Study: Only Pennsylvania Matches Georgia Appellate System in Efficiency

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ture agreed to add one judge and establish the commission (*Daily Report*, March 20, 1996).

Hanson says he believes "the Georgia taxpayer gets value for the dollar," adding that the Court of Appeals "is really an example" for other appellate courts. "There's no question of that in my mind," he says.

While a few of the intermediate appeals courts surveyed move cases through more quickly, most don't have a comparable caseload, the study shows. For instance, the Minnesota Court of Appeals resolved 75 percent of its cases within 222 days and 95 percent within 287 days.

But it had twice as many judges and handled only about four-fifths the total number of cases in 1992 and 1993 that Georgia did. That means the 19 Minnesota judges had roughly 106 cases each those two years, compared with 281 for each of Georgia's nine judges.

On the other side of the equation, the 10 judges on the Oregon Court of Appeals each had to handle about 427 mandatory appeals in '92 and '93. Those judges resolved 75 percent of the cases surveyed within 534 days and 95 percent within 970 days, according to the study.

Only the appellate-level Pennsylvania Superior Court matches the Georgia Court of Appeals in efficiency, in Hanson's judgment. That court had an average caseload in '92-'93 of 352 mandatory appeals for each of its 20 judges. It resolved 75 percent of its cases in the Pennsylvania courts achieve such productivity because all the judges feel individually responsible throughout the appellate process for the cases assigned to them. In many other courts, "that's just not the attitude," he says.

Two-Term Rule Credited

More important in Georgia is the "two-term rule." The rule—contained in Article VI, Section IX, Paragraph II of the state Constitution—requires the Supreme Court and Court of Appeals to dispose of every case within two court terms of its being docketed for a hearing. That generally means a case has to be decided within no more than about nine months, according to William L. Martin III, the clerk and administrator of the appeals court.

SUSAN MCCARTER/DAILY REPORT

William L. Martin III, the clerk and

If a case were not decided in time, the lower court's judgment would be affirmed by operation of law, according to judges and lawyers. But that has never happened, according to Martin and others.

Hanson says he knows of no other appeals or supreme court under a comparable command. "It creates a set of incentives to get the job done ... at all stages of the process," he says.

The rule not only forces judges to decide cases in a timely way, he believes, but creates a legal culture in which attorneys, court clerks and court reporters also feel compelled to prepare cases for appeal quickly.

The unique rule generally gets the credit for the court's efficiency among judges, lawyers and legislators.

Court of Appeals Chief Judge Dorothy T. Beasley agrees that the rule produces timely decisions. "If you have a deadline, you meet it, which we have no quarrel with at all," she says.

Sh[illegible]o cites the court's advanced co[illegible]stems, Martin's training and expertise in court administration, good case-tracking procedures and a second constitutional provision requiring that decisions come out in a "speedy, efficient and inexpensive" manner.

And like Hanson, Beasley credits the court's judges, who she says constantly monitor the cases assigned to them.

Does Quantity Hurt Quality?

But if the judges [illegible]

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Ga. Appeals Court Among Fastest

IT'S CALLED 'REALLY EFFICIENT' BY AUTHOR OF NATIONAL STUDY

BY DON J. DeBENEDICTIS
Associate Editor

The beleaguered Georgia Court of Appeals, which regularly complains of its crushing workload, is one of the most efficient intermediate appellate courts in the country, according to a new study.

The not-yet-published study from the National Center for State Courts also found that the state's Supreme Court may well be one of the speediest high courts in the country. The Georgia high court takes less time to resolve discretionary appeals than any of the other 22 state courts of last resort surveyed and in fact [illegible] its discretionary [illegible] s out [illegible] third of the aver[illegible]me, t[illegible]

But it is t[illegible] performance that is most remarkable, according to the author of the study, Roger A. Hanson. Although the court has one of the highest caseloads per judge of the 35 intermediate appellate courts he examined, it is one of the quickest to decide or dispose of cases.

The court has "established itself nationally as a really efficient court," says Hanson, a senior staff associate at the national center.

The court disposed of 75 percent of the mandatory appeals examined in Hanson's study within 297 days and 95 percent within 481 days, measured from the time a notice of appeal was filed. The average intermediate appellate court, according to the study, handled 75 percent of its cases within 465 days and 90 percent within 714 days.

The study, expected out next month, comes as Georgia's new Commission on the Appellate Courts has begun a series of meetings and public hearings to look at ways to improve the two courts and ease their workload.

The commission was created by the General Assembly last year after contentious legislation called for a proposal to add four judges to the Court of Appeals. In a compromise, the Legisla-

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THE 10 *fastest* APPEALS COURTS

SELECTED APPELLATE COURTS*	NUMBER OF JUDGES	LAW CLERKS PER JUDGE	DAYS TO DISPOSE OF 75% OF CASES	AV. CASES PER JUDGE, '92-'93
Minnesota	19	[illegible].32	222	105.68
GEORGIA	9	[illegible].00	**297**	**280.89**
Maryland	13	2.00	328	126.54
Texas 11th Dist.	3	1.00	337	55.00
Pennsylvania	20	4.00	370	352.13
Arkansas	16	0.75	372	69.41
Missouri So. Dist.	11	1.55	41[illegible]	108.36
Calif. 3rd Dist.	10	2.00	417	190.60
Missouri W. Dist.	7	1.57	431	76.00
New Mexico	10	1.[illegible]0	442	76.[illegible]0

Source: Time on Appeal, National Center for State Courts.
**Ranked by number of days needed to dispose of 75% of cases. Excluding courts that have only civil or only criminal jurisdiction.*

compare systematically how long cases spend in the appellate process across the country with various factors of court structure and approach.

Clerks Count

Not surprisingly, Hanson learned that the quantity of "resources"—that is, judges, research attorneys and law clerks—matters most in moving cases quickly. Surprisingly, it is the number of law clerks, not the number of judges, on a court that turns out to be the best predictor statistically of appellate speed.

Clerks are fungible, he explains, a mostly homogeneous group. Most are fresh from law school, have similar experience and do similar work for their judges.

Judges have widely varying levels and types of experience and different approaches to their work, Hanson says: "They're not identical in any natural way."

Seeming to bear out that finding, the very efficient Pennsylvania Court of Appeals gives its judges four clerks each, the most of any court in the study. Georgia's Court of Appeals judges have three clerks each. Of the 33 other intermediate appellate courts surveyed, only the Alabama Court of Criminal Appeals provides that many.

In fact, however, Hanson says the Pennsylvania and Georgia courts are so efficient that they exceed his statistical model showing a strong correlation between cases per clerk and case-processing time.

He and Beasley both say adding law clerks might not be the answer to caseload pressure here, even though the Georgia Court of Appeals uses experienced lawyers, not new law graduates, as clerks.

"This is a court that if they didn't have those three, they would just be swamped," Hanson says. But giving each judge five or six clerks would in effect put the judge in the position of managing a small law firm, he adds.

Adding clerks might make some sense, Hanson says, but such changes should be considered carefully. "In Georgia, you probably also need to be thinking about adding judges," he says.

That is the thinking the new Commission on Appellate Courts may be doing through the end of the year. Its chairman, state Rep. Tommy Chambless (D-Albany), says he would not necessarily conclude that the Court of Appeals' efficiency indicates that it can do without more judges.

Another member of the commission, and a former member of the Court of Appeals and the Supreme Court, George T. Smith, has a sharper reaction to the suggestion.

Told of the national center study's findings, Smith said: "To heck with that report. They don't know what we're doing down here." He promises that the commission will reach its own conclusions. ❐

SUSAN MCCARTER/DAILY REPORT

Court of Appeals Chief Judge Dorothy T. Beasley worries about when judges lack time to research and write opinions carefully.

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