Court of Appeals

Memorandum

To: Commission on the Appellate Courts of Georgia

From: Chief Judge Beasley

Subject: Revised Report of Cases Transferred from Supreme Court to Court of Appeals

Date: September 12, 1996

This memorandum addresses the variance in the reports prepared by the Supreme Court and by the Court of Appeals, concerning the number of cases transferred from the Supreme Court to the Court of Appeals. (See attached copy of Supreme Court Caseload Report 1991-1994 and page 16 of jurisdiction report prepared by the Court of Appeals.)

I. Upon reviewing the divergent reports with the Court of Appeals Data Processing Specialist, additional computer searches for reports of transferred cases were undertaken, using refined transfer codes entered in the Supreme Court's computerized docket system. The results are comprehensive and reflect the Supreme Court docket records which, for the most part, confirm the statistical report that appears in the paper entitled "COURT OF APPEALS: JURISDICTION." It was distributed at the Jurisdiction Committee meeting on August 23 and to the other Commission members at the public hearing on September 5.

The new computerized searches also included transfer codes for discretionary and interlocutory applications. The attached revised

report thus also contains the data regarding those matters.

The revised report corrects two errors contained in the original Jurisdiction report:

1. The total number of direct appeals filed in the Supreme Court for 1993 was 621, rather than 611 as originally reported. Correction of that typographical error results in the percentage of direct appeals transferred for 1993 being 15.1 percent, not 15.3 percent.

2. The number of direct appeals transferred in 1995 was 90, instead of 94 as originally reported. The refined transfer codes used in the latest computer search eliminated four matters that were transferred but actually were not direct appeals. Consequently, the percentage of direct appeals transferred was changed from 17.9 to 17.1 percent.

The revised report contains the data regarding 1996 as of September 10, 1996. Docketing for 1996 in the Supreme Court closes on September 13, 1996, and some currently pending 1996 matters and other cases docketed during the last three days may eventually be transferred. The data presently available for 1996 reflects a transfer pattern consistent with recent years.

II. One explanation of some variance between the Supreme Court Caseload Report and the statistical report prepared by the Court of Appeals is the search unit. Contact with the Supreme Court Clerk's office revealed that the Supreme Court report was based upon a calendar year search, whereas the report prepared by the Court of Appeals was based on a docketing year search. That is, the Supreme Court report considered the dispositions that occurred from January 1 through December 31 of each year. The Court of Appeals report considered the cases by

their docketing year, which ranges approximately from mid-September to mid-September. That would explain a slight variance in the reported number of cases transferred, but not the 20 to 30 additional cases reported by the Supreme Court from 1992 to 1994.

In summary, the latest transfer reports of cases transferred by year were generated by the Supreme Court's computerized docket system, copies of which are available from the Administrative Office of the Courts. For that reason, it is submitted that the revised reports are accurate.

cc: AOC

REPORT OF CASES TRANSFERRED FROM SUPREME COURT TO COURT OF APPEALS: DIRECT, DISCRETIONARY, AND INTERLOCUTORY. (Rev. 9-10-96)

DIRECT AND CROSS APPEALS

Year	Appeals	Transfers	Percentage
1996*	529	90	17 %
1995	525	90	17.1 %
1994	559	120	21.4 %
1993	621	94	15.1 %
1992	513	59	11.5 %.

*Current as of 9-10-96.

DISCRETIONARY APPLICATIONS

Year	Applications	Transfers	Percentage
1996	197	18	9.1 %
1995	220	30	13.6 %
1994	216	20	9.2 %
1993	260	17	6.5 %
1992	208	12	5.7 %

INTERLOCUTORY APPLICATIONS

Year	Applications	Transfers	Percentage
1996	52	4	7.6 %
1995	55	10	18.1 %
1994	46	8	17.3 %
1993	49	9	18.3 %
1992	52	4	7.6 %

SUPREME COURT OF GEORGIA
CASELOAD REPORT
1991-1994

BY DISPOSITION	1994	1993	1992	1991
WRITTEN OPINION	401	344	305	363
AFFIRMED WITHOUT OPINION	43	127	98	134
ALLOWED WITHDRAWN	36	29	30	44
STRICKEN FROM DOCKET	8	7	*	*
TRANSFERRED TO COURT OF APPEALS	141	128	77	60
APPEALS DISMISSED	84	72	79	50
PETITIONS FOR CERTIORARI				
Granted	25	99	39	82
Denied	609	634	526	570
Other	25	19	8	6
APPLICATIONS FOR APPEAL				
Habeas corpus:				
Granted	3	1	7	3
Denied	139	93	104	171
Other	4	9	6	1
Discretionary				
Granted	41	46	34	57
Denied	140	175	142	177
Other	45[1]	30[2]	9	5

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[1] Includes 27 applications transferred to the Court of Appeals.

[2] Includes 16 applications transferred to the Court of Appeals.

cases involving title to land, and appeals from decisions in mandamus actions, on that basis. (Copies of sample transfer orders attached.) As discussed above, the Supreme Court has also transferred an appeal involving the enforcement of a property settlement incorporated in a divorce decree, a type of appeal which formerly was always heard by that Court as arising from a divorce. See Crotty v. Crotty, supra at 409-10.

According to the Supreme Court's docketing records, the number of cases transferred to the Court of Appeals is not insignificant. The following chart regarding the Supreme Court's transfer of direct appeals may illustrate a growing trend in the number of cases transferred.

YEAR	Direct Appeals	Transfers	Percentage
1995	525	94	17.9 %
1994	559	120	21.4 %
1993	611	94	15.3 %
1992	513	59	11.5 %

APPELLATE PROCEDURES: DIRECT, INTERLOCUTORY, DISCRETIONARY

While the formal division of subject matter jurisdiction between the two appellate courts has not been modified extensively since 1916, the opposite is true for the procedures necessary to secure appellate review. The most significant procedural developments have been the enactments of the Appellate Practice Act of 1965 and the discretionary appeal statute in 1979 (current OCGA

TOTAL CASE LOAD

1996   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0511

CROSS   APPEALS: 0018

DISC   APPLS: 0197

INTER   APPLS: 0052

HABEAS APPLS: 0240

CERTS.   :   0726

GRANT CERT: 0035

DEATH PENALTY: 0006

EXTRA. MOTIONS: 0017

DISCIP. ACTIONS: 0147

ORIG. PETITION ACTIONS: 0004

CERTIF. QUESTIONS: 0006

JUDICAIL REVIEW: 0015

TOTAL FILINGS: 1974

1996 as of
9-10-

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TOTAL CASE LOAD

1996   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0000

 OSS APPEALS: 0000

DISC   APPLS: 0000

INTER APPLS: 0000

HABEAS APPLS: 0000

CERTS.   :   0000

GRANT CERT: 0000

DEATH PENALTY: 0000

EXTRA. MOTIONS: 0000

DISCIP. ACTIONS: 0000

ORIG. PETITION ACTIONS: 0000

CERTIF. QUESTIONS: 0000

JUDICAIL REVIEW: 0000

TOTAL FILINGS: 0112

TOTAL CASE LOAD

1995 TOTAL ITEMS DOCKET

DIRECT APPEALS: 0511

CROSS APPEALS: 0014

DISC   APPLS: 0220

INTER APPLS: 0055

HABEAS APPLS: 0272

CERTS.   :   0747

GRANT CERT: 0061

DEATH PENALTY: 0005

EXTRA. MOTIONS: 0018

DISCIP. ACTIONS: 0129

ORIG. PETITION ACTIONS: 0012

CERTIF. QUESTIONS: 0005

JUDICAIL REVIEW: 0004

TOTAL FILINGS: 2053

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TOTAL CASE LOAD

1995   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0000

CROSS APPEALS: 0000

DISC   APPLS: 0000

INTER APPLS: 0000

HABEAS APPLS: 0000

CERTS.   :   0000

GRANT CERT: 0000

DEATH PENALTY: 0000

EXTRA. MOTIONS: 0000

DISCIP. ACTIONS: 0000

ORIG. PETITION ACTIONS: 0000

CERTIF. QUESTIONS: 0000

JUDICAIL REVIEW: 0000

  TAL FILINGS: 0133

TOTAL CASE LOAD

1994   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0538

CROSS   APPEALS: 0021

DISC   APPLS: 0216

INTER   APPLS: 0046

HABEAS APPLS: 0179

CERTS.   :   0671

GRANT CERT: 0068

DEATH PENALTY: 0008

EXTRA. MOTIONS: 0025

DISCIP.   ACTIONS: 0158

ORIG. PETITION ACTIONS: 0009

CERTIF. QUESTIONS: 0005

JUDICAIL REVIEW: 0000

TOTAL FILINGS: 1944

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[0131]   S94D1911[01370]

[0132]   S94I0366[01350]

[0133]   S94I0385[01350]

[4]   S94I0884[01350]

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[0147]   S94X1671[01400]

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TOTAL CASE LOAD

1994   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0000

CROSS APPEALS: 0000

DISC   APPLS: 0000

INTER APPLS: 0000

HABEAS APPLS: 0000

CERTS.   :   0000

GRANT CERT: 0000

DEATH PENALTY: 0000

EXTRA. MOTIONS: 0000

DISCIP. ACTIONS: 0000

ORIG. PETITION ACTIONS: 0000

CERTIF. QUESTIONS: 0000

 ICAIL REVIEW: 0000

TOTAL FILINGS: 0148

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                    TOTAL CASE LOAD
            1993   TOTAL ITEMS DOCKET
DIRECT APPEALS:                  0593
CROSS   APPEALS:                 0028
DISC    APPLS:                   0260
INTER.  APPLS:                   0049
HABEAS APPLS:                    0120
CERTS.          :                0672
GRANT CERT:                      0073
DEATH PENALTY:                   0003
EXTRA. MOTIONS:                  0023
DISCIP.  ACTIONS:                0157
ORIG. PETITION ACTIONS:          0007
CERTIF. QUESTIONS:               0003
JUDICAIL REVIEW:                 0000
TOTAL FILINGS:                  1988
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[0006]   S93A0118[01400]

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[0009]   S93A0336[01400]

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[0020]   S93A0781[01400]

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[0034]   S93A1025[01400]

[0035]   S93A1071[01400]

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TOTAL CASE LOAD

1993   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0000

CROSS APPEALS: 0000

DISC   APPLS: 0000

INTER APPLS: 0000

HABEAS APPLS: 0000

CERTS.   :   0000

GRANT CERT: 0000

DEATH PENALTY: 0000

EXTRA. MOTIONS: 0000

DISCIP. ACTIONS: 0000

ORIG. PETITION ACTIONS: 0000

CERTIF. QUESTIONS: 0000

JUDICAIL REVIEW: 0000

TOTAL FILINGS: 0120

TOTAL CASE LOAD

1992   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0493

CROSS   APPEALS: 0020

DISC   APPLS: 0208

INTER   APPLS: 0052

HABEAS APPLS: 0118

CERTS.   :   0574

GRANT CERT: 0039

DEATH PENALTY: 0017

EXTRA. MOTIONS: 0007

DISCIP.   ACTIONS: 0000

ORIG. PETITION ACTIONS: 0023

CERTIF. QUESTIONS: 0007

JUDICAIL REVIEW: 0000

TOTAL FILINGS: 1558

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                TOTAL CASE LOAD

          1992   TOTAL ITEMS DOCKET

DIRECT APPEALS: 0000

CROSS   APPEALS: 0000

DISC   APPLS: 0000

INTER   APPLS: 0000

HABEAS APPLS: 0000

 CRTS.   :   0000

GRANT CERT: 0000

DEATH PENALTY: 0000

EXTRA. MOTIONS: 0000

DISCIP. ACTIONS: 0000

ORIG. PETITION ACTIONS: 0000

CERTIF. QUESTIONS: 0000

JUDICAIL REVIEW: 0000

TOTAL FILINGS: 0075

REPORT OF CASES TRANSFERRED FROM SUPREME COURT TO COURT OF
APPEALS: DIRECT, DISCRETIONARY, AND INTERLOCUTORY. (Rev. 9-10-96)

DIRECT AND CROSS APPEALS

Year	Appeals	Transfers	Percentage
1996*	529	90	17 %
1995	525	90	17.1 %
1994	559	120	21.4 %
1993	621	94	15.1 %
1992	513	59	11.5 %

*Current as of 9-10-96.

DISCRETIONARY APPLICATIONS

Year	Applications	Transfers	Percentage
1996	197	18	9.1 %
1995	220	30	13.6 %
1994	216	20	9.2 %
1993	260	17	6.5 %
1992	208	12	5.7 %

INTERLOCUTORY APPLICATIONS

Year	Applications	Transfers	Percentage
1996	52	4	7.6 %
1995	55	10	18.1 %
1994	46	8	17.3 %
1993	49	9	18.3 %
1992	52	4	7.6 %