

PAST TO PRESENT - CHANGES IN THE COURT

Jurisdiction

The 1906 legislation granted the Court of Appeals last resort jurisdiction in the following cases:

- some civil case, depending on which court they originated in (which ones??)
- certified questions to the Supreme Court on all state and federal constitutional questions, and any other topics on which the court desired the instruction of the court

In 1914 J. R. Pottle came before the Bar Association to discuss the confusion and tedium created by having two courts of last resort.

The Jurisdiction of the Court of Appeals was again enlarged by constitutional amendment, ratified by the people, in 1916

1916 - increased the court of appeals jurisdiction; two panels created

1956 - direct review of juvenile court judgements

1977

Constitution of 1983 - revenue of estate (now to court of app) given sup ct exclusive jurisdiction in election contests

OCGA 5-6-35

Discretionary - workers comp and domestic relations were no longer direct

Mundy v.. Mundy - custody cases NOT incident to a divorce decree went to the court of appeals

when did we become an intermediate court? When the supreme court get the power to review appeals court decision

the assignment of criminal cases to a single division was eliminated in 1967 -

Chief Judge

- The most senior member of the court served as chief judge until 1979, at which time the court switched to its current rotating basis comprised of two year terms
- Who would serve as the very first Chief Judge was an issue of contention among the founding three jurists. The general election of 1906 did not allow the voters to specify who they would choose as the first chief Judge. Since all three men had served the same and equal tenure (nothing) and elected upon the same day, there was no obvious choice. Hill thought that he should serve first, based on his age, while Russell thought that he should based on his experience and that he won the largest percentage of votes in the popular election. Since Powell was charged with drawing up the first set of Court Rules, the draft he

produced borrowed the applicable provision from the Supreme Court. This particular clause allowed that the Chief Judge be selected upon age when there was a tie based upon the day the Judges were given their commissions and Hill, the man with the lowest popular vote, was made the first chief Judge.

- The men who have served in the capacity of chief Judge are:
 - Hill
 - Russell
 - Wade
 - Broyles
 - Sutton
 - Felton
 - Bell
 - Deen
 - Quillian
 - Shulman
 - McMurray
 - Banke
 - Birdsong
 - Carley
 - Sognier
 - Pope
 - Beasley
 - Andrews
 - Johnson
 - Blackburn
 - Smith
 - Ruffin
- Nash Rose Broyles served as Chief Judge the longest amount of time, from 1919 to his death in 1947.
- In the modern scheme, the Chief Judge serves for a two year term and is selected based on seniority of tenure. Once selected he appoints four presiding judges, one to lead each appellate panel. The Judges served the panels on an annual rotation

• **Current Election Scheme**

Judge Emeritus:

Status of Judge Emeritus and Retirement

1937 - pg. 1101 - Status of Justice Emeritus established for Georgia Supreme Court Justices that have reached the age of 70, and been in 10 or more years of consecutive service to Supreme, Appeals or Superior Court. They get 2/3 of the salary that Justices get at the time of appointment to Emeritus status. The duties of Justice Emeritus include membership on the Advisory Appellate Council, whose intended purpose was to assist the Supreme and Appellate courts to revise their rules and practices and handling administrative duties. In no instance shall the committee

members participate in the rendering of decisions.

1943 - pg. 677 - Creates the seat of Judge Emeritus for all former Court of Appeals Judges who have reached 70 or are within one year of their 70th at the time of retirement and have served 10 consecutive years on some combination of the Supreme and Appeals Court. They get 2/3 of the salary that Judges get at the time of appointment to Emeritus status. The duties of Judge Emeritus include membership on the Advisory Appellate Council, whose intended purpose was to assist the Supreme and Appellate courts to revise their rules and practices and handling administrative duties. In no instance shall the committee members participate in the rendering of decisions. Only exception is that you can not be an Emeritus when you are defeated in election or if you quit your term incomplete.

1952 - pg. 260 - Changes the pay scale for Justice Emeritus based on 2/3 of that years salary for Supreme Court Justices, not the year they were appointed.

1952 - pg. 248 - all officers and employees of the Court of Appeals, except Judges, are eligible to participate in the state retirement system.

1952 - pg. 316 - Changes the pay scale for Judge Emeritus based on 2/3 of that years salary for Court of Appeals Judges, not the year they were appointed.

1955 - pg. 705 - Proposed amendment to the constitution for ratification by voters that would allow Justices and Judges Emeritus to preside in or over the courts in which were members.

1958 - pg. 491 - Proposed amendment to the constitution which would allow Emeritus members of Supreme Court, Court of Appeals and Superior courts to preside over any of the following courts (regardless of on which court they served): Supreme Court, Court of Appeals, and Superior Court.

1959 - pg. 80 - Judges Emeritus for the Court of Appeals must accept their position as Emeritus within 30 days of their 75 birthday or shall be forever ineligible from holding the position and receiving the salary.

1960 - pg. 911 - Expands people who are eligible for receiving Emeritus status to those are 70 and have sat for 10 straight years on Supreme, Appeals, SUPERIOR and all CITY courts. Or anyone who reaches 65 and has 20 years on consecutive on the above named courts.

1964 - pg. 115 - Any person becoming an Appellate Judge on or after April 1, 1964 shall be a member of the retirement system of the State of Georgia and shall not be eligible for the Emeritus status. All Judges sitting on the court on this date must declare if they desire to join the retirement system, thus making themselves ineligible for Emeritus status.

- The newly formed stat retirement system was intended to wipe out the emeritus status for all state employees. While employees must contribute to their retirement fund, the benefits are also available to widows should the husband die. Under the emeritus system, if a Judge should die while under this status his wife would receive nothing

1971 - pg. 99 - Any judge who has not retired by age 70 forfeits all of his benefit. Also lays out the benefits eligible for Judges, widows of Judges, and incapacitated Judges...Find out more.

Gardner, 77, Won't Quit Bench
The Atlanta Journal; March 3, 1958; pg. 13,2

Compulsory Quitting: Emeritus Status For Judges
The Atlanta Journal; March 8, 1959; pg. 11A, 4
Margaret Shannon

Emeritus Status Dying for Judges
The Atlanta Journal; February 13, 1964; pg. 40, 4

State Judge Carlise to Retire
The Atlanta Journal; August 3, 1963; pg. 9,1

Retiring Judge at Age of 70 Hit by Justice
The Atlanta Journal; March 29, 1964; pg. 42, 1

add cites from Ga Law

Random Facts - diversity and interesting tidbits

- ◆ Judges that have served ten or more years: thirty one
- 1. Nash Rose Broyles (32+)
- 2. O.B.H. Bloodworth (15+)
- 3. Roscoe Luke (15+)
- 4. W. F. Jenkins (20)
- 5. A. W. Stephens (25+)
- 6. I. Homer Sutton (21+)
- 7. Hugh MacIntyre (19+)
- 8. Jule Wimberly Felton (32+)
- 9. B. C. Gardner (20+)
- 10. John Murphy Clagett Townsend (14+)
- 11. Ira Carlisle (11+)
- 12. H. E. Nichols (12)
- 13. John Sammons Bell (18+)
- 14. Robert Jordan (11+)
- 15. Homer Eberhardt (13+)
- 16. Robert Hall (12+++)
- 17. Charles Pannell (13+)
- 18. Braswell Deen (25+)
- 19. J. Kelley Quillian (17+)
- 20. William McMurray (23+)
- 21. Harold Banke (14+)
- 22. A. W. Birdsong (20+)
- 23. Georgia Carley (13+)
- 24. John Sognier (12++)
- 25. Marion Pope (21+)
- 26. Dorothy Beasley (14+)
- 27. Gary Andrews (14+)
- 28. Edward Johnson (13+)
- 29. G. Alan Blackburn (12+)
- 30. J. D. Smith (12+)
- 31. John Ruffin (11+)

◆ Judge that served more than 20 years: ten

1. Nash Rose Broyles (32+)
2. Marion Pope (21+)
3. A. W. Birdsong (20+)
4. William McMurray (23+)
5. Braswell Deen (25+)
6. Jule Wimberly Felton (32+)
7. B. C. Gardner (20+)
8. W. F. Jenkins (20)
9. A. W. Stephens (25+)
10. I. Homer Sutton (21+)

- ◆ Joslin has the distinction of being the only temporary appointment to the court. A professor at Emory, he was asked to fill in for just over two months while Whitman gathered the necessary tenure to gain retirement benefits as a superior court judge
- ◆ Whitman received his appointment and then waited to gather enough time under the state retirement system as a superior court judge that he would be able to receive those benefits when he retired, as his age made him too old to get appellate court benefits.

Dr. Joslin Takes Oath as Judge

The Atlanta Journal; April 24, 1967; pg. 14, 1

- ◆ Exact number of Judge that have served the court during its first hundred years is 71.
- ◆ Four women have served on the Court
- ◆ Judge Nash Rose Broyles served in the capacity of Chief Judge the longest, 28 years.
- ◆ Judge Jule Felton served the court for the most years, 32 and 8 months - three months longer than Broyles total tenure with the Court
- ◆ There have been 6 clerks of Court: Logan Bleckley, William England, Morgan Thomas, Alton Hawk, Victoria McLaughlin and William Martin
- ◆ At only 34 years old, Powell is the youngest person to have served on the bench
- ◆ Richard B. Russell is the only Judge to serve as both the Chief Judge of the Court of Appeals and the Chief Justice of the Georgia Supreme Court.
- ◆ The Russell family also boasts the title to have the only grandfather - R. B. Russell - and grandson serve on the Court (Robert L. Russell, Jr.)
- ◆ The only father son combination is of Joe and Kelley Quillian
- ◆ Both the Russell and Quillian families are from winder - remember that one family photo from the Russell Library that had a small child with the last name Quillian in it??
- ◆ The progeny of Judges Webb and Custer were married, Mr. And Mrs. Henry Custer, and their children are the only ones who can claim to have both of their grandfather serve on the court of appeals
- ◆ Judge Roan was appointed to replace Judge Hill in September 1913. However, in the time it took Judge Hill to complete his pending appeals at his current seat as Chief Judge, Judge Roan was permitted time to hear Leo Franks Motion for a new trial. Judge Hill took a seat on the Fulton County Superior Court, a lower position that the court of appeals, but one that paid \$5,000 a year while the Appellate Judges were only making \$4,000 annually.
- ◆ Previously, Judge Broyles had opposed Judge Pottle but withdrew on the night returns were counted because the race was close he felt that the tie should be broken in favor of the incumbent.
- ◆ In this seat, the appointment of Judge Roan was made only months before a general

election in which Judge Hill (now Judge Roan's) seat was up for election. The Recorder for the city of Atlanta, Nash Broyles, challenged Judge Roan in his first election. A total of eight men contested the seat held by Roan:

John Smith
William Smith
Watt Kelly
Thomas Goodwin
Carl Guess
Georgia Johnson
W. H. Preston

And then, just prior to the election, Judge Roan announced that he would not seek re-election and Broyles ran in the primary largely unopposed.

Judges:

Judge Worrill Named to State Appeals Court

The Atlanta Journal; June 8, 1949; pg. 2,1

Senator Carlisle Named to State Appeals Court

The Atlanta Journal; April 9, 1952; pg. 42,1

Worrill Named to High Court; Quillian Gets Appeals Post

The Atlanta Journal; October 5, 1953; pg. 1,6

Worrill, Quillian Take Court Oaths at Rites

The Atlanta Journal; October 6, 1953; pg. 5,1

Sutton to Succeed Justice Worrill

The Atlanta Journal; January 9, 1953; pg. 1,7

Talmadge Views Change on Nichols Since 1948

The Atlanta Journal; January 9, 1953; pg. 1,7

Memorial Rite Honors Judge Hugh McIntyre

The Atlanta Journal; May 9, 1957; pg. 54,1

England Retires as Court Clerk

The Atlanta Journal; October 24, 1957; pg. 7,5

2 to Take Post

The Atlanta Journal; October 24, 1960; pg. 5,5

2 State Officials Given Office Oath

The Atlanta Journal; October 31, 1960; pg. 4,1

Four Judges Given Oath

The Atlanta Journal; December 19, 1960; pg. 2,7

Appeals Judge B.C. Gardner Retiring at 78
The Atlanta Journal; September 16, 1960; pg. 1,4

Custer Rated Top Choice for Judge Townsend's Spot
The Atlanta Journal; October 8, 1961; pg. 20,1

Appeals Judge Vance Custer Dies Following Heart Attack
The Atlanta Journal; February 1, 1962; pg. 2, 1

Russell Gets Appeals Post
The Atlanta Journal; February 3, 1962; pg. 1, 6
Charles Pou

Vandiver Names In-Law as Judge
The Atlanta Journal; February 4, 1962; pg. 2,1 (personality feature on page 8)

State Judge Carlise to Retire
The Atlanta Journal; August 3, 1963; pg. 9,1

Pannell Succeeding Retired Carlise
The Atlanta Journal; August 9, 1963; pg. 4, 3

Sen. Pannell Becomes Judge on Sept. 5
The Atlanta Journal; August 15, 1963; pg. 58, 1

3 Appellate Judges Likely to Retire Soon
The Atlanta Journal; March 22, 1971; pg. 2A,1

Savannah Lawyer Named to Bench
The Atlanta Journal; November 26, 1971; pg. 2A,4

Jack Dorsey Qualifies for Appeals Court
The Atlanta Journal; June 10, 1974; pg. 2A,4

Dorsey Leads In Race for Appeals Court
The Atlanta Journal; August 14, 1974; pg. 19A,1
Raleigh Bryans

McMurray New Appeals Court Judge
The Atlanta Journal; April 30, 1976; pg. 26A,1

Smith, Dorsey Compete in a Yawner
The Atlanta Journal; August 5, 1976; pg. 2A,1
Prentice Palmer

Smith Gets High Score From Bar

The Atlanta Journal; August 6, 1976; pg. 10A,1
Prentice Palmer

George T. Smith Soundly Defeats Dorsey (Election Results)
The Atlanta Journal; August 8, 1976; pg. 2A,1

Judge Clark Will Retire on Dec. 29th.
The Atlanta Journal; November 5, 1976; pg. 3A,1

Appeals Judge Webb Plans to Retire
The Atlanta Journal; January 30, 1979; pg. 2C,5
Charles Hayslett

New Courtroom:

Appeals Court to Dedicate New Room
The Atlanta Journal; June 1, 1956; pg. 26,1

Appeal Judges Enter Light of New Courtroom
The Atlanta Journal; June 4, 1956; pg. 5,4
Dorothy Cremin

Commission of the Appellate Courts:

Procedure:

Must grant Appeals, inetrlocatory or discretionary within 30 days – get more info.