

3/31/2000	McMurray leaves office
5/31/2000	Charles Mikell is appointed to office
8/29/2002	Pope leaves office
12/31/2002	A. Harris Adams is appointed to office
7/20/2004	Primary Election for new Judge. A run off is required.
8/9/2004	Run off for August 10 th is stayed by the Supreme Court.
9/2004	Courtroom is renovated with new audio visual equipment. The furniture is refinished.
11/2/2004	Election between Mead, Bernes and Sheffield.
11/22/2004	Run off for new Judge between Bernes and Mead. Debra Bernes wins election
12/31/2004	Eldridge leaves office
1/1/2005	Bernes is elected to office
1/5/2005	Judge Ruffin is sworn in as First African American Chief Judge



Georgia General Assembly
Unannotated Code



15-3-1.

(a) *Composition.* The Court of Appeals shall consist of 12 Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the court.

(b) *Divisions.* The court shall sit in divisions composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the court. The Chief Judge shall designate the Presiding Judges of the divisions and shall, under rules prescribed by the court, distribute the cases among the divisions in such manner as to equalize their work as far as practicable.

(c) *How cases heard.*

(1) Each division shall hear and determine, independently of the others, the cases assigned to it, except that the division next in line in rotation and a seventh Judge shall participate in the determination of each case in which there is a dissent in the division to which the case was originally assigned.

(2) In all cases which involve one or more questions which, in the opinion of the majority of the Judges of the division or of the two divisions plus a seventh Judge to which a case is assigned, should be passed upon by all the members of the court, the questions may be presented to all the members of the court; and if a majority of all the members of the court decide that the question or questions involved should, in their judgment and discretion, be decided by all the members of the court, the case shall be passed upon by all the members of the court, provided that a majority of the Judges passing upon the case concur in the judgment.

(3) In neither class of cases referred to in this subsection shall there be oral argument except before the division to which the cases are originally assigned.

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

(e) *Quorum.* When all the members of the court are sitting together as one court, seven Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than 12 Judges, the concurrence of at least seven shall be essential to the rendition of a judgment.

(f) *Oral arguments.* The Court of Appeals may hear oral arguments at places other than the seat of government. Reasonable notice shall be given of such hearings.

(g) *Assistance of other judges; procedure.* Whenever the court unanimously determines that the business of the court requires the temporary assistance of an additional judge or additional judges or one additional panel, the court may request the assistance of senior appellate judges as provided in Chapter 3A of this title or senior superior court judges as provided in Code Section 47-23-101. The Judge whose case assignment is transferred to the additional judge shall not vote on the case.



SUPREME COURT OF GEORGIA
Case No. S04M1982

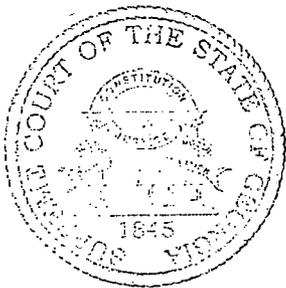
Atlanta AUG 9 2004

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

HOWARD MEAD v. MIKE SHEFFIELD et al.

Upon consideration of the motion for stay or supersedeas in the captioned case, the same is hereby granted. The runoff election for the office of Judge of the Court of Appeals now scheduled for August 10, 2004, is stayed. See OCGA § 21-2-528. All the Justices concur, except Sears, P. J., not participating.

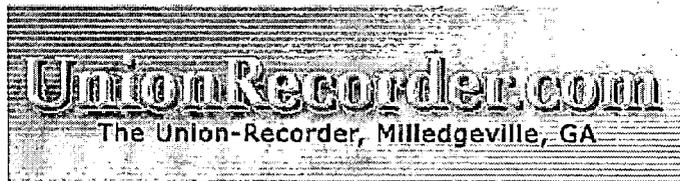


SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Chief Deputy Clerk



Officials: Court of Appeals race not insignificant

Today's runoff between Marietta lawyer Debra Bernes and Atlanta lawyer Howard Mead for a seat on the Georgia Court of Appeals will officially end the 2004 election season.

And like any good finale, this race recalls all the high points of the season. It started as a three-way race between Mead, Bernes and Mike Sheffield in the July 20 primary. The race was non-partisan.

Mead came in third in the primary, but challenged the results in the Georgia Supreme Court because 481 ballots in Laurens County had his first name wrong. The court ordered an entirely new vote to be taken Nov. 2.

So all three candidates were on the ballot again. This time Mead came in second with 38.4 percent of the vote. Bernes came in first with 41.8 percent of the vote, and Sheffield came in third with 19.8 percent of the vote. Since neither Mead or Bernes received the required 45 percent needed for victory in a three-party election, a runoff was scheduled for Nov. 22 - today.

In the midst of a presidential election season, the race for the Georgia Court of Appeals may have seemed like small potatoes without the controversy over the misprinted ballots. However, Eatonton Attorney Chris Huskins said the decision of who serves on the Court of Appeals is always important.

"They make the law," Huskins said. "Not to the extent that the legislature does, but any decision that comes before them they make according to how they're going to interpret the law. So it's a very key position."

When people appeal decisions by any of Georgia's superior courts, the appeals are heard by the Georgia Court of Appeals unless the case has to do with a constitutional question, a land title dispute, the construction of wills, murder, election contests, habeas corpus, extraordinary remedies, divorce or alimony. Those topics are handled by the Georgia Supreme Court. If the Court of Appeals decision is disputed, it is disputed in the Georgia Supreme Court.

"The Georgia Supreme Court has delegated authority to the Court of Appeals to hear certain matters and it's mostly because there's not enough time for the Supreme Court justices to hear every appellate position in this state," he said.

Bernes wins seat on appeals court

By LAURA DOUGLAS-BROWN

Dec. 03, 2004

Candidates endorsed by Georgia Equality went one-for-two in this year's judicial elections, after Debra Bernes bested Howard Mead in the Nov. 23 run-off to replace retiring state Appeals Court Judge Frank Eldridge.

Bernes received 132,008 votes, 54 percent of those cast in the statewide run-off, which drew less than 6 percent of registered voters, according to unofficial tallies from the Georgia Secretary of State's office. Howard Mead, Georgia Equality's endorsed candidate, received 112,359 votes, or 46 percent.

The statewide gay political group endorsed Mead based on his "strong educational and employment credentials" and "strong supporters among members of the LGBT community," leaders said.

Both Bernes and Mead participated in a forum for judicial candidates sponsored by Georgia Equality and the gay Stonewall Bar Association earlier this year.

"I welcome everybody's support — all voters are included in my message that I will be a fair and impartial judge," Bernes told Southern Voice the week before the election.

Georgia Equality took a particular interest in the Appeals Court race after candidate Mike Sheffield won endorsement by the Christian Coalition of Georgia. Sheffield was one of only two judicial candidates to respond to the group's survey, which asked whether judicial hopefuls agreed with court decisions on several issues, including abortion and homosexuality.

Sheffield, who received 19.8 percent of the vote in the Nov. 2 general election and failed to make the run-off, responded that he disagreed with the U.S. Supreme Court ruling that overturned Texas' "homosexual conduct" law and sodomy statutes around the nation.

Bernes and Mead did not respond to the Christian Coalition survey. The only other candidate to answer the survey, Grant Brantley, failed in July in his attempt to unseat Georgia Supreme Court Justice Leah Sears.

Georgia Equality endorsed Sears, who received 62.2 percent of the vote and is now presiding judge of the state's highest court. She is the first woman to hold the post.



Georgia General Assembly
Unannotated Code



47-2-244.

(a) The term 'appellate court judge,' as used in this Code section, shall mean 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.

(b) Any other provision of law to the contrary notwithstanding, any appellate court judge shall be entitled to receive the benefits under this Code section 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.

(c) Any appellate court judge who seeks benefits under this Code section shall tender to the board of trustees before January 1, 1972, or within 60 days after the commencement of such judge's term of office, whichever shall occur later, a written notice stating that the judge has elected to accept such benefits 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 benefits under this Code section, such appellate court judge shall resign from office as an appellate court judge on or before the day upon which he or she attains 75 years of age or on the last day of the term in which such appellate court judge is serving when he or she attains age 70, whichever is later. Any notice filed prior to July 1, 1986, by an appellate court judge in active service on such date which contained an agreement to resign on or before such judge's seventieth birthday shall be void and of no force and effect if such judge files a new notice containing an agreement to resign as provided in this subsection and such notice is filed on or before September 1, 1986.

(d) As a condition of eligibility for benefits under this Code section, 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 1/2 percent of such judge's earnable compensation for each pay period or part thereof after the date of such judge's written notice of election of benefits. Election of benefits under this Code section constitutes an authorization and direction by that appellate court judge to the clerical personnel of such judge's court to withhold such judge's contributions and remit them to the board of trustees in the manner provided by the board of trustees, together with a sum of money available to the court from annual or supplemental appropriations in an amount sufficient to carry out this Code section.

(e) Upon compliance with this Code section, an appellate court judge may retire and receive benefits under this Code section.

(f) After ten years of service as an appellate court judge, such judge 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 such judge retired.

(g) An appellate court judge who is incapacitated prior to the completion of ten years of

service as an appellate court judge shall receive during life for each full year of service one-tenth of the benefit such judge would have received had such judge completed ten years of service as an appellate court judge. For the purposes of this subsection, the term 'incapacitated' or 'incapacity' means physical or mental disability for further performance of duties and shall not mean the attainment of any certain age.

(h) The surviving spouse of an appellate court judge, provided such surviving spouse is the designated beneficiary, shall be entitled to receive a benefit payable monthly for life equivalent to 50 percent of the benefits to which the spouse would have been entitled based upon his or her years of service as an appellate court judge and without regard to whether such judge had attained age 65. However, if the designated beneficiary, or beneficiaries, is someone other than the surviving spouse of the deceased judge, then such named beneficiary or beneficiaries shall be entitled to receive a benefit payable monthly for life based on an actuarial equivalent, provided the actuarial equivalent shall not be in excess of 50 percent of the amount that would have been payable to the judge. For the purpose of this provision, in the event the beneficiary, or beneficiaries, is not the member's spouse, the actuarial equivalent shall be computed based upon the assumption that the member had a spouse who was the same age as the member.

(i) Survivors benefits shall be available to appellate court judges at prevailing contribution rates and subject to provisions of law and regulations of the board of trustees.

(j) If any appellate court judge dies without having received benefits under this Code section and is not survived by a designated beneficiary who is eligible to receive the benefits provided by this Code section, such judge's contributions shall be paid to his or her estate without interest. If any appellate court judge and such judge's designated beneficiary or beneficiaries die as the result of a common accident prior to the time at which the payment of benefits to the judge equals the total contributions made by such judge plus interest thereon, the difference shall be paid to the estate of the judge. If after retirement an appellate court judge and such judge's designated beneficiary or beneficiaries die, but not as the result of a common accident, prior to the time at which the total benefits paid to the judge and such judge's beneficiary or beneficiaries equal the total contributions made by such judge plus interest thereon, the difference shall be paid to the estate of the last decedent.

(k) An appellate court judge who has accrued creditable service under this retirement system may convert such service in order to fulfill the conditions of this Code section on the basis of two years of creditable service being equivalent to one year of service credit under this Code section, provided that creditable service based upon the holding of office as an appellate court judge shall be convertible to service credit under this Code section on an equal time basis. Applications for conversion of service credits under this Code section shall be made in writing to the board of trustees.

(l) Any appellate court judge who elects to receive the benefits provided for by this Code section and who fails to resign his office as appellate court judge on or before the day such judge attains age 75 or on the last day of the term in which such appellate court judge is serving when he or she attains age 70, whichever is later, or on or before June 30, 1972, in the event he or she attained age 70 on or prior to June 30, 1972, shall not be entitled to receive any benefits under this Code section and shall forfeit all contributions made under it.

(m) No benefit shall be payable to an appellate court judge under this Code section until

such judge reaches 65 years of age, except for incapacity.