



# Court of Appeals

## Memorandum

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To: All Court Personnel  
From: *William L. Martin, III*  
Subject: Confidentiality  
Date: December 4, 2009

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Last week we had an instance where a party called a judge's office who had authored the opinion in the party's prior appeal. The party communicated to the judge's office that the subsequent appeal needed to be decided quickly or she would lose her job with Homeland Security. According to the party, that judge's office told her they no longer had the case and directed that she call the judge's office who had the case, and told the party the judge's name. Thereafter, the party called the second judge's office to urge that the appeal be expedited. The second judge's AA told the party it was an improper communication with the judge's office and to direct all communications regarding the matter to the clerk.

I just want to make sure everyone knows that if you receive a call from an attorney or a party about a case before this Court or which may come before this Court, you should direct that person to speak to the clerk's office. It has always been the policy of this Court not to divulge the judge's office to whom to which the case has been assigned for purposes of authoring the opinion.

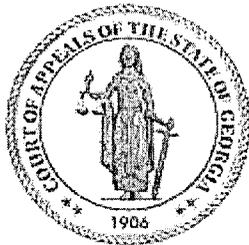
I cannot say that any of this occurred as the party reported, but I do want to make sure everyone knows the rule about confidentiality and no communication by a judge's office with a party or attorney.

Thank you.

/ld

**From:** Lola Diamond (for Bill Martin) (Lola Diamond)  
**To:** Court of Appeals  
**Date:** 12/7/2009 10:53 AM  
**Subject:** Confidentiality  
**Attachments:** Confidentiality 12-4-09.wpd

Previous memo had a typo, my apologies.



# Court of Appeals

## Memorandum

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To: All Court Personnel

From: William L. Martin, III

Subject: Confidentiality

Date: December 7, 2009

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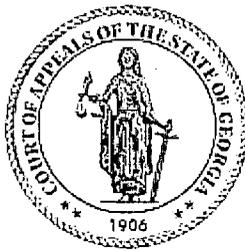
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# Court of Appeals

## Memorandum

To: All Court Personnel

From: William L. Martin, III

Subject: Confidentiality

Date: December 7, 2009

*Conroy*

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# Court of Appeals

## Memorandum

To: All Court Personnel

From: William L. Martin, III

Subject: Confidentiality

Date: December 4, 2009

*the*

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# Court of Appeals

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To: All Court Personnel  
From: William L. Martin, III  
Subject: Confidentiality  
Date: December 4, 2009

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Thank you.

/ld



# Court of Appeals

## Memorandum

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To: • Linda King • Ann Kelly • Valerie McBride • Tiffany Moody • Vicki Bell  
• Pearl Schaikewitz • Laura Robison • Sabrina Bishop • Angie Wright-Rheaves • Amy Doyle  
• Clyde Feil • Mike Wakefield • Julianne Whisnant • Christina Smith • Rachel Derrico  
• Jessica Wright • Debbie Zimmerman • Lynn Johnson • Janey Tallent • Jule Felton  
• LaSean Brant • Julie Liberman • Martha McGhee Glisson • Cindy Harden • Sara O'Dea  
• Brenda O'Brien • Amy Weisbecker • Terry Miller • Robin Hutchinson • Kathryn Mattuch  
• LaVerne Johnson • Kristen Indermark • Monica Owens • Mary Hines • Keri Avera  
• Crystal Moore • John Ruggeri

From: *WLM*  
William L. Martin, III

Subject: Court of Appeals of Georgia Employee Handbook

Date: December 4, 2009

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At a recent Administrative Banc Meeting, the Court adopted the Court of Appeals Employee Handbook. That handbook has been distributed to each judge's office. Also, you can find the Employee Handbook on the S: listed under Employee Handbook or if you need a hard copy, please contact me.

As part of the adoption of the handbook, the Court has directed all employees read the handbook, agree to abide by its terms and conditions and sign an acknowledgment that you understand your rights and obligations under the handbook and a failure to comply with the requirements of the handbook and abide by the rules and policies of the Court of Appeals of Georgia may subject the employee to discipline, including termination of employment.

This is part of the Court's Comprehensive Loss Control Program as required the by Department of Administrative Services in lieu of a surcharge on the state's insurance on the Court and each of its employees.

I have attached a new Acknowledgment Form. I would appreciate your executing this form and returning it to me. If there is a reason you feel you cannot execute that form, I would appreciate your communicating that fact to me, as well.

Thank you.

/ld  
Attachment

# Court of Appeals Employee Handbook

## Acknowledgment Form

I \_\_\_\_\_ do by my signature below state and affirm that I have read a copy of the Court of Appeals Employee Handbook, and I understand my rights and obligations thereunder.

I further understand that my failure to comply with the requirements of the handbook and abide by the rules and policies of the Court of Appeals of Georgia set out therein may subject me to discipline, up to and including, dismissal.

This the \_\_\_\_\_ day of \_\_\_\_\_ 2009

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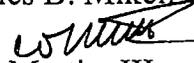


# Court of Appeals

## Memorandum

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To: Judge Charles B. Mikell

From:   
William L. Martin, III

Subject: A09A2041. Samuel K. Allen v. Steven Spiker  
A09A2042. State Farm Mutual Automobile Insurance Company v. Steven Spiker

Date: December 4, 2009

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Attached please find a Motion for Reconsideration and a cover letter explaining that the initial motion was returned because it did not contain a Certificate of Service. Counsel stated to me over the phone and in their letter that the opposing counsel was in fact served with the Motion for Reconsideration.

The IOM sets out that the Court should consider Motion for Reconsideration on the merits, even when untimely.

If you have any questions or would like to discuss this matter with me, please contact me.

Thank you.

/ld

Attachments



*untimely* MOTION FOR RECONSIDERATION

NOTICE  
physic  
days of  
(Court of Ap

	GRANT	DENY	DISMISS
Case No. <u>A09A2041, 2042</u>			
Term _____ Code <u>92</u>			
Judgment Date <u>11/20/09</u>			
Date of Motion <u>12/04/09</u>			
By: <u>EE</u> <u>Johnson PJ, Ellington T</u> <u>Mikell J Conner</u>			

DISPOSITIONAL INSTRUCTIONS TO CLERK:

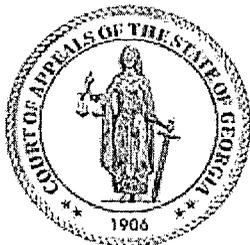
### In the Court of A

A09A2041. ALLEN v. SPIKER.

A09A2042. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY v. SPIKER.

MIKELL, Judge.

Steven Spiker sued Samuel K. Allen to recover damages for injuries sustained in a rear-end collision. Spiker served his uninsured motorist carrier, State Farm Mutual Automobile Insurance Company, with a copy of the lawsuit. State Farm filed an answer in its own name but dismissed its answer before trial and entered an appearance in Allen's name, as permitted by OCGA § 33-7-11 (d). Allen admitted that he was at fault in the accident but contested the nature and extent of the injuries claimed by Spiker. The case proceeded to trial on damages. At the conclusion of the evidence, the trial court directed a verdict in favor of Spiker on his claim for medical expenses of \$7,493. After deliberating for 23 minutes, the jury returned a verdict



# Court of Appeals

## EMAIL MESSAGE

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To: All Court Personnel  
From: William L. Martin, III  
Subject: Docket Changeover  
Date: October 28, 2009

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Please be advised that Technical Services will be converting the docket tomorrow, Thursday, October 29, to ready the system for e-filing which we hope to begin testing on Monday, November 2. As a result of this conversion, the docket will be down tomorrow. Please do not date any orders or opinions for Thursday, October 29, 2009. The docket should be up and running on Friday, October 30, 2009.

If you need to view the docket, you will have to go to the Court's website and view the docket online. We will be unable to make any docket entries and so therefore, we ask that you not bring us anything dated for tomorrow.

If you have any questions, please give me a call.

Thank you.

/ld



# Court of Appeals

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**From:** William L. Martin, III  
**Subject:** Docket Changeover  
**Date:** October 28, 2009

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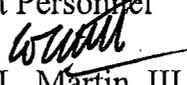
/ld



# Court of Appeals

## EMAIL MESSAGE

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To: All Court Personnel  
From:   
William L. Martin, III  
Subject: Court of Appeals Mail Receptacles  
Date: October 28, 2009

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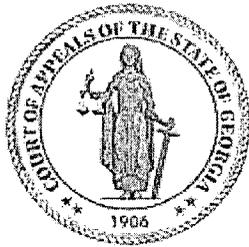
Lately I have noticed letters with stamps placed in the Dove mailboxes in the clerk's office. The Dove mailboxes consist of two plastic United States Postal Service mail buckets in the print/copy room across from the floating administrative assistant offices. Only letters that have typed addresses and have no postage should go in the Dove letter bucket. Flat mailings which have typed addresses and have no postage should go in the Dove flat mail bucket.

All other mail should go in the mail bucket in Edwin's office located on top of the filing cabinet to the right as you walk into his office.

Hopefully we extracted all of the hand addressed and stamped mail that went into the Dove mailing box, but if we did not or do not in the future, you run the risk of your mail not being properly delivered.

If you have any questions, please contact me. Thank you for your cooperation in this matter.

/ld



# Court of Appeals

## EMAIL MESSAGE

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To: All Court Personnel

From: William L. Martin, III

Subject: Court of Appeals Mail Receptacles

Date: October 28, 2009

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All other mail should go in the mail <sup>bucket</sup> bin in Edwin's office located on top of the filing cabinet to the right as you walk into his office.

Hopefully we extracted all of the hand addressed and stamped mail that <sup>went</sup> goes into the Dove mailing box, but if we <sup>did not or do not in the future</sup> do not, you run the risk of your mail not being properly delivered.

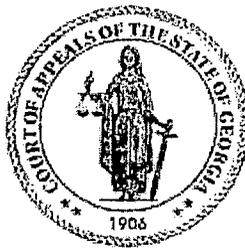
If you have any questions, please contact me. Thank you for your cooperation in this matter.

/ld

**STAMPED MAIL**

**HANDWRITTEN  
ENVELOPES**

**POST 3:00 P.M.  
MAIL**



# Court of Appeals

## Memorandum

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To: All Court Personnel (Email)  
From: *WLM*  
William L. Martin, III  
Subject: New Presiding Judges  
Date: April 14, 2010

---

Please remember that effective April 19, 2010, Judge Herbert E. Phipps will become the Presiding Judge of the Second Division and Judge Anne Elizabeth Barnes will become the Presiding Judge of the Third Division. Any opinions which issue from the Court today, tomorrow or Friday should continue to list Judge Edward H. Johnson as the Presiding Judge for the Second Division and Judge G. Alan Blackburn as the Presiding Judge for the Third Division. On Monday, April 19, Judge Phipps should be listed in any opinions as the Presiding Judge of the Second Division and Judge Barnes should be listed as the Presiding Judge of the Third Division.

Thank you.

/ld



# Court of Appeals

## Memorandum

---

**To:** All Court Personnel (Email)

**From:** William L. Martin, III

**Subject:** New Presiding Judges

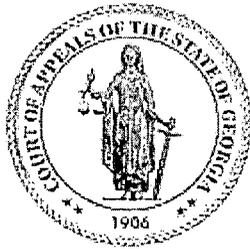
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Thank you.

/ld



# Court of Appeals

## Memorandum

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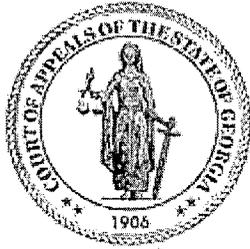
To: All Court Personnel E-Mail  
From: *WLM* William L. Martin, III  
Subject: Use of Courtroom  
Date: March 31, 2010

---

John Marshall Law School will be utilizing our Courtroom on Wednesday, April 21, 2010 from 2:00 p.m. until approximately 3:30 p.m. for their Moot Court Competition Final. I know of no conflict with the Courtroom on that date for that time. If any of you know of a conflict, please notify me immediately.

Thank you.

/ld



# Court of Appeals

## Memorandum

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To: All Court Personnel

From: Chief Judge M. Yvette Miller

Subject: April Furlough Day

Date: March 17, 2010

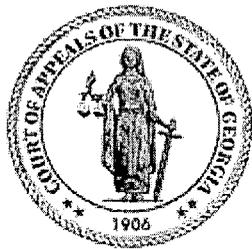
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I am delighted to announce that through the efforts of the judges of this Court and the conservation of all Court employees, we will be able to forego the furlough day which was scheduled for Friday, April 23, 2010. I appreciate the efforts of all Court personnel to conserve resources and I hope that we can continue in that theme.

Thank you.

/ld

*Lola - please put  
draft on this &  
send it to Tyangh.  
Thank S  
B. Bone*



# Court of Appeals

## Memorandum

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To: All Court Personnel (Email)  
From: *W. L. Martin, III*  
Subject: Furloughs  
Date: March 4, 2010

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This is a reminder that one half of the clerk's office staff will be on furlough on Friday, March 5, 2010. If you have any opinions to bring to the clerk's office on Friday, please date them for Monday, March 8, 2010.

The persons in the clerk's office on Friday will be Holly Sparrow, Patty Bender, Margo Bailey, Edwin Young and Juanita Daniell.

Thank you for your cooperation in this regard.

/ld



# Court of Appeals

## Memorandum

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To: All Court Personnel (Email)  
From: *William L. Martin, III*  
Subject: New Presiding Judges  
Date: February 19, 2010

---

Please be advised that on April 19, 2010, the April Term will begin. As such, Judge Herbert E. Phipps will become the Presiding Judge of the Second Division. Likewise, on that day, Judge Anne Elizabeth Barnes will become the Presiding Judge of the Third Division.

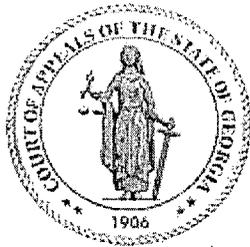
Any opinions which go out on or after April 19, 2010, should reflect Judge Phipps as the Presiding Judge of the Second Division and not Presiding Judge Johnson. Similarly, on April 19 or thereafter, Judge Barnes will become the Presiding Judge of the Third Division instead of Presiding Judge Blackburn.

Any opinions which issue from now through April 18, 2010, should continue to list Presiding Judge Johnson as Presiding Judge of the Second Division and Presiding Judge Blackburn as the Presiding Judge of the Third Division.

If you have any questions regarding this change of presiding judges, please do not hesitate to contact me.

Thank you.

/ld



# Court of Appeals

## Memorandum

---

To: All Court Personnel (Email)

From: William L. Martin, III

Subject: New Presiding Judges

Date: February 19, 2010

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Any opinions which go out on or after April 19, 2010, should reflect ~~that~~ <sup>J</sup>Judge Phipps as the Presiding Judge of the Second Division and not Presiding Judge Johnson. Similarly, on April 19 or thereafter, Judge Barnes will become the Presiding Judge of the Third Division instead of Presiding Judge Blackburn.

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If you have any questions regarding this change of presiding judges, please do not hesitate to contact me.

Thank you.

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# Court of Appeals

## Memorandum

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To: All Court Personnel E-Mail  
From: *William L. Martin, III*  
Subject: DOAS Furlough Days  
Date: February 22, 2010

---

The Department of Administrative Services will be furloughing on February 26 and March 26, 2010. As a result, we will have no DOAS courier service on those days.

We will still be able to send mail out, but we will not receive mail on those dates.

Thank you.

/ld

**Dear DOAS Customers:**

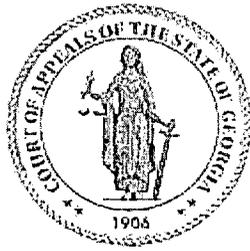
Last Wednesday, January 13, the Governor gave his last State of the State address to the General Assembly. As part of this speech, he included an overview of his budget recommendations for the rest of FY2010 and FY2011. As you may have already noticed in the media, the Governor recommended another three furlough days for all state employees to be taken between now and June 30, 2010.

***As a result, the Department of Administrative Services (DOAS) will  
officially close all business operations on  
January 29, February 26, and March 26, 2010.***

We ask that our customers bear with us as we work through these challenging, unprecedented economic times. Thank you in advance for your understanding and support.

Best Regards,

Brad Douglas, Commissioner  
Georgia Department of Administrative Services



# Court of Appeals

## Memorandum

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To: All Court Personnel (Email)  
*WLM*

From: William L. Martin, III

Subject: New Presiding Judges

Date: January 8, 2010

---

Effective with the beginning of the April Term, Presiding Judge Edward H. Johnson will step down as the Presiding Judge of the Second Division and Judge Herbert E. Phipps will become the Presiding Judge of the Second Division. Likewise, beginning with the April Term, Presiding Judge G. Alan Blackburn will step down as the Presiding Judge of the Third Division and Judge Anne Elizabeth Barnes will become the Presiding Judge of the Third Division.

Presiding Judge Johnson will remain a Judge on the Second Division. Likewise, Presiding Judge Blackburn will remain a Judge on the Third Division.

Thank you.

/ld



# Court of Appeals

## Memorandum

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To: All Court Personnel  
From: *William L. Martin, III*  
Subject: Court Furloughs  
Date: December 21, 2009

---

I am sure by now each of you has seen Chief Judge Miller's memo of December 16, 2009, outlining the furlough days for the balance of the Fiscal Year. In addition to those days, the clerk's office will be furloughing additional days.

In 2009, when the Court furloughed, the clerk's office shut down entirely. However, in 2010, the clerk's office will remain open which means we will have to stagger our workforce with five persons in the clerk's office each day. Since we will be severely short staffed, I am asking that all judges' offices refrain from dating orders and/or opinions for the dates the clerk's office will be furloughing. With our short staff, we will probably only be able to receive filings, distribute the mail, deliver records to attorneys and make copies for parties along with receiving the mail and scanning briefs.

Your understanding and cooperation is greatly appreciated. Below are the dates the clerk's office will be furloughed. The bold face dates represent the dates the entire Court will be on furlough.

Friday, January 22, 2010	<b>Friday, January 15, 2010</b>
Friday, February 5, 2010	<b>Friday, February 19, 2010</b>
Friday, March 5, 2010	<b>Friday, March 19, 2010</b>
Friday, April 9, 2010	<b>Friday, April 23, 2010</b>
Friday, May 14, 2010	<b>Friday, May 28, 2010</b>
Friday, June 4, 2010	<b>Friday, June 18, 2010</b>

If because of declining revenues and budget constraints the Court is forced to take additional furlough days, I shall notify you of the clerk's office schedule relative to those days.

Thank you. If anybody has any questions, please do not hesitate to contact me.

/ld



# Court of Appeals

## Memorandum

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To: All Court Personnel  
*William L. Martin, III*

From: William L. Martin, III

Subject: WestLaw

Date: December 31, 2009

---

Through the determined efforts of Chief Judge Miller, the Court now has WestLaw available as a research tool. Through November and December, Chief Judge Miller was in negotiations with WestLaw and its State, Regional and National representatives.

As of yesterday at her directions, I signed a contract for WestLaw beginning January 1, 2010 through June 30, 2010 with an option for July 1, 2010 through June 30, 2011.

Based upon your responses there were 25 or so individuals who indicated they would like to use WestLaw. We have purchased 25 passwords, although, we may be able to get a few more if necessary under the same contract price. The Contract is a very reasonable \$1,306.00 per month which is the same per user charge that the Supreme Court pays. I have a printout of all the treatises of law to which you have access if you would like to see it. Basically, it is all State Law, all Federal Law, all Harris and other West titles.

All West titles not in the package will be blocked so it will be impossible for someone to go off program and incur additional expenses.

I should be receiving word from the WestLaw Representative on Monday about the passwords and a training schedule. Even if you have used WestLaw in the past, you should plan on attending the training because some of the applications have changed.

Those of you who used WestLaw and look forward to its reintroduction into the Court, should give a special thank you to Chief Judge Miller who worked very diligently to secure WestLaw for the Court at an affordable rate.

Thank you.

/ld



# Court of Appeals

## Memorandum

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*William L. Martin, III*

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Date: December 31, 2009

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All West titles not in the package will be blocked so it will be impossible for someone to go off program and incur additional expenses.

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Those of you who used WestLaw and look forward to its reintroduction into the Court, should give a special thank you to Chief Judge Miller who worked very diligently to secure WestLaw for the Court at an affordable rate.

Thank you.

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# Court of Appeals

## Memorandum

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To: All Court Personnel  
*William L. Martin, III*

From: William L. Martin, III

Subject: WestLaw

Date: December 31, 2009

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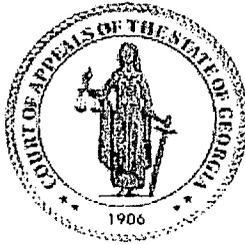
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