

## Expansion of the Court

- in February of 1960 a bill was introduced into the house, with the governors support, to increase the number of appellate judges from 6 to 7 in an effort to relieve the Judges. The court would it in 2 panels, one panel of 3 and one of 4 - al the criminal cases would be assigned to one division.
- on February 19<sup>th</sup> the enate approved the bill, and the seventh judge - a number that wold break any potential appellate ties - was added.
- The new Judge would be decided by a slightly unconventional method. The Governor would appoint the Judge immediately, and then the Judge must face election for his 6 year term in the November general election.
- Judge Frankum was appointed to fill the 7<sup>th</sup> seat on March 3, 1960 by Gov. Vandiver
- A bill was again proposed in the house to increase the number of Judges in 1961. This time the court was seeking two new position.
- On March 16<sup>th</sup> Gov. Vandiver appointed Hall and Eberhardt to the new positions.

## Material:

Acts and Resolutions of the general assembly of the State of Georgia. 1960. "Court of Appeals – Additional Judge". Vol. 1, pg. 158. House Bill no. 1075.

Acts and Resolutions of the general assembly of the State of Georgia. 1961. "Court of Appeals – Additional Judges". Vol. 1, pg. 140. House Bill no. 148.

Acts and Resolutions of the General Assembly of the State of Georgia 1996. "Courts – court of Appeals; Number of Judges; Manner of Hearing and Deciding Cases; Manner of Overruling Decisions; Quorum; Election and Terms of Office; Superior Courts; Local Salary Supplements for Judges in Newly Created Superior Court Judgeships; No Publication of Intent to Introduce Local Legislation Required for Bill Creating New Superior Court". April 2, 1996. Law No. 738, Pg. 405.

Acts and Resolutions of the General Assembly of the State of Georgia 1999. "Courts – Court of Appeals; Number f Judges; Divisions; Quorum; Terms; Appointment". March 27, 1999. Law No. 18, Pg. 10.

**Bill Proposed 7<sup>th</sup> Judge for Appeals Court**  
**The Atlanta Journal; February 10, 1960; pg. 11,8**

**Senate OK's Bill for the 7<sup>th</sup> Plea Judge**  
**The Atlanta Journal; February 19, 1960; pg. 7,2**

**John Frankum Named To Appeals Court Seat**  
**The Atlanta Journal; March 3, 1960; pg. 1,1**

**Doesn't Want Judgeship, Smith Asserts**  
**The Atlanta Journal; March 1, 1961; pg. 38,5**

**Hall, Eberhardt Appointed to New Appeal Court Posts**

**The Atlanta Journal; March 16, 1961; pg. 2, 2**

**A Pair of Aces**

**The Atlanta Journal; March 17, 1961; pg. 26,1**

**Appointments:**

17 governors have combined to make a total of 56 judicial appointments to the court of appeals. In selecting these men and women the governors often look to several criteria – age, gender, political ideology, and geographic origin, seeking to create a diverse and well balanced court that will accurately represent the varied citizens of Georgia.

While Jimmy Carter may have been the first governor of Georgia to establish a judicial nominating committee, via executive order, for the appointment of judges, he was not the first to seek outside help. When Governor Maddox appointed Jules Felton to the Supreme Court and asked Randell Evens to take his place on the Appeals Bench, he brought his intention before the Georgia Bar Association - along with a list of other possible appointees. The Bar found both Maddox appointee's "qualified"

**Maddox Picks Felton For Supreme Court Job**

**The Atlanta Journal; August 29, 1969; pg. 1A,2**

**Steve Ball, Jr.**

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## Content of Act/Resolution

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### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1996

[missing title]

1996 Vol. 1 -- Page: 405

Sequential Number: 093

**Short Title:** COURTS -- COURT OF APPEALS; NUMBER OF JUDGES; MANNER OF HEARING AND DECIDING CASES; MANNER OF OVERRULING DECISIONS; QUORUM; ELECTION AND TERM OF OFFICE; SUPERIOR COURTS; LOCAL SALARY SUPPLEMENTS FOR JUDGES IN NEWLY CREATED SUPERIOR COURT JUDGESHIPS; NO PUBLICATION OF INTENT TO INTRODUCE LOCAL LEGISLATION REQUIRED FOR BILL CREATING NEW SUPERIOR COURT JUDGESHIP.

**Intent:** Code Sections 15-3-1, 15-3-4, and 15-6-29 Amended.

**Law Number:** No. 738

**Origin:** (Senate Bill No. 750).

**Type:** AN ACT

**Full Title:** To amend Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the **Court of Appeals**, so as to increase the membership of the **Court of Appeals**; to provide for the manner in which cases are heard; to provide for the manner in which decisions can be overruled; to specify what constitutes a quorum; to provide for election and term of office; to amend Code Section 15-6-29 of the Official Code of Georgia Annotated, relating to compensation of superior court judges, so as to provide that when a new judgeship is created, the new judge shall receive the same local salary supplement paid to the incumbent judge or judges of the circuit; to provide that no publication of a notice of intention to introduce local legislation shall be required for any bill creating one or more new judgeships; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the **Court of Appeals**, is amended by striking in its entirety Code Section 15-3-1, relating to the composition and division of the **Court of Appeals**, and inserting in lieu thereof a new Code Section 15-3-1 to read as follows:

"15-3-1.

(a) *Composition.* The **Court of Appeals** shall consist of ten Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the court.

(b) *Divisions.* The court shall sit in three divisions composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the court. The Chief Judge shall designate the Presiding Judges of the three divisions and

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shall, under rules prescribed by the court, distribute the cases among the divisions in such manner as to equalize their work as far as practicable.

(c) *How cases heard.*

- (1) Each division shall hear and determine, independently of the others, the cases assigned to it, except that the division next in line in rotation and a seventh Judge shall participate in the determination of each case in which there is a dissent in the division to which the case was originally assigned.
- (2) In all cases which involve one or more questions which, in the opinion of the majority of the Judges of the division or of the two divisions plus a seventh Judge to which a case is assigned, should be passed upon by all the members of the court, the questions may be presented to all the members of the court; and if a majority of all the members of the court decide that the question or questions involved should, in their judgment and discretion, be decided by all the members of the court, the case shall be passed upon by all the members of the court, provided that a majority of the Judges passing upon the case concur in the judgment.
- (3) In neither class of cases referred to in this subsection shall there be oral argument except before the division to which the cases are originally assigned.

(d) *How decision overruled.* It being among the purposes of this Code section to avoid and reconcile conflicts among the decisions made by less than all of the Judges on the court and to secure more authoritative decisions, it is provided that when two divisions plus a seventh Judge sit as one court the court may, by the concurrence of a majority, overrule any previous decision in the same manner as prescribed for the Supreme Court. As precedent, a decision by such court with a majority concurring shall take precedence over a decision by any division or two divisions plus a seventh Judge. A decision concurred in by all the Judges shall not be overruled or materially modified except with the concurrence of all the Judges.

(e) *Quorum.* When all the members of the court are sitting together as one court, six Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than ten Judges, the concurrence of at least five shall be essential to the rendition of a judgment.

(f) *Oral arguments.* The **Court of Appeals** may hear oral arguments at places other than

the seat of government. Reasonable notice shall be given of such hearings.

(g) *Assistance of other judges; procedure.* Whenever the court unanimously determines that the business of the court requires the temporary

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assistance of an additional judge or additional judges or one additional panel, the court may request the assistance of senior appellate judges as provided in Chapter 3A of this title or senior superior court judges as provided in Article 8 of Chapter 10 of Title 47. The Judge whose case assignment is transferred to the additional judge shall not vote on the case."

## SECTION 2.

Said chapter is further amended by striking in its entirety Code Section 15-3-4, relating to the election and term of office of Judges of the **Court of Appeals**, and inserting in lieu thereof a new Code Section 15-3-4 to read as follows:

"15-3-4.

Two Judges of the **Court of Appeals** shall be elected at each general state election to be held on Tuesday after the first Monday in November of the even-numbered years in the manner in which Justices of the Supreme Court are elected; except that three Judges shall be elected at the general state election to be held in 1960 and thereafter at each six-year interval, that four Judges shall be elected at the general state election to be held in 1962 and thereafter at each six-year interval, and that one Judge appointed by the Governor on or after July 1, 1996, shall serve until January 1, 1999, and an initial successor to the Judge appointed by the Governor on or after July 1, 1996, shall be duly elected and qualified at the general state election to be held in 1998. Such successor shall serve until January 1, 2001, and a successor to that Judge shall be duly elected and qualified at the general state election to be held in 2000. Thereafter, successors to such Judge shall be elected and qualified at each six-year interval. The terms of the Judges shall begin on January 1 following their election and, except as provided above, shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor."

## SECTION 3.

Code Section 15-6-29 of the Official Code of Georgia Annotated, relating to compensation of superior court judges, is amended by adding at its end a new subsection (c) to read as follows:

"(c) When a new superior court judgeship is created by law for any judicial circuit, the new superior court judge shall upon taking office become entitled to and shall receive from the county or counties comprising the circuit the same county salary supplement, if any, then in effect for the other judge or judges of the judicial circuit. Such salary supplement for such new judge shall be authorized by this subsection and no other legislation or local legislation shall be required in order to authorize such salary supplement, but nothing in this Code section shall be construed to prohibit the enactment of local legislation relating to

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such salary supplements. A publication of notice of intention to introduce local legislation as provided for in Code Section 28-1-14 shall be required for any local legislation granting, changing the amount of, or removing a salary supplement; but no publication of notice of intention shall be required for a bill creating one or more new superior court judgeships."

**SECTION 4.**

This Act shall become effective on July 1, 1996.

**SECTION 5.**

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

**NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION**

Notice is given that there will be introduced at the regular 1996 session of the General Assembly of Georgia a bill to provide for a tenth judge of the superior court of the Stone Mountain Judicial Circuit of Georgia; to provide for the appointment of the first such additional judge by the governor; to prescribe the qualifications, compensation, salary, county supplement and expense allowance of said judge; to authorize the governing authority of any county which comprises the Stone Mountain Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for said judges; and for other purposes.

This 1st day of February, 1996.

Senator Mary Margaret Oliver  
42nd District  
GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Mary Margaret Oliver, who, on oath, deposes and says that she is Senator from the 42nd District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Decatur-DeKalb News/Era, which is the official organ of DeKalb County, on the following date: February 8, 1996.

/s/ Mary Margaret Oliver Senator, 42nd District Sworn to and subscribed before me,  
this 22nd day of February, 1996.

/s/ Connie F. Smith  
Notary Public, Clayton County, Georgia  
My Commission Expires Dec. 6, 1997  
(SEAL)

**Approval Date:** Approved April 2, 1996.

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## Content of Act/Resolution

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### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1999 Volume One

[missing title]

1999 Vol. 1 -- Page: 10

Sequential Number: 007

**Short Title:** COURTS -- COURT OF APPEALS; NUMBER OF JUDGES; DIVISIONS;  
QUORUM; ELECTIONS; TERMS; APPOINTMENT.

**Intent:** Code Sections 15-3-1 and 15-3-4 Amended.

**Law Number:** No. 18

**Origin:** (Senate Bill No. 59).

**Type:** AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the number of Judges of the **Court of Appeals**; to

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provide that the court shall sit in divisions; to specify the number of Judges which shall constitute a quorum; to provide for the election and term of office of Judges; to provide for the initial appointment of additional judges; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

#### SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Code Section 15-3-1, relating to the composition and division of the **Court of Appeals**, and inserting in lieu thereof a new Code Section 15-3-1 to read as follows:

"15-3-1.

- (a) *Composition.* The **Court of Appeals** shall consist of 12 Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be

prescribed by rule or order of the court.

- (b) *Divisions*. The court shall sit in divisions composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the court. The Chief Judge shall designate the Presiding Judges of the divisions and shall, under rules prescribed by the court, distribute the cases among the divisions in such manner as to equalize their work as far as practicable.
- (c) *How cases heard*.
  - (1) Each division shall hear and determine, independently of the others, the cases assigned to it, except that the division next in line in rotation and a seventh Judge shall participate in the determination of each case in which there is a dissent in the division to which the case was originally assigned.
  - (2) In all cases which involve one or more questions which, in the opinion of the majority of the Judges of the division or of the two divisions plus a seventh Judge to which a case is assigned, should be passed upon by all the members of the court, the questions may be presented to all the members of the court; and if a majority of all the members of the court decide that the question or questions involved should, in their judgment and discretion, be decided by all the members of the court, the case shall be passed upon by all the members of the court, provided that a majority of the Judges passing upon the case concur in the judgment.
  - (3) In neither class of cases referred to in this subsection shall there be oral argument except before the division to which the cases are originally assigned.

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- (d) *How decision overruled*. It being among the purposes of this Code section to avoid and reconcile conflicts among the decisions made by less than all of the Judges on the court and to secure more authoritative decisions, it is provided that when two divisions plus a seventh Judge sit as one court the court may, by the concurrence of a majority, overrule any previous decision in the same manner as prescribed for the Supreme Court. As precedent, a decision by such court with a majority concurring shall take precedence over a decision by any division or two divisions plus a seventh Judge. A decision concurred in by all the Judges shall not be overruled or materially modified except with the concurrence of all the Judges.
- (e) *Quorum*. When all the members of the court are sitting together as one court, seven Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than 12 Judges, the concurrence of at least seven shall be essential to the rendition of a judgment.

- (f) *Oral arguments.* The **Court of Appeals** may hear oral arguments at places other than the seat of government. Reasonable notice shall be given of such hearings.
- (g) *Assistance of other judges; procedure.* Whenever the court unanimously determines that the business of the court requires the temporary assistance of an additional judge or additional judges or one additional panel, the court may request the assistance of senior appellate judges as provided in Chapter 3A of this title or senior superior court judges as provided in Code Section 47-23-101. The Judge whose case assignment is transferred to the additional judge shall not vote on the case."

## SECTION 2.

Said title is further amended by striking Code Section 15-3-4, relating to the election and term of office of Judges of the **Court of Appeals**, and inserting in lieu thereof a new Code Section 15-3-4 to read as follows:

"15-3-4.

The Judges of the **Court of Appeals** shall be elected at the general state election to be held on Tuesday after the first Monday in November of the even-numbered years in the manner in which Justices of the Supreme Court are elected. The election of the Judges shall be as follows:

- (1) Successors to the Judges serving in judgeships which existed prior to 1999 shall be elected as follows:
    - (A) Successors to any Judges whose terms expired at the end of 1998 shall be elected at the general election in 2004 and each sixth year thereafter;
    - (B) Successors to any Judges whose terms expire at the end of 2000 shall be elected at the general election in 2000 and each sixth year thereafter;
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- (C) Successors to any Judges whose terms expire at the end of 2002 shall be elected at the general election in 2002 and each sixth year thereafter; and
  - (D) Successors to any Judges whose terms expire at the end of 2004 shall be elected at the general election in 2004 and each sixth year thereafter; and
- (2) Successors to the two judges serving in the judgeships created in 1999 shall be elected at the 2000 general election and each sixth year thereafter.

The terms of the Judges shall begin on January 1 following their election and, except as provided above, shall continue for six years and until their successors are qualified. They

shall be commissioned accordingly by the Governor."

**SECTION 3.**

The initial judges to serve in the two judgeships created by this Act shall be appointed by the Governor for terms to expire at the end of 2000.

**SECTION 4.**

This Act shall become effective July 1, 1999.

**SECTION 5.**

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

**Approval Date:** Approved March 27, 1999.

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## Content of Act/Resolution

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### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1960

[missing title]

1960 Vol. 1 -- Page: 158

Sequential Number: 040

**Short Title:** COURT OF APPEALS -- ADDITIONAL JUDGE.

**Intent:** Code §§ 24-3501, 24-3502 Amended.

**Law Number:** No. 515

**Origin:** (House Bill No. 1075).

**Full Title:** An Act to amend Code section 24-3501, as amended by an Act approved March 8, 1945 (Ga. L. 1945, p. 232, 234), and Code section 24-3502, so as to increase the number of judges from six to seven; to provide that the court shall sit in two divisions, one composed of three judges and the other composed of four judges; to provide when all members of the court shall sit as one court; to provide for the election of the seventh judge; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. Code section 24-3501, as amended by an Act approved March 8, 1945 (Ga. L. 1945, p. 232-234),

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relating to the number of Judges on the **Court of Appeals** is hereby amended by striking said section in its entirety and inserting in lieu thereof a new section to read:

"24-3501. The **Court of Appeals** shall consist of seven Judges, who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the Court. The Court shall sit in two divisions, one composed of three Judges and the other of four Judges. Two Judges shall constitute a quorum of the three Judge division and three Judges shall constitute a quorum of the four Judge division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the Court. The Chief Judge shall be the presiding Judge of the first division. He shall designate the Presiding Judge of the second division, and shall under rules prescribed by the Court, distribute the cases between the divisions in such manner as to equalize their

work as far as practicable; and all criminal cases shall be assigned to one division. Each division shall hear and determine, independently of the other, the cases assigned to it, except that all members of the Court, sitting as one court, shall pass on and determine each case in which there is a dissent in the division to which the case was originally assigned. In all cases which involve one or more questions which in the opinion of the majority of the Judges of the division to which a case is assigned should be passed upon by all the members of the Court, sitting as one court, the questions may be presented to all the members of the Court, sitting as one court, and if a majority of all the members of the Court, sitting as one court, decide that the question or questions involved should in their judgment and discretion be decided by all the members of the Court, sitting as one court, the case shall be passed upon by all the members of the Court, sitting as one court, provided that a majority of the Judges passing upon the case concur in the judgment. In neither class of cases shall there be oral argument except before the division to which the cases are originally assigned.

[Sidenote: Code § 24-3501 amended.]

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"It being among the purposes of this section to avoid and reconcile conflicts between the decisions of the two divisions and to secure more authoritative decisions, it is hereby provided that when the two divisions sitting as one court, composed of both divisions, the Court as thus constituted may by the concurrence of as many as five Judges overrule any previous decision by either division alone in the same manner as now prescribed for the Supreme Court; and as precedent, a decision by such entire, Court, with only a majority concurring shall take precedence over a decision by either division not concurred in by all the Judges of such division. A decision concurred in by all the Judges shall not be overruled or materially modified except with the concurrence of all the Judges. Cases previously decided unanimously by the Court composed of six Judges shall not be overruled or materially modified except with the concurrence of seven Judges.

"When all the members of the Court are sitting together as one court four Judges shall be necessary to constitute a quorum, but in all cases decided by such Court as a whole by less than seven Judges, the concurrence of at least four shall be essential to the rendition of a judgment.

"The tenure of the Judge first commissioned as the seventh Judge of the **Court of Appeals** shall continue until December 31, 1960 and until his successor is qualified; that his successor shall be elected at the general State election to be held on the Tuesday after the first Monday in November, 1960 for a term of six years and until his successor is qualified."

Section 2. That Code section 24-3502 relating to the election of Judges on the **Court of Appeals** is hereby amended by striking said section in its entirety and inserting in lieu thereof a new section to read:

[Sidenote: Code § 24-3502 amended.]

"Two Judges of the **Court of Appeals** shall be elected at each general State election to be held on Tuesday after the first Monday in November of the even numbered

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years, in the manner in which Justices of the Supreme Court are elected; except that three Judges shall be elected at the general State election to be held in 1960 and thereafter at each six year interval. The terms of the Judges so elected shall begin on January 1 following their election and shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor."

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

**Approval Date:** Approved March 3, 1960.

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## Content of Act/Resolution

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### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1961

### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1961

1961 Vol. 1 -- Page: 140

**Sequential Number:** 048

**Short Title:** COURT OF APPEALS -- ADDITIONAL JUDGES.

**Intent:** Code §§ 24-3501 -- 24-3502 Amended.

**Law Number:** No. 148

**Origin:** (House Bill No. 80).

**Full Title:** An Act to amend Code section 24-3501, as amended, particularly by an Act approved March 8, 1945 (Ga. L. 1945, p. 232), an Act approved March 3, 1960 (Ga. L. 1960, p. 158), and Code section 24-3502, as amended by an Act approved March 3, 1960 (Ga. L. 1960, p. 158), so as to increase the number of judges from seven to nine; to provide that the court shall sit in three divisions, composed of three judges in each division; to provide when all members of the court shall sit as one court; to provide for the election of the eighth and ninth judges; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. Code section 24-3501, as amended, particularly by an Act approved March 8, 1945 (Ga. L. 1945, p. 232), an Act approved March 3, 1960 (Ga. L. 1960, p. 158), relating to the number of Judges on the **Court of Appeals**, is hereby amended by striking said section in its entirety and inserting in lieu thereof a new section, to read:

"24-3501. The **Court of Appeals** shall consist of nine Judges, who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the Court. The Court shall sit in three divisions, composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the Court. The Chief Judge shall be the Presiding Judge of the first division. He shall designate the Presiding Judges of the second and third divisions, and shall, under rules prescribed

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by the Court, distribute the cases among the divisions in such manner as to equalize their work as far as practicable; and all criminal cases shall be assigned to one division. Each division shall hear and determine, independently of the others, the cases assigned to it, except that all members of the Court, sitting as one court, shall pass on and determine each case in which there is a dissent in the division to which the case was originally assigned. In all cases which involve one or more questions which in the opinion of the majority of the Judges of the division to which a case is assigned should be passed upon by all the members of the Court, sitting as one court, the questions may be presented to all the members of the Court, sitting as one court, and if a majority of all the members of the Court, sitting as one court, decide that the question or questions involved should in their judgment and discretion be decided by all the members of the Court, sitting as one court, the case shall be passed upon by all the members of the Court, sitting as one court, provided that a majority of the Judges passing upon the case concur in the judgment. In neither class of cases shall there be oral argument except before the division to which the cases are originally assigned.

[Sidenote: Code § 24-3501 amended.]

"It being among the purposes of this section to avoid and reconcile conflicts among the decisions of the three divisions and to secure more authoritative decisions, it is hereby provided that when the three divisions sitting as one court, composed of all three divisions, the Court as thus constituted may by the concurrence of as many as five Judges overrule any previous decision by any division alone in the same manner as now prescribed for the Supreme Court; and, as precedent, a decision by such entire Court, with only a majority concurring shall take precedence over a decision by any division. A decision concurred in by all the Judges shall not be overruled or materially modified except with the concurrence of all the Judges.

"When all the members of the Court are sitting together as one court five Judges shall be necessary to

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constitute a quorum, but in all cases decided by such Court as a whole by less than nine Judges, the concurrence of at least five shall be essential to the rendition of a judgment.

"The tenure of the Judges first commissioned as the eighth and ninth Judges of the **Court of Appeals** shall continue until December 31, 1962, and until their successors are qualified; that their successors shall be elected at the general State election to be held on Tuesday after the first Monday in November, 1962, for a term of six years and until their successors are qualified."

Section 2. That Code section 24-3502, as amended by an Act approved March 3, 1960 (Ga. L. 1960, p. 158), relating to the election of Judges on the **Court of Appeals**, is hereby amended by striking said section in its entirety and inserting in lieu thereof a new section, to read:

"Two Judges of the **Court of Appeals** shall be elected at each general State election to be held on Tuesday after the first Monday in November of the even numbered years, in the manner in which Justices of the Supreme Court are elected; except that three Judges shall be elected at the general State election to be held in 1960 and thereafter at each six-year interval, and that four Judges shall be elected at the general State election to be held in

1962 and thereafter at each six-year interval. The terms of the Judges so elected shall begin on January 1 following their election, and shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor."  
[Sidenote: Code § 24-3502 amended.]

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

**Approval Date:** Approved March 16, 1961.