harp, Seth 16 th

History

| Date | Action |
|------------|--------------------------|
| 2001-02-05 | Senate Hopper |
| 2001-02-07 | Senate Read and Referred |

Full Text

01 LC 29 0059

Senate Bill 125

By: Senator Harp of the 16th

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 5-6-35 of the Official Code of Georgia Annotated, relating to cases requiring application for appeal, so as to change provisions for appeals in domestic relation cases; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 5-6-35 of Title 5 of the Official Code of Georgia Annotated, relating to cases requiring application for appeal, is amended by striking in its entirety subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Appeals in the following cases shall be taken as provided in this Code section:

(1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers' Compensation, the State Board of Education, auditors, state and local administrative agencies, and lower courts by certiorari or de novo proceedings; provided, however, that this provision shall not apply to decisions of the Public Service Commission and probate courts and to cases involving ad valorem taxes and condemnations;

~~(2) Appeals from judgments or orders in divorce, alimony, child custody, and other~~

~~domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony, awarding or refusing to change child custody, or holding or declining to hold persons in contempt of such alimony or child custody judgment or orders;~~

~~(3)(2)~~ Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

~~(4)(3)~~ Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34;

~~(5)(4)~~ Appeals from orders revoking probation;

~~(6)(5)~~ Appeals in all actions for damages in which the judgment is \$10,000.00 or less;

~~(7)(6)~~ Appeals, when separate from an original appeal, from the denial of an extraordinary motion for new trial;

~~(8)(7)~~ Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief upon a complaint in equity to set aside a judgment;

~~(9)(8)~~ Appeals from orders granting or denying temporary restraining orders;

~~(10)(9)~~ Appeals from awards of attorney's fees or expenses of litigation under Code Section 9-15-14; and

~~(11)(10)~~ Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings so long as the subject matter is not otherwise subject to a right of direct appeal."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

[Return to Legislative Search](#)

SR136 : CA: Supreme Court; appellate jurisdiction; remove divorce, alimony, child support and child custody cases

A resolution proposing an amendment to the Constitution so as to provide that the Supreme Court does not have appellate jurisdiction in divorce, alimony, child support, and child custody cases; to provide for the submission of this amendment for ratification

House Committee:

Senate Committee: JUDY

Sponsors

- Harp, Seth 16 th

History

| Date | Action |
|------------|--------------------------|
| 2001-02-05 | Senate Hopper |
| 2001-02-07 | Senate Read and Referred |

Full Text

Senate Resolution 136

By: Senator Harp of the 16th

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the Supreme Court does not have appellate jurisdiction in divorce, alimony, child support, and child custody cases; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VI, Section VI of the Constitution is amended by striking Paragraph III and inserting in lieu thereof a new Paragraph III to read as follows:

"Paragraph III. ***General appellate jurisdiction of Supreme Court.*** Unless otherwise provided by law, the Supreme Court shall have appellate jurisdiction of the following classes of cases:

- (1) Cases involving title to land;
- (2) All equity cases except those involving divorce, alimony, child support, or child custody or modification or contempt of those judgments;
- (3) All cases involving wills;
- (4) All habeas corpus cases;
- (5) All cases involving extraordinary remedies;
- (6) ~~All divorce and alimony cases;~~

- ~~(7)~~(6) All cases certified to it by the Court of Appeals; and
~~(8)~~(7) All cases in which a sentence of death was imposed or could be imposed.
Review of all cases shall be as provided by law."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

- YES Shall the Constitution be amended so as to provide that the
 NO Supreme Court does not have appellate jurisdiction in divorce,
 alimony, child support, or child custody cases or for
 modification or contempt of those judgments?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

[Return to Legislative Search](#)

Keyword Search Results

Searched for: **judicial retirement**
18 items found

- [HB174](#) : Supplemental Appropriations; FY 2000-2001
- [HB215](#) : Income tax; gradual reduction
- [HB254](#) : Judicial Retirement; state court judges; transfer funds from Employees' Retirement
- [HB283](#) : Judicial Retirement; creditable service
- [HB309](#) : Higgston, City of; new charter
- [HB466](#) : Snellville, City of; new charter
- [HB470](#) : Health care work force policy advisory committee; provisions
- [HB498](#) : Mental health; regional and substance abuse boards; abolish; transfer functions
- [HB557](#) : Judicial Retirement; survivors benefit fund
- [HB574](#) : Sandy Springs, City of; incorporate
- [HB606](#) : Employees' Retirement; certain law assistants; membership
- [HB625](#) : Judicial Retirement; transfer from local system; creditable service
- [SB64](#) : Judicial Retirement; creditable service; forfeited annual and sick leave
- [SB122](#) : Cusseta-Chattahoochee County Charter and Unification Commission; create
- [SB144](#) : Gwinnett County Recorder's Court; judges; compensation
- [SB161](#) : State Agencies; employee incentive award programs; incentive compensation pay
- [SB169](#) : Sandy Springs, City of; incorporation, boundaries, powers
- [SR187](#) : Strickland, Judge Joe; commend

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**JUDGES
OF THE
GEORGIA COURT OF APPEALS**

334 State Judicial Building

Atlanta, Georgia 30334

www.state.ga.us/courts/appeals/carules.htm

www.appeals.courts.state.ga.us

| | FAX | E-MAIL ADDRESS |
|---|----------------|---|
| G. ALAN BLACKBURN CHIEF JUDGE | (404) 463-2611 | galanbla@appeals.courts.state.ga.us <u>NO</u> |
| MARION T. POPE, JR. PRESIDING JUDGE FIRST DIVISION | (404) 651-8139 | popem@appeals.courts.state.ga.us |
| GARY B. ANDREWS PRESIDING JUDGE SECOND DIVISION | (404) 651-8139 | andrewsg@appeals.courts.state.ga.us <u>NO</u> |
| EDWARD H. JOHNSON PRESIDING JUDGE THIRD DIVISION | (404) 657-4210 | johnsone@appeals.courts.state.ga.us <u>NO</u> |
| J.D. SMITH PRESIDING JUDGE FOURTH DIVISION | (404) 651-8139 | smithj@appeals.courts.state.ga.us |
| JOHN H. RUFFIN, JR. JUDGE | (404) 651-8139 | ruffinj@appeals.courts.state.ga.us |
| FRANK M. ELDRIDGE JUDGE | (404) 657-8893 | eldridgef@appeals.courts.state.ga.us |
| ANNE ELIZABETH BARNES JUDGE | (404) 463-8302 | barnesa@appeals.courts.state.ga.us |
| M. YVETTE MILLER JUDGE | (404) 656-4717 | millery@appeals.courts.state.ga.us <u>NO</u> |
| JOHN J. ELLINGTON JUDGE | (404) 463-3027 | ellingtj@appeals.courts.state.ga.us |
| HERBERT E. PHIPPS JUDGE | (404) 651-8139 | phipps@appeals.courts.state.ga.us <u>NO</u> |
| CHARLES B. MIKELL, JR. JUDGE | (404) 463-3027 | mikellc@appeals.courts.state.ga.us |

SR136 : CA: Supreme Court; appellate jurisdiction; remove divorce, alimony, child support and child custody cases

A resolution proposing an amendment to the Constitution so as to provide that the Supreme Court does not have appellate jurisdiction in divorce, alimony, child support, and child custody cases; to provide for the submission of this amendment for ratification

House Committee:

Senate Committee: JUDY

Sponsors

- Harp, Seth 16 th

History

| Date | Action |
|------------|--------------------------|
| 2001-02-05 | Senate Hopper |
| 2001-02-07 | Senate Read and Referred |

Full Text

Senate Resolution 136

By: Senator Harp of the 16th

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the Supreme Court does not have appellate jurisdiction in divorce, alimony, child support, and child custody cases; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VI, Section VI of the Constitution is amended by striking Paragraph III and inserting in lieu thereof a new Paragraph III to read as follows:

"Paragraph III. ***General appellate jurisdiction of Supreme Court.*** Unless otherwise provided by law, the Supreme Court shall have appellate jurisdiction of the following classes of cases:

- (1) Cases involving title to land;
- (2) All equity cases except those involving divorce, alimony, child support, or child custody or modification or contempt of those judgments;
- (3) All cases involving wills;
- (4) All habeas corpus cases;
- (5) All cases involving extraordinary remedies;
- (6) ~~All divorce and alimony cases;~~

- ~~(7)~~(6) All cases certified to it by the Court of Appeals; and
~~(8)~~(7) All cases in which a sentence of death was imposed or could be imposed.
Review of all cases shall be as provided by law."

SECTION 2.

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 NO Supreme Court does not have appellate jurisdiction in divorce,
 alimony, child support, or child custody cases or for
 modification or contempt of those judgments?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

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