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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1937

PART I.--GENERAL PUBLIC LAWS TITLE IX. SUPREME COURT AND COURT OF APPEALS.

1937 Vol. 1 -- Page: 1101

Sequential Number: 284

Short Title: JUSTICES EMERITUS.

Law Number: No. 398.

Full Title: An Act to create the positions of Chief Justice Emeritus, and Associate Justice Emeritus; to provide for the eligibility of persons for appointment to such positions; to provide for the method of appointment to such positions, and salaries to those holding such positions and their tenure of office; to provide that such persons holding such positions shall constitute the Advisory Appellate Council of Georgia; to provide for its duties and the duties of those holding said positions; to provide that no person shall be appointed to a vacancy on the Supreme Court to succeed any member thereof who has resigned in order to take the benefits of this Act who is in excess of sixty years of age; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That there is hereby created the position of Chief Justice Emeritus. No person shall be eligible to be appointed to said office except persons occupying the position of Chief Justice of the Supreme Court of Georgia, and who have attained the age of seventy years, and who have been in continuous service as Judges for more

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than ten years upon the Superior Court or the **Court of Appeals**, or the Supreme Court, or partly upon any one or more of said courts, but with continuous unbroken judicial service for ten years. The Governor shall appoint to such position any one eligible under the provisions of this Act, who shall advise the Governor in writing that he desires to resign from the position of Chief Justice and accept appointment as a Chief Justice Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. Chief Justice Emeritus shall receive an annual salary equal to two-thirds of the salary provided by law for a Chief Justice of the Supreme Court at the time of the appointment of such Chief Justice Emeritus.

[Sidenote: Creation of position Chief Justice. Eligibility.]

[Sidenote: Appointment.]

[Sidenote: Resignation.]

[Sidenote: Salary.]

Section 2. Be it further enacted by the General Assembly of the State of Georgia, That there are hereby created the positions of Associate Justices Emeritus. No person shall be eligible to be appointed to said offices except persons occupying the position of Justices of the Supreme Court of Georgia, and who have attained the age of seventy years, and who have been in continuous service as Judges for more than ten years upon the Superior Court, or the **Court of Appeals**, or the Supreme Court, or partly upon any one or more of said courts, but with continuous unbroken judicial service for 10 years. The Governor shall appoint to such positions any one eligible under the provisions of this Act, who shall advise the Governor in writing that he desires to resign from the position of Justice and accept appointment as Justice Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. The Justice Emeritus shall receive an annual salary equal to two-thirds of the salary provided by law for Justices of the Supreme Court at the time of the appointment of such Justices Emeritus.

[Sidenote: Associate. Justices.]

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Section 3. Be it further enacted, That all persons appointed to any of the foregoing offices by this Act created shall hold for life.

[Sidenote: Life tenure.]

Section 4. Be it further enacted, That the Chief Justice Emeritus and the Associate Judge Emeritus shall constitute the Advisory Appellate Council. It shall be the duty of the Advisory Appellate Council, and of its members, to consult with the Supreme Court and the **Court of Appeals**, and to advise and assist each of said courts in the revision of the rules of practice of the said courts, in handling the administrative duties of the said courts, and generally in the performance of all duties now or hereafter placed upon said courts by law; Provided, however, that Advisory Appellate Council and its members shall not participate, directly or indirectly, in the decision of any cases coming before the said courts for decision. It shall also be the duty of the said Advisory Appellate Council to consult with the Attorney-General and the assistants to the Attorney-General upon legal matters when their advice and consultation is requested. It shall further be the duty of the said Advisory Appellate Council to consult with committees of the General Assembly, and to furnish advice and information to said committees of the General Assembly upon questions of law when their advice and assistance is requested.

[Sidenote: Advisory Appellate Council.]

[Sidenote: Decisions.]

[Sidenote: Consultations.]

Section 5. Be it further enacted, That there may be as many members of said Council as there are at any one time persons previously appointed and serving on said Council under this Act, added to the number otherwise eligible under this Act to be appointed.

[Sidenote: Members.]

Section 6. Be it further enacted, That in the event any member of the Supreme Court shall resign his position under the provisions of this Act, and the Governor's appointee to fill such vacancy is 60 years of age or over, such appointee shall not be eligible to appointment as a Justice

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Emeritus until he shall have had 15 years' unbroken active service on the Supreme Court.

[Sidenote: Resignations.]

[Sidenote: Non-eligibility.]

Section 7. Provided, however, That any Justice or Chief Justice of the Supreme Court who offers for re-election, and is defeated in a primary or regular election, shall not be eligible to apply for or to accept appointment as Chief Justice Emeritus or as Associate Justice Emeritus, nor shall any such Justice be eligible to accept the provisions of this Act thereafter and before the expiration of the term such Justice or Chief Justice is then serving.

[Sidenote: Proviso.]

Section 8. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approval Date: Approved March 30, 1937.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1943

PART I.--GENERAL PUBLIC LAWS TITLE VIII. COURT OF APPEALS.

1943 Vol. 1 -- Page: 677

Sequential Number: 255

Short Title: JUDGES EMERITUS.

Law Number: No. 339.

Full Title: An Act to create the positions of Judge Emeritus, to provide for the eligibility of persons for appointment to such positions: to provide for the method of appointment of such positions, and salaries to those holding such positions and their tenure of office: to provide that such persons holding such positions shall constitute an Advisory Appellate Council of Georgia: to provide for its duties and the duties of those holding said positions; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that there is hereby created the offices of Judge Emeritus. Persons eligible for appointment to such office shall be any Judge of the **Court of Appeals** of the State of Georgia who shall have attained the age of seventy years, or who on his next birthday will be seventy years of age, and shall have been in continuous service as a judge for more than ten years upon the **Court of Appeals** of Georgia, or the Supreme Court, or partly upon one or the other of said courts, but with continuous unbroken judicial service for ten years. The Governor shall appoint to any such position any one eligible under the provisions of this Act, who shall advise the Governor in writing that he desires to

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resign from the office of Judge of the **Court of Appeals** and accept appointment as Judge Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. A Judge Emeritus shall receive an annual salary equal to two-thirds of the salary provided by law for a judge of the **Court of Appeals** at the time of the appointment of such Judge Emeritus.

[Sidenote: 70 years of age.]

[Sidenote: 10 years service.]

[Sidenote: Two-thirds of salary.]

Section 2. Be it further enacted, That all persons appointed to any of the foregoing offices by this Act

created shall hold for life.

Section 3. Be it further enacted by the authority aforesaid that a Judge Emeritus shall constitute, or be a member of an Advisory Appellate Council, which Advisory Appellate Council is hereby created. It shall be the duty of such Advisory Appellate Council, and of its members, to consult with the Supreme Court and the **Court of Appeals**, and to advise and assist each of said courts in the revision of the rules of practice of the said courts, in handling the administrative duties now or hereafter placed upon said courts by law; Provided, however, that the Advisory Appellate Council and its members shall not participate, directly or indirectly, in the decision of any cases coming before the said courts for decision. It shall also be the duty of the said Advisory Appellate Council to consult with the Attorney-General and the assistants to the Attorney-General upon legal matters when their advise and consultation is requested. It shall further be the duty of the Advisory Appellate Council to consult with committees of the General Assembly, and to furnish advise and information to said committees of the General Assembly upon questions of law when their advise and assistance is requested.

[Sidenote: Advisory Appellate Council.]

[Sidenote: Administrative duties.]

[Sidenote: Advisory duties.]

Section 4. Be it further enacted, That there may be as many members of said Council as there are at any one time persons previously appointed and serving on said Council

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under this Act, added to the number otherwise eligible under this Act to be appointed.

Section 5. Provided, however, That any Judge of the **Court of Appeals** who offers for re-election, and is defeated in a primary or regular election, shall not be eligible to apply for or to accept appointment as Judge Emeritus, nor shall any Judge be eligible to accept the provisions of this Act thereafter and before the expiration of the term such Judge is then serving.

[Sidenote: When eligible.]

Section 6. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approval Date: Approved March 16, 1943.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1952 SESSION

[missing title]

1952 Vol. 1 -- Page: 260

Sequential Number: 121

Short Title: CHIEF AND ASSOCIATE JUSTICES EMERITUS.

Law Number: No. 844

Origin: (Senate Bill No. 346).

Full Title: An Act to amend an Act approved March 30, 1937 (Ga. L. 1937, p. 1101), and any Acts amendatory thereof, which created the positions of Chief Justice Emeritus and Associate Justice Emeritus, so as to provide that such Chief Justice Emeritus and Associate Justice Emeritus shall receive annual compensations and allowances to be determined each year by compensations and allowances paid to the Chief Justice and the Associate Justices of the Supreme Court for that year; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia as follows:

Section 1. Section 1 of the Act approved March 30, 1937 (Ga. L. 1937, p. 1101), and any Acts amendatory thereof, which created the positions of Chief Justice Emeritus and Associate Justice Emeritus, is hereby amended by striking therefrom the last sentence, appearing in lines 17, 18, 19, 20 and 21 thereof, and substituting therefor the sentence: "Each year, the Chief Justice Emeritus shall receive compensations and allowances equal to two-thirds of the compensations and allowances provided by law for Chief Justice of the Supreme Court for that current year," so that said Section 1 when so amended shall read as follows:

"Section 1. There is hereby created the position of Chief Justice Emeritus. No person shall be eligible to be appointed to said office except persons occupying the position of Chief Justice of the Supreme Court of Georgia, and who have attained the age of 70 years, and who have been in continuous service as judges for more than 10 years upon the superior court, or the **Court of Appeals**, or the Supreme Court, or partly upon any one or more of said courts, but with continuous unbroken judicial service for 10 years, or who have attained the age of

65 years and who have been in continuous service as judges for more than 20 years upon the superior courts, or the **Court of Appeals**, or the Supreme Court, or partly upon any one or more of said courts, but with continuous unbroken judicial service as aforesaid for 20 years. The Governor shall appoint to such position anyone eligible under the provisions of this Chapter, who shall advise the Governor in writing that he desires to resign from the position of Chief Justice and accept appointment as a Chief Justice Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. Each year, the Chief Justice Emeritus shall receive compensation and allowances equal to two-thirds of the compensations and allowances provided by law for Chief Justice of the Supreme Court for that current year."

[Sidenote: Chief Justice Emeritus.]

[Sidenote: Compensation.]

Section 2. Section 2 of the Act approved March 30, 1937 (Ga. L. 1937, p. 1101), as amended, which created the positions of Chief Justice Emeritus and Associate Justice Emeritus, is hereby amended by striking therefrom the last sentence appearing in lines 17, 18, 19, 20 and 21 thereof and substituting therefor the sentence: "Each year, Associate Chief Justices Emeritus shall receive compensations and allowances equal to two-thirds of the compensations and allowances provided by law for Associate Justices Emeritus of the Supreme Court for that current year," so that said Section 2 when so amended shall read as follows:

"Section 2. There are hereby created the positions of Associate Justices Emeritus. No person shall be eligible to be appointed to said offices except persons occupying the position of Justices of the Supreme Court of Georgia, and who have attained the age of 70 years, and who have been in continuous service as judges for more than 10 years upon the superior courts, or the **Court of Appeals**, or the Supreme Court, or partly upon any one or more of said courts, but with continuous unbroken judicial service for 10 years, or who have attained the age of 65 years and who have been in continuous service as judges for more than 20 years upon the superior courts,

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or the **Court of Appeals**, or the Supreme Court, or partly upon any one or more of said courts, but with continuous unbroken judicial service as aforesaid, for 20 years. The Governor shall appoint to such positions anyone eligible under the provisions of this Chapter, who shall advise the Governor in writing that he desires to resign from the position of Justice and accept appointment as Justice Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. Each year, Associate Chief Justices Emeritus shall receive compensation and allowances equal to two-thirds of the compensations and allowances provided by law for Associate Justices Emeritus of the Supreme Court for that current year."

[Sidenote: Associate Justices Emeritus.]

[Sidenote: Compensation.]

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

Approval Date: Approved February 15, 1952.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1952 SESSION

[missing title]

1952 Vol. 1 -- Page: 248

Sequential Number: 113

Short Title: COURT OF APPEALS OFFICERS AND EMPLOYEES -- RETIREMENT.

Law Number: No. 831

Origin: (Senate Bill No. 284).

Full Title: An Act to authorize all eligible officers and employees of the **Court of Appeals**, other than the judges thereof, to become members of the employees retirement system of Georgia; to authorize the payment of contributions under said system; and for other purposes.

Be it enacted by the General Assembly of Georgia as follows:

Section 1. All eligible officers and employees of the **Court of Appeals**, except the judges thereof shall be subject to a merit system of employment as promulgated by the **Court of Appeals**, under which all such officers and employees shall be selected on a basis of merit, fitness, and efficiency, according to law. All such officers and employees are hereby authorized to become and be members of the employees retirement system of Georgia, as established by an Act approved February 3, 1949 (Ga. L. 1949, p. 138), as amended. There shall be paid from the funds appropriated for the operation of the **Court of Appeals**, all contributions required by the Retirement Act; and all such payments shall be in addition to the regular compensation allowed to the said officers and employees.

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Section 2. All laws in conflict with the provisions of this Act are hereby repealed.

Approval Date: Approved February 15, 1952.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1952 SESSION

[missing title]

1952 Vol. 1 -- Page: 316

Sequential Number: 147

Short Title: COURT OF APPEALS -- JUDGES EMERITUS.

Law Number: No. 881

Origin: (Senate Bill No. 345).

Full Title: An Act to amend an Act approved March 16, 1943 (Ga. L. 1943, p. 677), and any Acts amendatory thereof, which created the positions of Judges Emeritus of the **Court of Appeals**, so as to provide that such Judges Emeritus shall receive annual compensations and allowances to be determined each year by compensations and allowances paid to a Judge of the **Court of Appeals** for that year; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia as follows:

Section 1. Section 1 of an Act approved March 16, 1943 (Ga. L. 1943, p. 677), as amended, which created the positions of Judges Emeritus of the **Court of Appeals**, is hereby amended by striking therefrom the last sentence of said Section 1, appearing in lines 18, 19, 20 and 21 of said Section 1, and substituting therefor the sentence: "Each year, a Judge Emeritus shall receive compensations and allowances equal to two-thirds of the compensations and allowances provided by law for a Judge of the **Court of Appeals** for that current year," so that said Section 1 when so amended shall read as follows:

[Sidenote: Sec. 1, Act of 1943, amended.]

"Section 1. There is hereby created the office of Judge

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Emeritus. Persons eligible for appointment to such office shall be any Judge of the **Court of Appeals** of the State of Georgia who shall have attained the age of 70 years, or who on his next birthday will be 70 years of age, and shall have been in continuous service as a Judge for more than 10 years upon the **Court of Appeals** of Georgia, or the Supreme Court, or partly upon one or the other of said courts, but with continuous unbroken judicial service for 10 years, or who have attained the age of 65 years and who have been

in continuous service as judges for more than 20 years upon the superior courts or the **Court of Appeals**, or partly upon one or the other of said courts, but with continuous unbroken judicial service as aforesaid for 20 years. The Governor shall appoint to any such position any one eligible under the provisions of this Chapter, who shall advise the Governor in writing that he desires to resign from the office of Judge of the **Court of Appeals** and accept appointment as Judge Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. Each year, a Judge Emeritus shall receive compensations and allowances equal to two-thirds of the compensations and allowances provided by law for a Judge of the **Court of Appeals** for that current year."

[Sidenote: Compensation.]

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved February 15, 1952.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1955

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1955 JANUARY--FEBRUARY SESSION

1955 Vol. 1 -- Page: 705

Sequential Number: 189

Short Title: JUDGES EMERITUS -- POWERS AND DUTIES.

Intent: Proposed Amendment to The Constitution.

Law Number: No. 75

Origin: (House Resolution No. 13-34a).

Type: A Resolution.

Full Title: Proposing to the qualified voters of Georgia an amendment to Article VI, Section XIII, of the Constitution of 1945 by adding thereto an additional paragraph to be known as Paragraph II.

Be it resolved by the General Assembly of the State of Georgia as follows:

Section 1. Article VI, Section XIII, of the Constitution of 1945, relating to the qualifications of Justices, Judges, etc., be amended by adding thereto a paragraph to be known as Paragraph II, which shall read as follows:

Paragraph II. Chief Justice Emeritus and Justices Emeritus of the Supreme Court; Judges Emeritus of the **Court of Appeals**; and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the courts in which they are Chief Justices, Justices, or Judges, Emeritus. The General Assembly shall prescribe the method or manner in which they may be called upon for temporary service.

Section 2. When the above proposed amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two branches of the General Assembly, and the same has

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been entered on their journals with the "Ayes" and "Nays" taken thereon, the Governor is hereby authorized and instructed to cause such proposed amendment to be published as provided in Article VI, Section XIII of the Constitution of Georgia of 1945, as amended, for two months previous to the time of the general election at which the above proposed amendment shall be submitted for ratification or rejection to the electors, as provided for in said paragraph of the Constitution.

The voters voting in favor of the ratification of the amendment shall have written or printed upon their ballots, "For ratification of the amendment to Article VI, Section XIII, of the Constitution of Georgia of 1945, providing that Chief Justice Emeritus and Justices Emeritus of the Supreme Court and Judges Emeritus of the Superior Courts shall be eligible to preside over their respective courts, and authorizing the General Assembly to provide for such service", and the voters voting against the amendment shall have written or printed on their ballots, "Against ratification of the amendment to Article VI, Section XIII, of the Constitution of Georgia of 1945, providing that Chief Justice Emeritus and Justices Emeritus of the Supreme Court and Judges Emeritus of the Superior Courts shall be eligible to preside over their respective courts, and authorizing the General Assembly to provide for such service."

If the people shall ratify such amendment by a majority of the electors qualified to vote voting thereon, such amendment shall become a part of the Constitution of this State. The returns of the election shall be made in like manner as returns for elections for members of the General Assembly and it shall be the duty of the Secretary of State to ascertain the result and certify the result to the Governor, who shall, if such amendment be ratified, make proclamation thereof, and thereupon the foregoing amendment shall become

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a part of the Constitution of the State of Georgia of 1945.

Approval Date: Approved March 9, 1955.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1958

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1958

1958 Vol. 1 -- Page: 491

Sequential Number: 196

Short Title: JUSTICES AND JUDGES EMERITUS MAY PRESIDE OVER COURTS.

Intent: Proposed Amendment to the Constitution.

Law Number: No. 101

Origin: (House Resolution No. 313-772d).

Type: A Resolution.

Full Title: Proposing an amendment to the Constitution so as to provide that the Chief Justices Emeritus and Justices Emeritus of the Supreme Court, Justices Emeritus of the **Court of Appeals** and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the Supreme Court, the **Court of Appeals** and the Superior Courts; 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 XIII, Paragraph II of the Constitution, is hereby amended by striking said Paragraph II in its entirety and inserting in lieu thereof a new Paragraph II to read as follows:

"Paragraph II. Chief Justices Emeritus and Justices Emeritus of the Supreme Court; Judges Emeritus of the **Court of Appeals**; and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the Supreme Court of Georgia, the **Court of Appeals** of Georgia and the Superior Courts of this State. The General Assembly shall prescribe the method or manner in which they may be called upon for temporary service."

Section 2. When the above proposed amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two branches of the General Assembly, and the same has been entered on their journals with the "Ayes" and "Nays" taken thereon, such proposed amendment shall

be published and submitted as provided in Article XIII, Section I, Paragraph I of the Constitution of Georgia of 1945, as amended.

The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"For ratification of amendment to the Constitution so as to provide that the Chief Justices Emeritus and Justices Emeritus of the Supreme Court, Justices Emeritus of the **Court of Appeals** and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the Supreme Court, the **Court of Appeals** and the Superior Courts."

"Against ratification of amendment to the Constitution so as to provide that the Chief Justices Emeritus and Justices Emeritus of the Supreme Court, Justices Emeritus of the **Court of Appeals** and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the Supreme Court, the **Court of Appeals** and the Superior Courts."

All persons desiring to vote in favor of adopting the proposed amendment shall vote for ratification of the amendment, and all persons desiring to vote against the adoption of the proposed amendment shall vote against ratification.

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. The returns of the election shall be made in like manner as returns for elections for members of the General Assembly, and it shall be the duty of the Secretary of State to ascertain the result and certify the result to the Governor, who shall issue his proclamation thereon.

Approval Date: Approved March 25, 1958.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1959

[missing title]

1959 Vol. 1 -- Page: 80

Sequential Number: 050

Short Title: COURT OF APPEALS -- JUDGES EMERITUS.

Law Number: No. 64

Origin: (House Bill No. 441).

Full Title: An Act to amend an Act of the General Assembly of Georgia, approved March 16, 1943, creating the positions of Judge Emeritus of the **Court of Appeals** of Georgia, to provide for the method of appointment to such positions, and salaries to those holding such positions and their tenure of office; to provide that such persons holding such positions shall constitute an Advisory Appellate Council of Georgia; to provide for its duties and the duties of those holding said positions; and for other purposes, so as to repeal section five of the said Act of 1943, which provides that "any Judge of the **Court of Appeals** who offers for re-election, and is defeated in a primary or regular election, shall not be

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eligible to apply for or to accept appointment as Judge Emeritus, nor shall any judge be eligible to accept the provisions of this Act thereafter and before the expiration of the term such judge is then serving," to provide the age for compulsory retirement and the procedures relative thereto.

Be it enacted by the General Assembly of Georgia:

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted, by authority of the same, that section five of the Act approved March 16, 1943, embodied in the Georgia Laws of 1943, pages 677 et seq., which reads as follows: "Provided, however, that any Judge of the **Court of Appeals** who offers for re-election, and is defeated in a primary or regular election, shall not be eligible to apply for or to accept appointment as Judge Emeritus, nor shall any judge be eligible to accept the provisions of this Act thereafter and before the expiration of the term such judge is then serving," be and the same is stricken in its entirety.

[Sidenote: Section 5 of 1943 Act repealed.]

Section 1A. Said Act, approved March 16, 1943 (Ga. L. 1943, p. 677), is further amended by adding a

new paragraph to section 1, to read:

"Any judge of the **Court of Appeals** who becomes eligible for the position of Judge Emeritus, must qualify for and accept said position not later than 30 days after reaching the age of 75, or else he shall forever be ineligible to hold the position of Judge Emeritus and shall not receive any salary as provided in said Act. Provided, that any judge of the **Court of Appeals** who is eligible for the position of Judge Emeritus at the time this section becomes effectitve and who has already attained the age of 75 years shall be entitled to receive the salary provided in said Act if he shall qualify and accept the position of Judge Emeritus within 30 days from the time this section goes into effect. Otherwise, he shall forever be ineligible to hold the position of Judge Emeritus and shall not receive any salary as provided in said Act."
[Sidenote: Election to accept appointment.]

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Section 2. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approval Date: Approved February 20, 1959.

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

[missing title]

1960 Vol. 1 -- Page: 911

Sequential Number: 132

Short Title: JUDGES EMERITUS OF THE COURT OF APPEALS.

Law Number: No. 631

Origin: (House Bill No. 658).

Full Title: An Act to amend an Act approved March 16, 1943, (Ga. L. 1943, p. 677), as amended, creating the positions of Judges Emeritus of the **Court of Appeals**, so as to make additional provisions for the eligibility of persons for such offices by giving additional credit for judicial service on the Supreme, superior and all city courts of Georgia; to repeal the provisions establishing the age for compulsory retirement and the procedures relative thereto; to repeal conflicting laws and for other purposes.

Be it enacted by the General Assembly of Georgia that:

Section 1. An Act creating the positions of Judges Emeritus of the **Court of Appeals** approved March 16, 1943 (Ga. L. 1943, p. 677), as amended by an Act approved February 25, 1949 (Ga. L. 1949, p. 1006), as amended by an Act approved February 15, 1952 (Ga. L. 1952, p. 316), and as amended by an Act approved February 20, 1959 (Ga. L. 1959, p. 80), is hereby amended by striking section 1 of said Act as amended in its entirety and substituting in lieu thereof a new section 1 to read:

"Section 1. There is hereby created the offices of Judge Emeritus. Persons eligible for appointment to such office shall be any Judge of the **Court of Appeals** of the State of Georgia who shall have attained the age of 70 years, or who on his next birthday will be 70 years of age, and shall have been in service as a judge for more than 10 years upon the **Court of Appeals** of Georgia,

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or the Supreme Court or a superior court or any city court of Georgia, or partly upon one or the other of said courts, but with judicial service for 10 years, or who shall have attained the age of 65 years and who shall have been in service as judge for more than 20 years upon the superior courts, the **Court of Appeals**, Supreme Court or any city court of

Georgia, or partly upon one or the other of said courts, but with judicial service as aforesaid for 20 years. The Governor shall appoint to any such position any one eligible under the provisions of this section, who shall advise the Governor in writing that he desires to resign from the office of Judge of the **Court of Appeals** and accept appointment as Judge Emeritus, and upon such appointment being made by the Governor the resignation shall automatically be effective. Each year, a Judge Emeritus shall receive compensations and allowance equal to two-thirds of the compensation and allowances provided by law for a Judge of the **Court of Appeals** for that current year."
[Sidenote: Qualifications.]

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved March 17, 1960.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1964

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1964

1964 Vol. 1 -- Page: 115

Sequential Number: 024

Short Title: STATE EMPLOYEES' RETIREMENT SYSTEM -- MEMBERSHIP OF CERTAIN OFFICIALS.

Law Number: No. 570

Origin: (House Bill No. 835).

Full Title: An Act to amend an Act establishing the State Employees' Retirement System, approved February 3, 1949 (Ga. L. 1949, p. 138), as amended, so as to provide for membership for any person becoming a Judge of the **Court of Appeals** or a Justice of the Supreme Court after April 1, 1964; to provide membership for certain previously ineligible State officials; to provide for membership for certain elective constitutional officials after April 1, 1964; to provide the conditions for membership to provide for contributions; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act establishing the State Employees' Retirement System, approved February 3, 1949 (Ga. L. 1949, p. 138), as amended, is hereby amended by adding a new subsection to section 3 to be known as subsection (9) to read as follows:

"(9) The provisions of this or any other law to the contrary notwithstanding, any person becoming a Judge of the **Court of Appeals** after April 1, 1964, shall be a member of the Employees' Retirement System, and shall not be eligible to be appointed as Judge Emeritus of the **Court of Appeals**. The prohibition against appointment as Judge Emeritus shall not apply to any person holding the office of Judge of the **Court of Appeals** on April 1, 1964. Any person serving as Judge of the **Court of Appeals** on said date, must notify the Executive Secretary of the Employees' Retirement System on or before March 31, 1965, if he desires to become a member of the Retirement System. In the event such Judge does not give such notification to the Executive Secretary on or before the aforesaid date, he shall not thereafter be eligible to become a member of the Retirement System. No such Judge shall be entitled to rescind any such notification, and

no such Judge shall be allowed to give

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any such notification after March 31, 1965. Any Judge giving such notification shall, upon the effective date of his membership, begin making those regular employee contributions as required by provisions of the law governing this System and shall be entitled to all the retirement allowances and credits provided for herein in the same manner as if he had become a member of the System on January 1, 1950, which shall include credit for prior service and any services performed by him as an employee subsequent to that date. All contributions which would have been reported for the Judges of the **Court of Appeals** had they become members on January 1, 1950, beginning with said date and up until April 1, 1964, shall be paid by the employer into the Pension Accumulation Fund in such manner and over such period of time as shall be agreed upon between the Board of Trustees and the employer. Eligibility for Survivor Benefits for any such Judge shall be determined on the same basis as that applicable to all other System members who were in State employment on January 1, 1953, or after, and benefit amounts shall be based upon the attained age of the Judge as of the effective date of his membership with this System. Eligibility for Survivor Benefits for any person who enters on duty as such Judge after April 1, 1964, shall be determined in the same manner as any other new member of this System."

[Sidenote: Judges of **court of Appeals**.]

Section 2. Said Act is further amended by adding a new subsection to section 3 to be known as subsection (10) to read as follows:

"(10) The provisions of this or any other law to the contrary notwithstanding any person becoming a Justice of the Supreme Court after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed as Justice Emeritus of the Supreme Court. The prohibition against appointment as Justice Emeritus shall not apply to any person holding the office of Justice of the Supreme Court on April 1, 1964. Any person serving as Justice of the Supreme Court on said date, must notify the Executive Secretary of the Employees' Retirement System on or before March 31, 1965, if he desires to become a member of the Retirement System. In

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the event such Justice does not give such notification to the Executive Secretary on or before the aforesaid date, he shall not thereafter be eligible to become a member of the Retirement System. No such Justice shall be entitled to rescind any such notification, and no such Justice shall be allowed to give any such notification after March 31, 1965. Any Justice giving such notification shall, upon the effective date of his membership, begin making those regular employee contributions as required by provisions of the law governing this System and shall be entitled to all the retirement allowances and credits provided for herein in the same manner as if he had become a member of the System on January 1, 1950, which shall include credit for prior service and any services performed by him as an employee subsequent to that date. All contributions which would have been reported for the Justices of the Supreme Court had they become members on January 1, 1950, beginning with said date and up until April 1, 1964, shall be paid by the employer into the Pension Accumulation Fund in such manner and over such period of time as shall

be agreed upon between the Board of Trustees and the employer. Eligibility for Survivor Benefits for a present Justice shall be determined on the same basis as that applicable to all other System members who were in State employment on January 1, 1953, or after, and benefit amounts shall be based upon the attained age of the Justice as of the effective date of his membership. Eligibility for Survivor Benefits for any person who enters on duty as a Justice after April 1, 1964, shall be determined in the same manner as any other new member of this System. The term 'Justice' as used herein shall include Chief Justice and Associate Justice."

[Sidenote: Justices of Supreme Court.]

Section 3. Said Act is further amended by adding a new subsection to section 3 to be known as subsection (11) to read as follows:

"(11) The provisions of this or any other law to the contrary notwithstanding, the head of any State department or agency who is an elective constitutional officer and who was previously ineligible by law for membership in the System may, at any time on or before March 31, 1965, elect

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to become a member of the System. He may elect such membership by giving notification thereof to the Executive Secretary of the Employees' Retirement System. Upon the effective date of his membership, he shall begin making those regular employee contributions as required by provisions of law governing this System and shall be entitled to all the retirement allowances and credits provided for herein in the same manner as if he had become a member of the System on January 1, 1950, which shall include credit for prior service and any service performed by him as an employee subsequent to that date. All contributions which would have been reported for such head of any State department or agency had he become a member on January 1, 1950, beginning with said date and up until April 1, 1964, shall be paid by the employer into the Pension Accumulation Fund in such manner and over such period of time as shall be agreed upon between the Board of Trustees and the employer. Eligibility for Survivor Benefits for any such person shall be determined on the same basis as that applicable to all other System members who were in State employment on January 1, 1953, or after, and benefit amounts shall be based upon the attained age of such person as of the effective date of his membership with this System."

[Sidenote: Constitutional officers.]

Section 4. Said Act is further amended by adding a new subsection to section 3 to be known as subsection (12) to read as follows:

"(12) The provisions of this or any other law to the contrary notwithstanding, any person becoming State Treasurer after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed State Treasurer Emeritus; any person becoming State School Superintendent after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed State School Superintendent Emeritus; any person becoming Comptroller General after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed Comptroller General Emeritus; any person becoming Secretary of State after April 1, 1964, shall be a member of the

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Employees' Retirement System and shall not be eligible to be appointed Secretary of State Emeritus; any person becoming Attorney General after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed Attorney General Emeritus; any person becoming Commissioner of Labor after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed Commissioner of Labor Emeritus; any person becoming Commissioner of Agriculture after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed Commissioner of Agriculture Emeritus; any person becoming a Public Service Commissioner after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed Public Service Commissioner Emeritus. The prohibition against appointment to any of said Emeritus positions shall not apply to any person holding any of said State offices on April 1, 1964."

[Sidenote: Same.]

Section 5. This Act shall become effective April 1, 1964.

[Sidenote: Effective date.]

Section 6. All laws and parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved February 19, 1964.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1964

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1964

1964 Vol. 1 -- Page: 239

Sequential Number: 081

Short Title: **COURT OF APPEALS -- OFFICE OF JUDGE EMERITUS.**

Law Number: No. 719

Origin: (House Bill No. 1034).

Full Title: An Act to amend an Act creating the position of Judge Emeritus for Judges of the **Court of Appeals**, approved March 16, 1943 (Ga. L. 1943, p. 677), as amended, so as to provide that any person becoming a Judge of the **Court of Appeals** after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed as Judge Emeritus; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act creating the position of Judge Emeritus for Judges of the **Court of Appeals**, approved March 16, 1943 (Ga. L. 1943, p. 677), as amended, is hereby amended by adding a new section to be known as section 5 to read as follows:

"Section 5. The provisions of this or any other law to the contrary notwithstanding, any person becoming a Judge of the **Court of Appeals** after April 1, 1964, shall be a member of the Employees' Retirement System and shall not be eligible to be appointed as Judge Emeritus. The prohibition against appointment as Judge Emeritus shall not apply to any person holding the office of Judge of the **Court of Appeals** on April 1, 1964."

Section 2. This Act shall become effective April 1, 1964.

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

Approval Date: Approved March 4, 1964.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1971

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1971

1971 Vol. 1 -- Page: 99

Sequential Number: 035

Short Title: EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA AMENDED -- OPTIONAL RETIREMENT BENEFITS FOR APPELLATE COURT JUDGES, ETC.

Law Number: No. 55

Origin: (Senate Bill No. 84).

Full Title: An Act to amend an Act establishing the Employees Retirement System of Georgia, approved February 3, 1949 (Ga. L. 1949, p. 138), as amended, so as to add a new section to said Act, to be numbered 19, to provide optional retirement benefits for appellate court judges in lieu of any retirement allowances otherwise available under this retirement system and in lieu of the appointment to or the holding of any emeritus office; to define terms; to prescribe the contents of a written notice electing benefits; to provide for the funding of benefits through contributions by appellate court judges and their respective courts; to establish eligibility conditions and requirements; to establish benefits for appellate court judges and their widows; to provide for the conversion of creditable service under the retirement system to service credits under this Act; to provide group term life insurance protection for appellate court judges; to provide for returns

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of contributions to the estate of any appellate court judge who has not received benefits hereunder and who is not survived by an eligible widow; to provide for loss of benefits and forfeiture of contributions under this Act should an appellate court judge fail to resign his office on or before the day he attains age 70 or on or before a day certain; to provide procedures in connection herewith; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act establishing the Employees Retirement System of Georgia, approved February 3, 1949 (Ga. L. 1949, p. 138), as amended, is hereby amended by adding a new section to said Act, to be numbered 19, to read as follows:

"Section 19. (1) Any other provision of law to the contrary notwithstanding, any appellate court judge as defined in this Act shall be entitled to receive the benefits provided by this Act in lieu of any retirement allowances otherwise available under this retirement system and in lieu of the appointment to or the holding of any emeritus office.

[Sidenote: Benefits in lieu of other retirement allowances, etc.]

"(2) The words 'appellate court judge' as used in this Act shall mean and include any judge, presiding judge or chief judge of the **Court of Appeals** and any associate justice, presiding justice or chief justice of the Supreme Court.

[Sidenote: Definitions.]

"(3) As a condition of eligibility for the benefits provided by this Act, any appellate court judge shall tender to the board of trustees before January 1, 1972, or within 60 days after the commencement of his term of office, whichever shall occur later, a written notice stating that he has elected to accept the benefits provided by this Act in lieu of any retirement allowances otherwise available under this retirement system and in lieu of the appointment to and the holding of any emeritus office. The notice shall state that in consideration of the payment of the benefits provided by this Act, he shall resign from office as an appellate court

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judge on or before the day upon which he attains the age of 70 years or on or before June 30, 1972, in the event he shall have attained age 70 on or prior to June 30, 1972.

[Sidenote: Time for filing notice stating election, etc.]

[Sidenote: Contents of notice.]

[Sidenote: Time of retirement.]

"(4) As a condition of eligibility for the benefits provided by this Act, there shall have been deducted from the earnable compensation of an appellate court judge and remitted to the board of trustees a contribution equivalent to 7.5 percent of his earnable compensation for each pay period or part thereof after the date of his written notice electing benefits. Election of benefits under this Act constitutes an authorization and direction by an appellate court judge that the clerical personnel of his respective court shall withhold his contributions and remit them to the board of trustees in the manner provided by the board, together with a sum of money available to the Court from annual or supplemental appropriations in an amount sufficient to carry out the provisions of this Act.

[Sidenote: Contributions after election.]

"(5) An appellate court judge may retire subject to and upon compliance with all provisions of this Act and receive the following benefits: After 10 years of service as an appellate court judge, he shall be entitled to receive during life a retirement benefit payable monthly equivalent to 75 percent of the salary of an appellate court judge then serving in the office from which he retired. An appellate court judge who is incapacitated prior to the completion of 10 years of service as an appellate court judge shall receive during life for each full year of service one-tenth of the benefit he would have received had he completed 10 years of service as an appellate court judge. No benefit shall be payable to an appellate court judge under this Act until he shall have attained 65 years of age except for incapacity as herein provided. In the event that an appellate court judge shall become incapacitated from further performance of the duties of his office, and shall

resign from office based upon such incapacity, he shall be entitled to receive from the date of incapacity and during life and continuing incapacity benefits payable monthly based upon his completed years of service as an appellate court judge. Any person serving as an appellate court judge on the effective date of this Act who shall have attained 85 years of age prior to

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January 1, 1971, and the widow of such an appellate court judge, shall be entitled to receive the maximum retirement benefits payable under this Act to appellate court judges and their widows without regard to years of service as an appellate court judge provided compliance shall have been made with all provisions of this Act excepting required years of service. The widow of an appellate court judge shall be entitled to receive from the date of death of her spouse and during her life a benefit payable monthly equivalent to 50 percent of the benefits to which her spouse would have been entitled based upon his years of service as an appellate court judge and without regard to whether he had attained age 65; provided, however, that in order to be eligible for these benefits the widow shall have been married to the appellate court judge at least 5 years on the date of his death.

[Sidenote: Benefits after 10 years service.]

[Sidenote: Incapacity before 10 years service.]

[Sidenote: Age.]

[Sidenote: Widow.]

"(6) Group term life insurance protection shall be available to appellate court judges at prevailing contribution rates and subject to provisions of law and regulations of the board of trustees pertaining to the retirement system.

[Sidenote: Group term insurance.]

"(7) Should any appellate court judge die without having received benefits under this Act and not be survived by a widow eligible to receive the benefits provided by this Act, his contributions shall be paid without interest to his estate.

[Sidenote: Judge dying without receiving benefits, etc.]

"(8) An appellate court judge who has accrued creditable service under this retirement system may convert such service to service under this Act on the basis of 2 years of creditable service being equivalent to 1 year of service credit under this Act; provided, that creditable service based upon the holding of office as an appellate court judge shall be convertible to service credit under this Act on an equal time basis. Applications for conversion of service credits under this Section shall be made in writing to the board of trustees.

[Sidenote: Creditable service.]

[Sidenote: Written application for conversion.]

"(9) Any appellate court judge who elects to receive the benefits provided by this Act and who fails to resign his office as appellate court judge on or before the day he attains age 70 or on or before June 30, 1972, in the event he

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shall have attained age 70 on or prior to June 30, 1972, shall not be entitled to receive any

benefits under this Act and shall forfeit all contributions made under this Act."

[Sidenote: Forfeiture.]

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

[Sidenote: Effective date.]

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

Approval Date: Approved March 18, 1971.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1998 Volume One

[missing title]

1998 Vol. 1 -- Page: 268

Sequential Number: 074

Short Title: COURTS -- JUDICIAL ASSISTANCE; SENIOR JUDGES.

Intent: Code Sections 15-1-9.1 and 15-1-9.2 Amended.

Law Number: No. 695

Origin: (House Bill No. 1642).

Type: AN ACT

To amend Code Section 15-1-9.1 of the Official Code of Georgia Annotated, relating to requesting judicial assistance from other courts, so as to allow assistance on a permanent basis in certain situations; to amend Code Section 15-1-9.2, relating to requests for assistance of senior judges, so as to provide that any judge with a combination of ten years of service in a combination of certain courts shall be eligible for appointment as senior judge; to provide for the appointment of such senior 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.

Code Section 15-1-9.1 of the Official Code of Georgia Annotated, relating to requesting judicial assistance from other courts, is amended by striking paragraph (2) of subsection (b) and inserting in lieu thereof a new paragraph (2) to read as follows:

- "(2) If assistance is needed from a judge from the same county, the chief judge of any court within such county of this state may make a written request for assistance to the chief judge of any other court within such county, a senior judge of the superior court, a retired judge, or a judge emeritus of any court within the county. The request by the chief judge may be made if one of the following circumstances arises:

- (A) A judge of the requesting court is disqualified for any cause from presiding in any matter pending before the court;
- (B) A judge of the requesting court is unable to preside because of disability, illness, or absence;
- (C) A majority of the judges of the requesting court determines that the business of the court requires the temporary assistance of an additional judge or additional judges; or

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- (D) A majority of the judges of the requesting court determines that the business of the court requires the permanent assistance of an additional judge or additional judges. If the requesting court is a state or superior court, the assisting judge or assisting judges may hear and decide matters otherwise in the exclusive jurisdiction of the state or superior court without regard to time, type of case, or limitations contained in the rules of such state or superior court; provided, however, that a chief magistrate or magistrate may serve as a permanent assisting judge only in counties having a population of 180,000 or more according to the United States decennial census of 1990 or any future such census."

SECTION 2.

Code Section 15-1-9.2 of the Official Code of Georgia Annotated, relating to requests for assistance of senior judges, is amended by inserting immediately following subsection (a) the following:

- "(a.1) Notwithstanding the provisions of subsection (a) of this Code section, any Justice of the Supreme Court of Georgia or Judge of the **Court of Appeals** or any superior court judge, state court judge, magistrate court judge, or juvenile court judge who ceases holding office as a judge and who has a total of ten years of service in any combination of such offices may become a senior judge. Said combination must include at least five years' service as a Justice on the Supreme Court, Judge on the **Court of Appeals**, or judge of the superior court, or at least five years as total served in combination as Justice on the Supreme Court, Judge on the **Court of Appeals**, or judge of the superior court.
- (a.2) Senior judge status as provided in this Code section shall be acquired by a qualified former judge's applying to the Governor for appointment as senior judge. The Governor shall appoint each qualified applicant as a senior judge."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of

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this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 5.

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

Approval Date: Approved March 27, 1998.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1995

[missing title]

1995 Vol. 1 -- Page: 916

Sequential Number: 248

Short Title: COURTS -- ASSISTANCE OF SENIOR APPELLATE COURT JUSTICES OR JUDGES AND SENIOR JUDGES OF SUPERIOR COURTS; SERVICE; PRACTICES AND PROCEDURES.

Intent: Code Sections 15-1-9.2 and 15-3-1 Amended.

Law Number: No. 416

Origin: (Senate Bill No. 279).

Type: AN ACT

Full Title: To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for the rendering of assistance to appellate courts by senior appellate court Justices or Judges and senior judges of superior courts; to provide for the services of such additional Justices or judges; to provide for practices and procedures; 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 15-1-9.2, relating to requests for assistance of senior judges appointed pursuant to Chapter 8 or 9 of Title 47, and inserting in lieu thereof a new Code Section 15-1-9.2 to read as follows:

"15-1-9.2.

- (a) As used in this Code section, the term 'senior judge' means a judge of an appellate or superior court who has the status of a senior judge under Chapter 8 or 9 of Title 47 or Chapter 3A of this title.
- (b) The chief judge of any appellate or superior court of this state may make a written request for assistance to a senior judge. The request by the chief judge may be made if one of the following circumstances arise:

- o (1) A judge of the requesting court is disqualified for any cause from presiding in any matter pending before the court;
 - o (2) A judge of the requesting court is unable to preside because of disability, illness, or absence; or
 - o (3) A majority of the judges of the requesting court determines that the business of the court requires the temporary assistance of an additional judge or additional judges as provided for in Code Section 15-1-9.1.
- (c) An active judge may call upon a senior judge to serve in an emergency or when the volume of cases or other unusual circumstances cause such service to be necessary in order to provide for the speedy and efficient disposition of the business of the circuit.

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- (d) Senior judges serving as judges of the appellate or superior court under this Code section or any other provision of law shall be compensated in the amount of \$165.00 per day for such service. In addition to such compensation, such senior judges shall receive their actual expenses or, at the judge's option, in the event of service outside the county of the judge's residence, the same per diem expense authorized by law for members of the General Assembly and shall receive mileage at the same rate as other state employees for such services. Such compensation, expenses, and mileage shall be paid from state funds appropriated or otherwise available for the operation of the appellate or superior courts, upon a certificate by the senior judge as to the number of days served or the expenses and mileage. Such compensation shall not affect, diminish, or otherwise impair the payment or receipt of any retirement or pension benefits, when applicable, of such judge."

SECTION 2.

Said title is further amended by adding at the end of Code Section 15-3-1, relating to composition of the **Court of Appeals**, divisions, how cases are heard, quorums, and location, a new subsection (g) to read as follows:

"(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 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 3.

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

Approval Date: Approved April 19, 1995.

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1988

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1988

1988 Vol. 1 -- Page: 1856

Sequential Number: 424

Short Title: COURT OF APPEALS -- PREAPPEAL SETTLEMENT CONFERENCE; PROCEDURE; JUDGES.

Intent: Code Section 15-3-13 Enacted.

Law Number: No. 1448

Origin: (House Bill No. 615).

Type: AN ACT

To amend Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the **Court of Appeals**, so as to authorize the **Court of Appeals** to establish by rule a preappeal settlement conference procedure; to provide for settlement conference judges; to provide for travel, per diem, and pay allowances; to provide for review of proposed rules or amendments; 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 adding a new Code section at the end thereof, to be designated Code Section 15-3-13, to read as follows:

- "15-3-13. (a) The **Court of Appeals** of Georgia is authorized to establish by rule of court a voluntary preappeal settlement conference procedure. In furtherance of such a procedure, the court is authorized to provide by rule for the extension of time for the filing of the record, enumerations of error, briefs, or other matters for which time of filing is otherwise prescribed by statute.
- (b) The **Court of Appeals** shall utilize Senior Appellate Court Justices and Judges and senior superior court judges as settlement conference judges.
- (c) Settlement conference judges shall be entitled to receive the same travel, per diem, and pay allowances now

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or hereafter authorized to be paid to senior judges of the superior courts when called.

- (d) Any rules or amendments thereto adopted pursuant to this Code section shall be submitted to the State Bar of Georgia, the Judiciary Committee of the House of Representatives, and the Judiciary Committee of the Senate at least 30 days before such rules or amendments shall become effective. The **Court of Appeals** shall receive and consider such comments as shall be made by such organization or committees."

Section 2. This Act shall become effective February 1, 1989.

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

Approval Date: Approved April 14, 1988.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1994

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1994

1994 Vol. 1 -- Page: 347

Sequential Number: 058

Short Title: APPEALS -- ORDER GRANTING OR DENYING WITHIN 30 DAYS OF APPLICATION.

Intent: Code Sections 5-6-34 and 5-6-35 Amended.

Law Number: No. 807

Origin: (House Bill No. 1189).

Type: AN ACT

To amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice in appellate court, so as to provide a uniform time frame within which both applications for interlocutory and discretionary appeals will be decided; to extend the period of response from a

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maximum of 25 days to 30 days; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice in appellate courts, is amended by striking subsection (b) of Code Section 5-6-34, relating to judgments and rulings deemed directly appealable, in its entirety and inserting in its place the following:

"(b) Where the trial judge in rendering an order, decision, or judgment, not otherwise subject to direct appeal, certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had, the Supreme Court or the **Court of Appeals** may thereupon, in their respective discretions, permit an appeal to be taken from the order, decision, or judgment if application is made thereto within ten days after such certificate is granted. The application shall be in the

nature of a petition and shall set forth the need for such an appeal and the issue or issues involved therein. The applicant may, at his or her election, include copies of such parts of the record as he or she deems appropriate, but no certification of such copies by the clerk of the trial court shall be necessary. The application shall be filed with the clerk of the **Supreme Court** or the **Court of Appeals** and a copy of the application, together with a list of those parts of the record included with the application, shall be served upon the opposing party or parties in the case in the manner prescribed by Code Section 5-6-32, except that such service shall be perfected at or before the filing of the application. The opposing party or parties shall have ten days from the date on which the application is filed in which to file a response. The response may be accompanied by copies of the record in the same manner as is allowed with the application. The **Supreme Court** or the **Court of Appeals** shall issue an order granting or denying such an appeal within 30 days of the date on which the application was filed. Within ten days after an order is issued granting the appeal, the applicant,

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to secure a review of the issues, may file a notice of appeal as provided in Code Section 5-6-37. The notice of appeal shall act as a supersedeas as provided in Code Section 5-6-46 and the procedure thereafter shall be the same as in an appeal from a final judgment."

Section 2. Said article is further amended by striking subsection (f) of Code Section 5-6-35, relating to cases in which application for appeal is required, in its entirety and inserting in its place the following:

"(f) The **Supreme Court** or the **Court of Appeals** shall issue an order granting or denying such an appeal within 30 days of the date on which the application was filed."

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

Approval Date: Approved March 25, 1994.

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Content of Act/Resolution

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

[missing title]

1996 Vol. 1 -- Page: 396

Sequential Number: 089

Short Title: COMMISSION ON THE APPELLATE COURTS OF GEORGIA -- CREATION.

Law Number: No. 60

Origin: (House Resolution No. 1091).

Type: A RESOLUTION

Full Title: Creating the Commission on the Appellate Courts of Georgia; providing for the membership of the commission and the selection, service, and compensation of members; providing for the powers and duties of the commission with respect to a study of the appellate courts of the State of Georgia; providing for an effective date; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

There is created the Commission on the Appellate Courts of Georgia. The commission shall consist of 13 members as follows:

- (1) The Chief Justice of the Supreme Court of Georgia or his or her designee;
- (2) The Chief Judge of the **Court of Appeals** of Georgia or his or her designee;
- (3) One judge of the superior courts of the State of Georgia who is the President of the Council of Superior Court Judges of Georgia or his or her designee;
- (4) One judge of the state courts of the State of Georgia who is the President of the Council of State Court Judges of Georgia or his or her designee;
- (5) The President of the State Bar of Georgia or his or her designee;
- (6) Two members of the Senate to be appointed by the President of the Senate and two members of the House of Representatives to be appointed by the Speaker of the House; and

- (7) Two members appointed by the President of the Senate who are not members of the Senate and two members appointed by the Speaker of the House who are not members of the House of Representatives.

All appointments to the commission shall be made with the goal of obtaining a diverse membership, including members of both the legal

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profession and the general public and members from a variety of backgrounds.

SECTION 2.

The commission shall undertake a study of the current structure and operations of the appellate courts of the State of Georgia with the goal of determining what changes, if any, should be recommended in such structure and operations in order to:

- (1) Ensure a high quality of appellate review of trial court decisions where such review is required or appropriate;
- (2) Facilitate the development of an organized and consistent body of appellate decisions for the guidance of the bench, the bar, and the general public;
- (3) Provide for timely resolution of appeals;
- (4) Provide an efficient and cost-effective appellate system, subject to the recognition that the system is paid for with public funds;
- (5) Utilize judicial resources in an effective manner; and
- (6) Achieve such other goals as the commission determines appropriate.

SECTION 3.

The chairperson and other officers of the commission shall be selected by majority vote of the commission. The commission shall meet at the call of the chair.

SECTION 4.

The legislative members of the commission shall receive expense reimbursement and allowances from legislative funds in the manner provided for legislative members of interim committees. Any members of the commission who are state officers and employees other than members of the General Assembly shall receive no compensation for their service on the commission but may be reimbursed for expenses incurred in serving on the commission from funds of their respective agencies, as provided by law. Any members of the commission who are not state employees or officers shall receive no compensation for their service on the commission but may be reimbursed for reasonable actual expenses incurred in serving on the commission from funds of the legislative branch.

SECTION 5.

All officers and agencies of state government shall cooperate with the commission in the performance of its functions.

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SECTION 6.

The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. However, the commission shall not meet for more than ten days unless additional meeting days are authorized by the Governor.

SECTION 7.

The commission shall issue a report of its findings and recommendations to the Governor, the Lieutenant Governor, the Chief Justice, and the Speaker of the House. Such report shall be issued not later than December 31, 1996. The commission shall stand abolished as of the end of the last day of the regular 1997 session of the General Assembly.

Approval Date: Approved April 2, 1996.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1977

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1977

1977 Vol. 1 -- Page: 710

Sequential Number: 166

Short Title: APPELLATE COURT JURISDICTION CHANGED.

Law Number: No. 299

Origin: (House Bill No. 576).

Full Title: An Act to provide for the transfer of the jurisdiction of certain cases from the **Court of Appeals** to the Supreme Court and for the transfer of the jurisdiction of certain cases from the Supreme Court to the **Court of Appeals**; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. Pursuant to Article VI, Section II, Paragraph IV of the Constitution, the **Court of Appeals** shall have jurisdiction of the trial and correction of errors of law in cases involving the crimes of armed robbery, rape and kidnapping wherein the death penalty has not been imposed. The Supreme Court shall have jurisdiction of the trial and correction of errors of law in

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cases involving State revenue, contested elections, and the validity of legislative enactments of municipalities.

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved March 23, 1977.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1987

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1987

1987 Vol. 1 -- Page: 669

Sequential Number: 188

Short Title: HONORABLE VIOLA ROSS NAPIER -- PORTRAIT PLACED IN THE STATE CAPITOL.

Law Number: No. 2

Origin: (House Resolution No. 25).

Type: A RESOLUTION

Full Title: Commending Honorable Viola Ross Napier and authorizing the placing of her portrait in the State Capitol Building; and for other purposes.

WHEREAS, Honorable Viola Ross Napier held the distinction of being the first female member sworn into the Georgia House of Representatives and as such became the first woman commissioned to serve in the Georgia General Assembly; and

WHEREAS, she served two consecutive terms of office from 1922 through 1925 representing the constituency of the City of Macon and Bibb County and sponsored progressive legislation to protect the rights of children in the work place and to support the less fortunate; and

WHEREAS, her pioneering accomplishments also included being one of the first females to pass the State Bar of Georgia and being the first woman attorney to argue a case before the Georgia Supreme Court and the Georgia **Court of Appeals**; and

WHEREAS, upon leaving the General Assembly, she became the first female city clerk of the City of Macon where she served for 27 years, a tenure unsurpassed before or since; and

WHEREAS, the brilliant career and unparalleled accomplishments of this native Georgian command respect and esteem and deserve to be appropriately acknowledged and honored by the citizens of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that this body commends Honorable Viola Ross Napier and recognizes her outstanding accomplishments and

contributions by directing that a portrait of this distinguished woman legislator be placed in the State Capitol Building.

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BE IT FURTHER RESOLVED that the Secretary of State is authorized and directed to conduct all the necessary matters relative to the purposes set out in this resolution and that the funds for this purpose be drawn from the funds appropriated to the Secretary of State.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to each of the four children of Honorable Viola Ross Napier.

Approval Date: Approved April 2, 1987.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1956

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1956

1956 Vol. 1 -- Page: 652

Sequential Number: 239

Short Title: JUVENILE COURT JUDGMENTS -- REVIEW BY APPELLATE COURTS.

Intent: Proposed Amendment to the Constitution.

Law Number: No. 135

Origin: (House Resolution No. 32-96e).

Type: A Resolution.

Full Title: Proposing to the qualified voters of Georgia an amendment to Article VI, Section II of the Constitution of Georgia so as to confer upon the Supreme Court and **Court of Appeals** jurisdiction to review by writ of error all final judgments and adjudications rendered by juvenile courts; to provide for advertising and submission; and for other purposes.

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Be it resolved by the General Assembly of Georgia:

Section 1. Article VI, Section II of the Constitution of Georgia is hereby amended by adding thereto a new paragraph to be known as Paragraph IX and to read as follows:

"Paragraph IX. The Supreme Court and **Court of Appeals** shall have jurisdiction to review by direct writ of error, and without the necessity of a motion for new trial having been made, all final judgments, orders, decrees and adjudications, rendered by any juvenile court created or referred to in an Act of the General Assembly approved February 19, 1951 (Ga. L. 1951, p. 291), as amended, and any other juvenile court that may be hereafter established, and, it shall further be the duty of the solicitor-general of the judicial circuit within which juvenile court or courts are located to represent the juvenile court on such appeals. The time for filing such bill of exceptions, and the procedure governing same, shall be as now provided by law for appeals, or as may hereafter be provided by law, but in any case, the juvenile judge may by order grant extensions of time for the filing of such bill of exceptions so as to afford opportunity for preparation of a brief or transcript of evidence, in cases where such is required."

Section 2. When the above proposed amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two branches of the General Assembly, and the same has been entered on their journals with the "Ayes" and "Nays" taken thereon, the Governor is hereby authorized and instructed to cause such proposed amendment to be published as provided in Article XIII, Section I, Paragraph I, of the Constitution of Georgia of 1945, as amended. Such proposed amendment shall be submitted as provided in said paragraph.

The ballot submitting the above proposed amendment

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shall have written or printed thereon the following:

"For ratification of amendment to Constitution so as to confer jurisdiction on the Supreme Court and **Court of Appeals** to review by writ of error all final judgments of juvenile courts."

"Against ratification of amendment to Constitution so as to confer jurisdiction on the Supreme Court and **Court of Appeals** to review by writ of error all final judgments of juvenile courts."

All persons desiring to vote in favor of adopting the proposed amendment shall vote for ratification of the amendment, and all persons desiring to vote against the adoption of the proposed amendment shall vote against ratification.

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. The returns of the election shall be made in like manner as returns for elections for members of the General Assembly and it shall be the duty of the Secretary of State to ascertain the result and certify the result to the Governor who shall, if such amendment be ratified, make proclamation thereof.

Approval Date: [missing data]

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1945

PART I

Amendment to Constitution of Georgia of 1877. Title I

1945 Vol. 1 -- Page: 232

Sequential Number: 074

Short Title: COURT OF APPEALS -- ENTIRE COURT OR DIVISIONS. § 24-3501.

Law Number: No. 299.

Full Title: An Act to amend Section 24-3501 of the Code which provides that "the **Court of Appeals** shall consist of six Judges, who shall elect one of their number as Chief

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Judge, in such manner and for such time as may be prescribed by rule or order of the Court. The Court shall sit in divisions of three Judges each, but 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 division of which the Chief Judge is a member shall be known as the first division, and he shall be its presiding Judge. 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," so as to provide that the two divisions of the **Court of Appeals** shall determine certain cases sitting as one court, and so as to provide that in other cases they shall have the discretion to do so, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Section 24-3501 of the Code of Georgia of 1933 be, and the same is hereby amended, by adding to the end thereof the following: Except that from and after the first day of the April Term 1945, of the **Court of Appeals** of Georgia, the two divisions 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, unless upon consideration of the case by the two divisions as one court there is an equal division between the judges passing upon the case, in which event the case shall be decided by the division to which it 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 the two divisions sitting as one court, the questions may be presented to the

two divisions sitting as one court, and if a

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majority of the two divisions sitting as one court decide that the question or questions involved should in their judgment and discretion be decided by the two divisions sitting as one court, the case shall be passed upon by the two divisions sitting as one court, provided that a majority of the judges passing upon the case concur in the judgment, otherwise the case shall be passed upon by the division of the court to which it was originally assigned. In neither class of cases shall there be oral argument except before the division to which the cases are originally assigned.

[Sidenote: § 24-3501 amended.]

[Sidenote: The 2 divisions sitting as one court to pass on certain cases.]

[Sidenote: When court equally divided the case shall be decided by the original division.]

[Sidenote: No oral argument in such cases.]

Section 2. Be it further enacted, that it being among the purposes of this Act 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 court sitting as one entire 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 six judges shall not be overruled or materially modified except with the concurrence of six judges.

[Sidenote: Cases overruled.]

Section 3. Be it further enacted that when both divisions 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 six judges, the concurrence of at least three shall be essential to the rendition of a judgment.

[Sidenote: Quorum.]

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved March 8, 1945.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1943

PART I.--GENERAL PUBLIC LAWS TITLE I. AMENDMENTS TO CONSTITUTION.

1943 Vol. 1 -- Page: 23

Sequential Number: 007

Short Title: DISPOSITION OF CASES IN APPELLATE COURTS.

Law Number: No. 62.

Full Title: A Resolution proposing to the people of Georgia for ratification or rejection an amendment to Article 6, Section 2, of the Constitution of Georgia.

Resolved by the General Assembly of Georgia:

Section 1. That the General Assembly of Georgia proposes to the people of Georgia that Article 6, Section 2, of the Constitution of Georgia be amended by striking and repealing all of Paragraph 6 of said Article and Section, as the same has heretofore been amended, and inserting in lieu thereof a new Paragraph 6, as follows:

[Sidenote: Art. 6, Sec. 2, p. 6 (§ 2-3006).]

"Paragraph 6. Cases, How Disposed of: The Supreme Court and the **Court of Appeals** shall dispose of every case at the term at which it is entered on the court's docket for hearing, as provided by Paragraph 9 of this Article and Section, or at the next term. If the plaintiff in error shall not be prepared to prosecute the case at the term at which it is so entered for hearing, unless prevented by providential cause, it shall be stricken from the docket and the judgment below shall stand affirmed. No writ of error shall be dismissed because of delay in transmission of the bill of exceptions and the copy of the record, or either of them, resulting from the default of the clerk or other cause, unless it shall appear that the plaintiff in error or his counsel caused such delay. Nothing herein shall be construed to excuse the clerk for any omission of duty or to relieve him of any liability consequent thereof."

[Sidenote: Docket term or next term.]

[Sidenote: No dismissal for delayed transmission.]

[Sidenote: Clerk liable.]

Section 2. When the foregoing amendment shall have been agreed to by two-thirds of the members

elected to the

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Senate and the House of Representatives, the same shall be entered on their journals with the "yeas" and "nays" taken thereon and published and submitted to the people for ratification or rejection at the next general election, as now provided by law.

[Sidenote: Submission to vote.]

Approval Date: Approved March 20, 1943.

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ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1967

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1967

1967 Vol. 1 -- Page: 538

Sequential Number: 140

Short Title: COURT OF APPEALS -- ASSIGNMENT OF CRIMINAL CASES TO THREE DIVISIONS.

Intent: Code § 24-3501 Amended.

Law Number: No. 413

Origin: (Senate Bill No. 72).

Full Title: An Act to amend Code section 24-3501, relating to the **Court of Appeals**, as amended by an Act approved March 8, 1945 (Ga. L. 1945, p. 232), an Act approved March 3, 1960 (Ga. L. 1960, p. 158), and an Act approved March 16, 1961 (Ga. L. 1961, p. 140), so as to remove the requirement that all criminal cases shall be assigned to one division; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act to amend Code section 24-3501, relating to the **Court of Appeals**, as amended by an Act approved March 8, 1945 (Ga. L. 1945, p. 232), an Act approved March 3, 1960 (Ga. L. 1960, p. 158), and an Act approved March 16, 1961 (Ga. L. 1961, p. 140), is hereby amended by striking from the first paragraph the following:

"; and all criminal cases shall be assigned to one division",

so that when so amended the first paragraph of section 24-3501 shall read as follows:

"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 by the Court, distribute the cases among the divisions

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in such manner as to equalize their work as far as practicable. 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."

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved April 14, 1967.