



Court of Appeals

February 1, 1996

RESOLUTIONS AND LETTERS OF SUPPORT FOR ADDITION OF FOUR JUDGES TO COURT OF APPEALS

1. Letter, on behalf of the Council of Superior Court Judges, from Chief Judge H. Arthur McLane of Valdosta, President, January 30, 1996.
2. Letter, on behalf of the Council of State Court Judges, from Chief Judge Kathlene F. Gosselin of Gainesville, President, January 12, 1996.
3. Letter, on behalf of the Council of Juvenile Court Judges, from Judge George J. Hearn III of Monroe, President, January 26, 1996.
4. Resolution of the Council of Probate Court Judges, signed by Judge LaVerne C. Ogletree of Greensboro, President, January 18, 1996.
5. Resolution of the Council of Magistrate Court Judges, signed by Judge Dan F. Pierce of Monroe, January 19, 1996.
6. Letter, on behalf of the State Bar of Georgia, from Robert W. Chasteen, Jr. of Fitzgerald, President, January 11, 1996.
7. Resolution of the Younger Lawyers Section of the State Bar of Georgia, signed by Nolie J. Motes, Esq., of Gainesville, President, January 5, 1996, and accompanying letter.
8. Joint Resolution, received January 19, 1996, of:
 - Atlanta Bar Association, signed by C. Wilson DuBose, Esq., President;
 - Clayton County Bar Association, signed by Hon. Linda S. Cowen, President;
 - DeKalb Bar Association, signed by Michael M. Sheffield, Esq., President;
 - Gate City Bar Association, signed by Patrise M. Perkins-Hooker, Esq., President;
 - Gwinnett County Bar Association, signed by Kathryn McCart Schrader, Esq., President;
 - North Fulton Bar Association, signed by Wayne T. Elliott, Esq., President;
 - South Fulton Bar Association, signed by Barbara G. Moon, Esq., President.



Council of Superior Court Judges of Georgia

Suite 108, 18 Capitol Square, Atlanta, Georgia 30334
(404) 656-4964 Fax 651-8626

January 30, 1996

Honorable Dorothy Toth Beasley
Chief Judge, Court of Appeals
State of Georgia
Atlanta, Ga 30334

RE: Expansion of Court of Appeals

Dear Judge Beasley:

Thank you again for presenting the needs for expansion of the Court of Appeals at our October Executive Committee meeting in Valdosta. I believe that our judges had a much clearer picture of the critical need for enlargement of the resources of the Court of Appeals. The judges were given the opportunity to consider and discuss this problem until the December meeting.

I am very happy to inform you that, while no formal resolution was prepared, there was, at our meeting which was held December 7, a unanimous endorsement for the concept of increasing the Court of Appeals by four judges.

Should you and the other members of the Court decide that some other approach should be taken, we hope that you will feel free to discuss it with us and give us an opportunity to support that alternative approach.

If you need to discuss this further, or if we can help you in any way, please contact me.

Sincerely yours,

H. Arthur McLane
President, Council of
Superior Court Judges

HAM:blt

cc: Judge John Richardson
Judge George Nunn
Ms. Molly Ferry



State Court
OF
Hall County

KATHLENE F. GOSSELIN, JUDGE
P. O. BOX 737
GAINESVILLE, GEORGIA 30503

(404) 531-7007

January 12, 1996

The Hon. Dorothy Beasley
Chief Judge, Court of Appeals
403 State Judicial Building
Atlanta, GA. 30334

Dear Judge Beasley:

The Executive Committee of the Council of State Court Judges has unanimously voted to support the Court of Appeals request for four additional judges. We are aware of the extraordinarily heavy workload of the Court of Appeals, especially in comparison to other states, and it is time for you to have some relief.

Please feel free to use our support in any way that will prove beneficial and if there is anything else that we can do, let me know.

Sincerely yours,

Kathlene F. Gosselin
President, Council of State Court
Judges

cc: Members of the Executive Committee



COUNCIL OF JUVENILE COURT JUDGES
OF GEORGIA

Judge George J. Hearn, III, *President*
Judge Ronald H. Rentz, *Immed. Past President*
Judge Stephen E. Franzen, *President-Elect*

Judge Sanford Jones, *Vice President*
Judge A.J. Welch, *Secretary*
Judge Cliff L. Jolliff, *Treasurer*

Eric J. John, *Executive Director*
January 26, 1996

Honorable Tom Murphy
332 State Capitol
Atlanta, Georgia 30334

Dear Speaker Murphy:

As President of the Council of Juvenile Court Judges, I would like to express the Council's enthusiastic support of the Georgia Court of Appeals' legislative request to increase its body by one three-judge panel and one administrative judge.

The Court of Appeals provides a valuable and essential function for the State of Georgia as the intermediate court of review. The Court's primary function is to correct errors of the trial courts of this state through the writing of legal opinions. The written opinions of the judges provide guidance to all of the trial courts and lawyers of this state and require a significant amount of time for research, preparation, discussion, and reflection.

For the last 35 years, the Court of Appeals' membership has remained at nine judges while its caseload has increased dramatically. According to figures compiled by the Administrative Office of the Courts, the number of signed opinions per judge is higher in the Georgia Court of Appeals than in any other intermediate appellate court in the country. The ability of the Court of Appeals to adequately and timely carry out its role of review instills public confidence in the fairness and redress of the judiciary of this state.

It is for these reasons, that the Council of Juvenile Court Judges wholeheartedly supports the Court of Appeals' efforts to increase its membership.

Sincerely,

George J. Hearn, III

GJH:bb

cc: Members, Executive Committee, Council of Juvenile Court Judges

Honorable Dorothy T. Beasley

RESOLUTION

WHEREAS, THE COURT OF APPEALS OF GEORGIA, has proposed to the General Assembly of Georgia an amendment to §15-3-1 of the Official Code of Georgia relating to the composition and division of the Court so as to increase its membership from nine to thirteen judges and increase the number of divisions from three to four; and

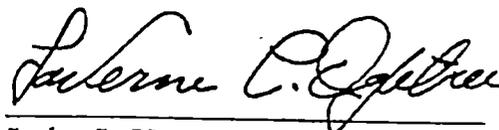
WHEREAS, the membership of the Court has not been increased since 1961 and since that time increases in population and the numbers of trial court judges and caseload from which appeals ultimately come to the Court either directly or through application have had a dramatic impact upon the workload of the Court; and

WHEREAS, comparative figures collected by the National Center for State Courts indicate that judges of the Court of Appeals of Georgia have the highest rate of signed opinions per judge in the nation; and

WHEREAS, these factors are subject to further increase which may adversely effect the Courts effectiveness at addressing justice in a timely and efficient manner.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee of the Council of Probate Court Judges of Georgia on behalf of the Council commend to the General Assembly of Georgia the proposal of the Court of Appeals of Georgia and endorse any efforts which may be taken by the General Assembly to bring about the adoption of said proposal.

Adopted by the Executive Committee of the Council of Probate Court Judges of Georgia Thursday, January 18, 1996.



Judge LaVerne C. Ogletree,
President

COUNCIL OF MAGISTRATE COURT JUDGES

President
Judge Dan F. Pierce
Walton County

President-Elect
Judge Kelly R. Burke
Houston County

1st Vice President
Judge T.O. Shirdvart, III
Cobb County



Secretary
Judge Alec Glenn Dorsey
Wilcox County

Treasurer
Judge Yolanda T. Bala
Effingham County

Immediate Past President
Judge Wayne M. Purdom
DeKalb County

Post Office Box 1188
Monroe, Georgia 30655-1188
(404) 267-1349
Fax: (404) 267-1417

A RESOLUTION SUPPORTING THE ADDITION OF JUDGES
TO THE GEORGIA COURT OF APPEALS

BY THE COUNCIL OF MAGISTRATE COURT JUDGES

WHEREAS the Georgia Court of Appeals provides an invaluable and necessary function for the State of Georgia as the intermediate court of review;

WHEREAS the primary function of the Court is to correct errors of the trial courts of this state, and the manner in which the appellate judges of the Court carry out this role is in the consideration of matters presented to them and in the writing of legal opinions for the disposition of cases and the establishment of precedence;

WHEREAS the written opinions of the judges, in addition to being of direct benefit to litigants of a particular appeal, provide guidance to the trial courts and lawyers of this state, and, therefore, require an adequate period of time to be thoughtfully researched, prepared, reflected upon, discussed among colleagues and composed;

WHEREAS the ability of the Court to adequately and timely carry out its role of review instills public confidence in the fairness and redress of the judiciary of this state;

WHEREAS the judges also must perform public roles and handle internal administrative matters, both of which require time diverted from their primary function;

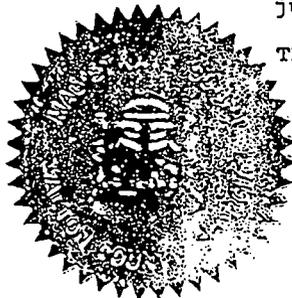
WHEREAS the Court has presented compelling, succinct, and objective evidence of dramatic increases in the persons and agencies it deals with, and comparatively, of a caseload far exceeding the numbers of all other states, regionally and nationally;

WHEREAS it has been 35 years since there has been an increase in the number of judges on the Court and 17 years since the General Assembly has provided relief from the Court's ever-burgeoning caseload by enacting legislation providing for discretionary review; and

WHEREAS the Court has presented for consideration to the General Assembly in the Second Session of its 1995-1996 Term a well-reasoned and clearly necessary request for relief in the form of one additional three-judge panel and one judge to act as Chief Administrative Judge with a reduced caseload.

NOW, THEREFORE, be it resolved by the COUNCIL OF MAGISTRATE COURT JUDGES, that the Council wholeheartedly supports the Georgia Court of Appeals in its effort to increase its body by the addition of one three-judge panel and one administrative judge.

THIS January 19, 1996



Dan F. Pierce
Judge Dan F. Pierce, President
Council of Magistrate Court Judges, Inc.
Walton County Magistrate Court
111 East Spring Street, P.O. Box 1188
Monroe, Georgia 30655

EXECUTIVE COMMITTEE

Judge Cheryl Barclay
Judge Ted E. Garrut
Judge Rita L. Cavanaugh
Judge Juanita Childers
Judge ...

Judge William J. "Jerry" Day
Judge Marie A. Dewberry
Judge Glenda Dowling
Judge Melinda A. Fletcher
Judge ...

Judge Joseph Iannozzone
Judge Renold P. Jayson
Judge Kay B. Lancaster
Judge Nick J. Lazaros
Judge ...

Judge Victor D. Reynolds
Judge James F. Trimble
Judge Johnny W. Warren
Judge Hurrell Whittemore
Judge ...



January 11, 1996

Mr. Mark Cohen
Governor's Office
State Capitol
Atlanta, GA 30334-0900

RE: Court of Appeals Legislation

Dear Mark:

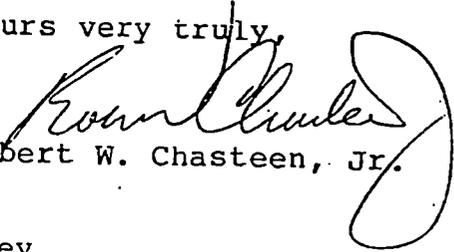
You had previously spoken with me concerning support by the State Bar for proposed legislation to increase the size of the Court of Appeals from 9 to 13 judges. In accordance with our procedure, the legislation was referred to the Advisory Committee on Legislation.

At our mid-year meeting this past week, the Advisory Committee on Legislation approved a resolution supporting this legislation. The resolution supporting this legislation was also approved by the Board of Governors of the State Bar on Saturday, January 6, 1996.

The State Bar recognizes that the Court of Appeals operates under a heavy case load and should be given additional support. We appreciate the opportunity to have input into these matters and I am glad that we are able to endorse legislation that will give the Court of Appeals needed help.

If I can be of further assistance or if you need any additional information concerning this, please let me know.

Yours very truly,


Robert W. Chasteen, Jr.

RWC/lis
cc: Honorable Dorothy Toth Beasley
Mr. Richard T. deMayo
Mr. Thomas Boller
Mr. Cliff Brashier

1/11/3



YOUNGER LAWYERS
SECTION
STATE BAR OF GEORGIA

January 29, 1996

Honorable Zell Miller
Governor
State Capitol
Atlanta, GA 30334

RE: Resolution in support of expanding the size of the Court of Appeals in Georgia

Dear Governor Miller:

I am President of the Younger Lawyers' Section of the State Bar of Georgia. The Younger Lawyers Section is comprised of approximately 8,000 attorneys, a little less than half of the actively practicing attorneys in Georgia.

The Younger Lawyers Section met on January 5, 1996 and voted unanimously to support the Court of Appeals in its endeavors to increase its size from 9 to 13 members. Enclosed is the resolution approved by the Younger Lawyers Section. It is my understanding that you already have been provided with a detailed history of the Georgia Court of Appeals that thoroughly explains why the increase in size is so desperately needed.

Your favorable consideration of increasing the size of the Court of Appeals will be greatly appreciated. Should you have any questions, please do not hesitate to give me a call.

I remain,

Very truly yours,

Nolie J. Motes

Nolie J. Motes
President, Younger Lawyers Section

cc: Chief Judge Dorothy T. Beasley ✓
Court of Appeals

also went to: House/Senate Judiciary,
Appropriations Chair, Lt. Gov and Speaker

Working for the Profession and the Public

800 The Hurt Building • 50 Hurt Plaza • Atlanta, Georgia 30303 • (404) 527-8700



YOUNGER LAWYERS
SECTION
STATE BAR OF GEORGIA

**RESOLUTION TO EXPAND THE MEMBERSHIP OF THE
COURT OF APPEALS OF GEORGIA**

WHEREAS, assurance that the decisions of the trial courts of Georgia are legally correct is essential to the rule of law;

WHEREAS, appellate courts provide such assurance;

WHEREAS, the Court of Appeals of Georgia like most intermediate state appellate courts, handles most of the volume of the state's appellate caseload;

WHEREAS, it is therefore essential to the stability and reliability of Georgia's courts that the Court of Appeals of Georgia have adequate resources;

WHEREAS, the Court of Appeals of Georgia has consisted of nine judges since 1961;

WHEREAS, the number of Georgia trial court judges whose decisions must be reviewed has increased substantially since 1961;

WHEREAS, the population and economy of Georgia have expanded rapidly since 1961, and this growth has brought with it additional litigation;

WHEREAS, in 1993, the most recent year for which figures are available, the judges of the Court of Appeals of Georgia handed down 278 signed opinions per judge, more than any other state appellate court in the United States—and more than double the 137 opinions handed down in that year by California, the next nearest state;

WHEREAS, the caseload of the Court of Appeals of Georgia greatly exceeds the size recommended by scholars who have studied the operation of such institutions;

WHEREAS, the members of the Court of Appeals of Georgia have voted to recommend an increase in their number to 13 judges and to that end have voted to recommend passage of the attached proposed legislation;

NOW THEREFORE, be it hereby known that the Younger Lawyers Section of the State Bar of Georgia endorses the attached proposed legislation and urges the House of Representatives and Senate of the State of Georgia to enact that proposed legislation into law.

This 5th day of January, 1996.

Nolie J. Motes

Nolie J. Motes, President

Joint Resolution
of
Atlanta Bar Association, Inc.,
Clayton County Bar Association, Inc.,
DeKalb Bar Association, Inc.,
Gate City Bar Association,
Gwinnett County Bar Association, Inc.,
North Fulton Bar Association, Inc.
and
South Fulton Bar Association

Supporting Legislation to
Expand the Membership of the Court of Appeals of Georgia

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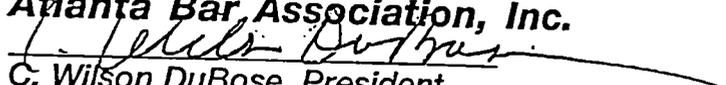
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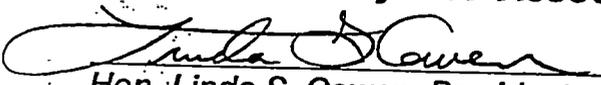
WHEREAS, the members of the Court of Appeals of Georgia have voted to recommend an increase in their number to 13 judges and to that end have voted to recommend passage of the appropriate legislation in that regard;

NOW THEREFORE, be it hereby known that the Atlanta Bar Association, Inc., Clayton County Bar Association, Inc., DeKalb Bar Association, Inc., Gate City Bar Association, Gwinnett County Bar Association, Inc., North Fulton Bar Association, Inc. and South Fulton Bar Association endorse legislation to increase the number of judges on the Court of Appeals and urge the members of the House of Representatives and Senate of the State of Georgia to enact appropriate legislation in that regard.

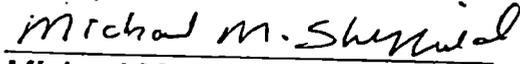
Atlanta Bar Association, Inc.


C. Wilson DuBose, President

Clayton County Bar Association, Inc.


Hon. Linda S. Cowen, President

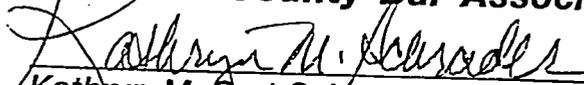
DeKalb Bar Association, Inc.


Michael M. Sheffield, President

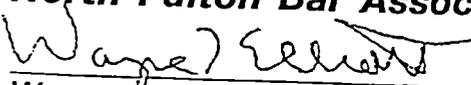
Gate City Bar Association


Patrie M. Perkins-Hooker, President

Gwinnett County Bar Association, Inc.


Kathryn McCart Schrader, President

North Fulton Bar Association, Inc.


Wayne T. Elliott, President

South Fulton Bar Association


Barbara G. Moon, President



COBB COUNTY BAR ASSOCIATION, INC.

Superior Court Building • Suite 601 • Marietta, Georgia 30061

(404) 424-7149

President - Hansell L. (Hap) Smith

Executive Secretary - Simone Estroff

RESOLUTION
of
COBB COUNTY BAR ASSOCIATION, INC.

Supporting Legislation to
Expand the Membership of the Court of Appeals of Georgia

WHEREAS, assurance that the decisions of the trial courts of Georgia are legally correct is essential to the rule of law;

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WHEREAS, the caseload of the Court of Appeals of Georgia greatly exceeds the size recommended by scholars who have studied the operation of such institutions;

WHEREAS, the members of the Court of Appeals of Georgia have voted to recommend an increase in their number to 13 judges and to that end have voted to recommend passage of the attached proposed legislation;

NOW THEREFORE, be it hereby known that the Cobb County Bar Association, Inc., endorse the attached proposed legislation and urge the members of the House of Representatives and Senate of the State of Georgia to enact that proposed legislation into law.

This 10th day of January, 1996.

COBB COUNTY BAR ASSOCIATION, INC.

By: Hansell L. Smith
HANSELL L. SMITH, President

Robert E. Keller

District Attorney

Clifford A. Sticher
Chief Assistant District Attorney



Randy E. Cobb
Chief Investigator

February 5, 1996

The Honorable Dorothy Toth Beasley
Chief Judge, Court of Appeals
State of Georgia
433 State Judicial Building
Atlanta, Georgia 30334

Dear Chief Judge Beasley:

Thank you for the information you sent me regarding the assessment paper for additional judges needed by the Court of Appeals of Georgia.

As you already know, the District Attorneys' Association of Georgia unanimously endorses the legislative proposal to add four additional judges for the Court of Appeals of Georgia. Letters were sent to Governor Miller, Lt. Governor Howard and Speaker of the House Murphy urging these additional judges. I personally spoke to Representative Bill Lee and requested his support.

Based on what I have read in the Fulton Daily Report, I realize that it is going to be a difficult task to accomplish your goal. However, I want to commend your approach to this issue and feel that you will ultimately succeed in expanding the Court. We as District Attorneys recognize the critical need for additional judges and will continue to support your efforts in this endeavor.

Sincerely,


Robert E. Keller
District Attorney

REK/bf

cc: Tim Madison, President

Clayton County Courthouse • Jonesboro, GA 30236 • (404) 477-3450
FAX # (404) 477-4577