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|------------|---|
| 2/8/1960 | JD Quillian leaves office to serve on the Supreme Court of Georgia John Sammons Bell is appointed to office |
| 3/3/1960 | The number of judges was increased to seven (1960 Ga. Laws, p. 158). |
| 3/4/1960 | John Frankum is appointed the 7 th Judge. |
| 3/17/1960 | The position of Judge Emeritus for the Court of Appeals was created |
| 10/15/1960 | BC Gardner leaves office |
| 10/31/1960 | Robert Jordan is appointed to office. |
| 3/16/1961 | The General Assembly by statute (1961 Ga. Laws, p. 140) added two more judges and decreed that the Court was to sit in three divisions of three judges each, one of which was to handle all criminal cases. Homer Eberhardt is appointed as 8th and Robert Hall is appointed as 9th judge |
| 10/6/1961 | JMC Townsend passes away |
| 10/9/1961 | William Vance Custer is appointed to office |
| 1/31/1962 | Custer passes away |
| 2/9/1962 | Robert Russell Jr. is appointed to office |
| 9/5/1963 | Carlisle leaves office Charles Pannell is appointed to office |
| 6/14/1965 | Russell Jr. passes away |
| 6/24/1965 | Braswell Deen is appointed to office |
| 11/15/1966 | Nichols leaves office to serve on the Supreme Court of Georgia (He replaces Joseph Quillian on the Supreme Court). John Kelley Quillian is appointed to office |
| 4/14/1967 | The assignment of criminal cases to a single division was eliminated (1967 Ga. Laws, p. 538). |
| 4/19/1967 | Frankum leaves office to serve on the Supreme Court of Georgia |

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| 4/21/1967 | George Joslin is appointed to office |
| 6/30/1967 | Joslin leaves office |
| 7/1/1967 | George Whitman is appointed to office |
| 9/5/1969 | Felton leaves office (32 years and 8 months) to serve on the Supreme Court of Georgia. Randall Evans is appointed to office. |

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Georgia Legislative Documents



Content of Act/Resolution

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

[missing title]

1960 Vol. 1 -- Page: 158

Sequential Number: 040

Short Title: COURT OF APPEALS -- ADDITIONAL JUDGE.

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

Law Number: No. 515

Origin: (House Bill No. 1075).

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

Be it enacted by the General Assembly of Georgia:

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

Page: 159

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

"24-3501. The Court of Appeals shall consist of seven Judges, who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the Court. The Court shall sit in two divisions, one composed of three Judges and the other of four Judges. Two Judges shall constitute a quorum of the three Judge division and three Judges shall constitute a quorum of the four Judge division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the Court. The Chief Judge shall be the presiding Judge of the first division. He shall designate the Presiding Judge of the second division, and shall under rules prescribed by the Court, distribute the cases between the divisions in such manner as to equalize their work as far as practicable; and all criminal cases shall be assigned to one division. Each division shall hear and determine, independently of the other, the cases assigned to it, except that all members of the Court, sitting as one court, shall pass on and determine each case in which there is a dissent in the division to which the case was originally assigned. In all cases which involve one or more questions which in the opinion of the majority of the Judges of the division to which a case is assigned should be passed upon by all the members of the Court, sitting as one court, the questions may be presented to all the members of the Court, sitting as one court, and if a majority of all the members of the Court, sitting as one court, decide that the question or questions involved should in their judgment and discretion be decided by all the members of the Court, sitting as one court, the case shall be passed upon by all the members of the Court, sitting as one court, provided that a majority of the Judges passing upon the case concur in the judgment. In neither class of cases shall there be oral argument except before the division to which the cases are originally assigned.

[Sidenote: Code § 24-3501 amended.]

Page: 160

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

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

rendition of a judgment.

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

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

[Sidenote: Code § 24-3502 amended.]

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

Page: 161

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

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

Approval Date: Approved March 3, 1960.

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Georgia Legislative Documents



Content of Act/Resolution

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,

Page: 912

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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Georgia Legislative Documents



Content of Act/Resolution

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

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

1961 Vol. 1 -- Page: 140

Sequential Number: 048

Short Title: COURT OF APPEALS -- ADDITIONAL JUDGES.

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

Law Number: No. 148

Origin: (House Bill No. 80).

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

Be it enacted by the General Assembly of Georgia:

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

"24-3501. The **Court of Appeals** shall consist of nine Judges, who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by

rule or order of the Court. The Court shall sit in three divisions, composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the Court. The Chief Judge shall be the Presiding Judge of the first division. He shall designate the Presiding Judges of the second and third divisions, and shall, under rules prescribed

Page: 141

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

[Sidenote: Code § 24-3501 amended.]

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

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

Page: 142

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

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

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

"Two Judges of the **Court of Appeals** shall be elected at each general State election to be held on Tuesday after the first Monday in November of the even numbered years, in the manner in which Justices of the Supreme Court are elected; except that three Judges shall be elected at the general State election to be held in 1960 and thereafter at each six-year interval, and that four Judges shall be elected at the general State election to be held in 1962 and thereafter at each six-year interval. The terms of the Judges so elected shall begin on January 1 following their election, and shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor."

[Sidenote: Code § 24-3502 amended.]

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

Approval Date: Approved March 16, 1961.

Content of Act/Resolution

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

Page: 539

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.