

2. From: The Supreme Court:

- a. The docketing date in this Court of a case transferred from the Supreme Court is the date on which the record is received in this Court.
- b. When no briefs have been filed and an appeal is transferred from the Supreme Court and docketed in this Court, the time for filing briefs runs from the date of docketing in this Court.
- c. If appellant's brief and enumeration of errors and appellee's brief have been filed in the Supreme Court, no additional briefing is required in this Court.
- d. However, the time for filing of the appellees' brief always runs from the date of filing of appellant's brief and enumeration of errors, whether the appellant's brief and enumeration of errors is filed in this Court or the Supreme Court.

R. EXTENDING TERM - EXPEDITING CASES

1. ~~In the case of an emergency, based on the authority of Fuller v. State of Georgia, 232 Ga. 581 (1974), and Shore v. Shore, 253 Ga. 183 (1984), the court may render a judgment until the last day of the term if necessary, provided six judges concur. (Source: September 1996 Banc meeting).~~
2. If the appeal is from an order involving the custody of a child, a parent's visitation rights to a child, a child allegedly deprived, or parental rights, the decision in the case shall be expedited. (See OCGA § 19-9-94, Uniform Child Custody Jurisdiction and Enforcement Act, showing legislative desire to expedite resolution of such matters.) (Source: Minutes, April 1996 Banc meeting.)

S. INTERLOCUTORY AND DISCRETIONARY APPLICATIONS

1. If the application or response is not white-backed, the clerk/court administrator or applications clerk will call the attorney and advise of the requirements of an application. (Source: September 1999 Banc Meeting.)
2. If discretionary and interlocutory applications are received without the requisite stamp "filed orders", the Clerk's Office shall issue an order directing the applicant to submit a stamped "filed" copy of the order being appealed or the certificate of immediate review. The stamped filed order shall be delivered to the court physically within ten days of the date of the Court's order requiring the stamped filed copy to be filed. (Source: September 1999 Banc Meeting.)
3. Because of the short time the Court has to deal with applications, the certified mail rule will not be deemed sufficient filing for purposes of complying with the order to file a stamped filed copy of the order or certificate of immediate review.  
(Source: Minutes - February, 1996 Banc Meeting)

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256 Ga. 566, \*; 350 S.E.2d 766;  
1986 Ga. LEXIS 947, \*\*

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HAYGOOD et al. v. CITY OF DORAVILLE et al.

No. 43383

Supreme Court of Georgia

256 Ga. 566; 350 S.E.2d 766; 1986 Ga. LEXIS 947

December 17, 1986, Decided

**SUBSEQUENT HISTORY:** **[\*\*1]** Opinion Withdrawn December 17, 1986. Extension of September Term December 17, 1986. Reconsideration Denied January 7, 1987.

**PRIOR HISTORY:** Zoning. DeKalb Superior Court. Before Judge Seeliger.

**DISPOSITION:** *Judgment reversed.*

**COUNSEL:** *Zachary & Segraves, Kenneth W. Carpenter*, for appellants.

*Edward E. Carter, James C. Watkins*, for appellees.

**JUDGES:** Clarke, Presiding Justice. All the Justices concur, except Gregory, Bell and Hunt, JJ., who dissent.

**OPINION BY:** CLARKE

**OPINION**

**[\*566]** The facts in this case indicate that appellants have suffered a serious deprivation which is not counterbalanced by significant public benefit from the present zoning. The deprivation here meets the standards set out in *Gradous v. Bd. of Commrs. of Richmond County*, 256 Ga. 469 (349 SE2d 707) (1986) and *City of Roswell v. Heavy Machines Co.*, 256 Ga. 472 (349 SE2d 743) (1986), and equals that suffered by the plaintiffs in **[\*567]** *DeKalb County v. Albritton Properties*, 256 Ga. 103 (344 SE2d 653) (1986). Because the land of the appellants was rendered practically worthless by the present zoning, the finding of the trial court was clearly erroneous and should be reversed. **[\*\*2]** *City of Roswell v. Heavy Machines Co.*, supra.

We extend the September term relative to this case to enable the appellees to file a motion for reconsideration. O.C.G.A. § 15-2-4.

*Judgment reversed.*

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253 Ga. 183, \*; 318 S.E.2d 57, \*\*;  
1984 Ga. LEXIS 867, \*\*\*

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## SHORE v. SHORE

No. 41099

Supreme Court of Georgia

253 Ga. 183; 318 S.E.2d 57; 1984 Ga. LEXIS 867

July 23, 1984, Decided

**PRIOR HISTORY:** [\*\*\*1] Modification of custody. Fulton Superior Court. Before Judge Hicks.**DISPOSITION:** *Judgment reversed.***CASE SUMMARY****PROCEDURAL POSTURE:** Appellant father sought review of a judgment by the Superior Court of Fulton County (Georgia), which denied the father's petition for a change of custody of his and appellee mother's minor child.**OVERVIEW:** The father alleged a substantial change in conditions affecting the welfare of the minor child. The trial court referred the matter to a juvenile court. The juvenile court probation officer recommended that custody be changed to the father. Letter briefs were filed with the trial court. About six months later, when there was no ruling by the trial court, the father obtained a rule nisi for a hearing to present new evidence. Two days before the scheduled hearing, in the course of a hearing on a motion to compel, the trial court cancelled the rule nisi hearing and declined to hear any new evidence. The trial court later denied change of custody to the father. The court reversed. The court found that where the issue was a material change in conditions affecting the welfare of the child, the trial court erred in refusing to hear any further evidence which might have had some bearing upon the issue. The court remanded for a hearing on the evidence which was disallowed and any other more recent evidence relevant to the issue of the child's condition.**OUTCOME:** The court reversed the trial court's judgment and remanded for a hearing on evidence disallowed by the trial court and any recent evidence relevant to the issue of the child's material change in conditions.**CORE TERMS:** inherent power, hear, rule nisi, change of custody, new evidence, juvenile, custody**LEXISNEXIS® HEADNOTES**

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Family Law &gt; Child Custody &gt; Enforcement &gt; General Overview

**HN1** In respect to a petition for change of custody, a trial court must consider all facts and conditions which present themselves up to the time of rendering a judgment and not merely facts and conditions which occur prior to the filing of the petition. Where the

issue is a material change in conditions affecting the welfare of a child, it is error to refuse to hear any evidence which might have some bearing upon that issue. Where the welfare of a child is involved, relevant information must be received up until the very time that the court rules. More Like This Headnote | *Shepardize: Restrict By Headnote*

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**HN2** Although the Supreme Court of Georgia does not normally decide cases during the last 15 days of a term, O.C.G.A. § 15-2-4, the Court may determine cases under such regulations as are prescribed by the Court. Under the Court's inherent power, the Court may establish whatever rules are necessary to determine cases which come before it. The inherent power to make the rules includes the concomitant power to suspend the rules in an appropriate case. More Like This Headnote | *Shepardize: Restrict By Headnote*

**COUNSEL:** *Timothy N. Skidmore, Leslie P. George*, for appellant.

*Mayer & Nations, Randolph A. Mayer*, for appellee.

**JUDGES:** All the Justices concur.

**OPINION BY:** PER CURIAM

## OPINION

**[\*183] [\*\*58]** Appellant father filed an action for change of custody in August 1981, alleging a substantial change in conditions affecting the welfare of the minor child. The trial court referred the matter to the juvenile court for investigation and recommendations. The investigation was completed by November 1982, and the juvenile court probation officer recommended that custody be changed to the father. The parties filed letter briefs with the court in December. In June 1983, there having been no ruling by the trial court, the father obtained a rule nisi for a hearing in July to present new evidence. Two days before the scheduled hearing, in the course of a hearing on a motion to compel, the trial court cancelled the rule nisi hearing and declined to hear any new evidence. The court based its ruling on the need for a speedy resolution of the case. The court ruled in November 1983, denying the **[\*\*\*2]** change of custody to the father.

On appeal the father contends the court erred in not allowing new evidence. He asserts that this evidence would have shown serious emotional and psychological deterioration of the child during the pendency **[\*184]** of the suit. As this court found in *Westmoreland v. Westmoreland*, 243 Ga. 77, 79 (252 SE2d 496) (1979), **HN1** "the trial court must consider all facts and conditions which present themselves up to the time of rendering the judgment and not merely facts and conditions which occur prior to the filing of the petition." We adhere to the rule that where the issue is a material change in conditions affecting the welfare of a child, it is error to refuse to hear any evidence which might have some bearing upon that issue. Where the welfare of a child is involved, relevant information must be received up until the very time that the court rules.

We reverse the judgment of the trial court because of the court's failure to receive evidence, and we remand the case for a hearing on the evidence which was disallowed and any other more recent evidence **[\*\*59]** which may be relevant to the issue of this child's condition. We therefore do not reach **[\*\*\*3]** the issue of whether custody should have been given to the father.

Because of the need to act quickly in the interest of the child, we are deciding this case in an expedited manner even though this appeal was only recently filed and argued. This court's term will soon end. <sup>HN2</sup> We do not normally decide cases during the last fifteen days of a term. O.C.G.A. § 15-2-4. However, as we held in *Fuller v. State*, 232 Ga. 581 (208 SE2d 85) (1974), the court may determine cases under such regulations as are prescribed by the court. The decision in *Fuller*, supra, was based on Art. VI, Sec. II, Par. VII of the Constitution of Georgia of 1945. Although this section was not included in either the 1976 or 1983 constitution, we today hold that under our inherent power, this court may establish whatever rules are necessary to determine the cases which come before us. *First Bank & Co. v. Zagoria*, 250 Ga. 844 (302 SE2d 674) (1983); *Grimsley v. Twiggs County*, 249 Ga. 632 (292 SE2d 675) (1982); *Wallace v Wallace*, 225 Ga. 102 (166 SE2d 718) (1969). The inherent power to make the rules includes the concomitant power to suspend the rules in an appropriate case such as the one before [\*\*\*4] us.

*Judgment reversed.*

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*O.C.G.A. § 15-3-2*

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\*\*\* Current Through the 2012 Regular Session \*\*\*  
\*\*\* Annotations Current Through June 29, 2012 \*\*\*

TITLE 15. COURTS  
CHAPTER 3. COURT OF APPEALS

**GO TO GEORGIA STATUTES ARCHIVE DIRECTORY**

**O.C.G.A. § 15-3-2 (2012)**

§ 15-3-2. Terms of court

The terms of the Court of Appeals shall be the same as the terms of the Supreme Court.

**HISTORY:** Ga. L. 1935, p. 161, § 2.

**NOTES:** CROSS REFERENCES. --Terms of Supreme Court, § 15-2-4.

JUDICIAL DECISIONS

CITED in *Stuckey v. Richardson*, 188 Ga. App. 147, 372 S.E.2d 458 (1988).

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\*\*\* Current Through the 2012 Regular Session \*\*\*  
\*\*\* Annotations Current Through June 29, 2012 \*\*\*

TITLE 15. COURTS  
CHAPTER 2. SUPREME COURT  
ARTICLE 1. GENERAL PROVISIONS

### GO TO GEORGIA STATUTES ARCHIVE DIRECTORY

#### O.C.G.A. § 15-2-4 (2012)

§ 15-2-4. Place of sessions; terms of court

(a) The Supreme Court shall sit at the seat of government.

(b) Unless the Supreme Court by rule or order chooses to extend its terms of court, the terms shall be as follows:

- (1) January term beginning the first Monday in January;
- (2) April term beginning the third Monday in April; and
- (3) September term beginning the first Monday in September.

(c) Each term shall continue until the business for that term has been disposed of by the court, provided that, unless sooner closed by order of the court, the September term shall end on December 16, the January term shall end on April 14, and the April term shall end on July 31. No judgment in a second-term case, other than a judgment on a motion for reconsideration in such case, shall be rendered during the last 15 days of any term. Disposition of first-term cases may be made during nonterm periods.

**HISTORY:** Laws 1845, Cobb's 1851 Digest, p. 448; Code 1863, § 3158; Code 1868, § 3170; Code 1873, § 3238; Code 1882, § 3238; Ga. L. 1884-85, p. 45, § 1; Civil Code 1895, § 5494; Civil Code 1910, § 6099; Code 1933, § 24-3801; Ga. L. 1935, p. 161, § 1; Ga. L. 1983, p. 956, § 1; Ga. L. 1991, p. 430, § 1; Ga. L. 1993, p. 360, § 1; Ga. L. 2000, p. 1, § 1.

#### JUDICIAL DECISIONS

**RULEMAKING AUTHORITY.** --Supreme Court has the authority under the Constitution to determine cases under such regulations as are prescribed by it. This was so because former Ga. Const. 1945, Art. VI, Sec. II, Para. VII, prevailed over this section. *Fuller v. State*, 232 Ga. 581, 208 S.E.2d 85 (1974) (see O.C.G.A. § 15-2-4).

Although former Ga. Const. 1945, Art. VI, Sec. II, Para. VII, relied upon in *Fuller v. State*, 232 Ga. 581, 208 S.E.2d 85 (1974), was not included in either the 1976 or the 1983 Constitution, the Supreme Court still may establish under the Supreme Court's inherent power whatever rules are necessary to determine the cases which come before the court. *Shore v. Shore*, 253 Ga. 183,

318 S.E.2d 57 (1984).

POWER TO SUSPEND RULES. --Inherent power to make rules includes the concomitant power to suspend the rules in an appropriate case, enabling the Supreme Court to decide a case within the last 15 days of a term. *Shore v. Shore*, 253 Ga. 183, 318 S.E.2d 57 (1984).

CITED in *Kinney v. Crow*, 186 Ga. 851, 199 S.E. 198 (1938); *Ramsey v. State*, 212 Ga. 381, 92 S.E.2d 866 (1956); *Tamplin v. State*, 235 Ga. 774, 221 S.E.2d 455 (1975); *R.J. v. State*, 143 Ga. App. 213, 237 S.E.2d 691 (1977); *Haygood v. City of Doraville*, 256 Ga. 566, 350 S.E.2d 766 (1986); *Stuckey v. Richardson*, 188 Ga. App. 147, 372 S.E.2d 458 (1988); *Namik v. Wachovia Bank of Ga.*, 279 Ga. 250, 612 S.E.2d 270 (2005).

#### RESEARCH REFERENCES

AM. JUR. 2D. --20 Am. Jur. 2d, Courts, § 18 et seq.

C.J.S. --21 C.J.S., Courts, § 164 et seq.

ALR. --Validity of court's judgment rendered on Sunday or holiday, 85 ALR2d 595.

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# Court of Appeals of the State of Georgia

ATLANTA, December 14, 2012

*The Court of Appeals hereby passes the following order:*

**A12A1649. TEELE v. THE STATE.**

Upon consideration of the motion for reconsideration filed on behalf of appellee in the above-styled case, it is hereby ordered that said motion is GRANTED. The opinion of this court issued on and the judgment entered on October 18, 2012 is hereby vacated and that the opinion be withdrawn from the files. It is further ordered that the opinion attached hereto be substituted for the original opinion issued on October 18, 2012, and judgment shall issue accordingly.

It is further ordered that the September term of this court be extended “relative to this case to enable parties to file a motion for [reconsideration]. OCGA §(§) 15-2-4(, 15-3-2).’ *Haygood v. City of Doraville*, 256 Ga. 566, 567 (350 SE2d 766) (1986).” *Stuckey v. Richardson* 188 Ga. App. 147, 149 (4) (372 SE2d 458) (1988).



*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta, 12/14/2012*

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

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

*Holly H. O. Sparrow*, Clerk.

**COURT OF APPEALS OF GEORGIA  
ADMINISTRATIVE BANC MEETING**

Wednesday, September 19, 2012

10:00 A.M.

Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.

Atlanta, Georgia 30334

**AGENDA**

- |       |   |  |
|-------|---|--|
| I.    | Call Meeting to Order - Ascertainment of Quorum     | Chief Judge Ellington                  |
| II.   | Approval of Banc Meeting Minutes                    | Chief Judge Ellington                  |
| III.  | Supplementary 2013 Budget and 2014 Budget           | Chief Judge Ellington<br>Holly Sparrow |
| IV.   | Policy Issues                                       |  |
|       | 1. Page Limit for Briefs Request for Change-Rule 24 | Chief Judge Ellington                  |
|       | 2. Moving to Mandatory E-Filing                     | Holly Sparrow                          |
| V.    | New Docket Status Report                            | Presiding Judge Phipps<br>John Ruggeri |
| VI.   | New Business  | Chief Judge Ellington                  |
| VII.  | Announcements                                       | Chief Judge Ellington                  |
|       | Peoplesoft Accounting & Travel Reimbursements       | Holly Sparrow                          |
| VIII. | Adjournment   | Chief Judge Ellington                  |



# Court of Appeals

## Memorandum

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To: All Judges

From: Holly Sparrow *HS*

Subject: Request to Amend Rule 24

Date: September 18, 2012

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Several members of the Appellate Section of the State Bar approached the Court of Appeals and Supreme Court Clerks requesting an amendment to the appellate court rules concerning the page count limit for briefs. These bar members asked that tables of contents, tables of authorities, cover sheets and certificates of service be excluded from the page count stating that the Court of Appeals and Supreme Court rules were not in line with federal court rules and most state appellate courts.

Following this request, the Supreme Court amended Rule 20 on June 14, 2012 to provide that tables of contents, tables of citations, appendices and certificates of service shall not be counted toward the applicable page limit for briefs, petitions for certiorari, applications for appeal, motions and responses. (See attached order.)

At the last Banc Meeting, this Court deferred consideration of the bar members' proposal until after the Supreme Court addressed the issue. I am now asking the Court whether it wants to adopt an amendment to Rule 24 to exclude from the page count of briefs cover sheets, certificates of service, tables of contents and tables of authorities. (See Rule 24 attached.) The Court should also consider whether to exclude these items from applications and responses to applications which will require changes to Rules 30 and 31. There are no specific page limits for motions and responses to motions in this court.

If you choose to amend Rules 24, 30 and 31, the draft language is attached for your review.

/Attachment



**SUPREME COURT OF GEORGIA**

Atlanta June 14, 2012

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

It is hereby ordered that Rule 20 (Briefs: Page Limitation) of the Rules of the Supreme Court of the State of Georgia be amended to impose a fifty (50)-page limit on filings in criminal cases in which the death penalty has not been sought or imposed and to clarify that tables of contents, tables of citations and appendices shall not be counted toward the applicable page limit in all such filings in the Court.

The amended Rule 20, effective September 3, 2012, shall read as follows:

Rule 20. PAGE LIMITATION. Briefs, petitions for certiorari, applications for appeal, motions, and responses shall be limited to 30 pages in civil cases, except upon written request directed by letter to the Clerk and authorized by the Court prior to the due date of the filing. In all criminal cases, except those in which the State is pursuing the death penalty or in which the death penalty has been imposed, briefs, petitions for certiorari, applications for appeal, motions, and responses shall be limited to 50 pages, except upon written request directed by letter to the Clerk and authorized by the Court prior to the due date of the filing. With respect to all of the aforementioned filings, tables of contents, tables of citations, and appendices shall not be counted toward the applicable page limit.

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

I hereby 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.

*Theresa A. Banne* Clerk

**Rule 24.**

- (a) Preparation.**  
Briefs shall be limited to an initial appellant's brief, a responding appellee's brief and a reply brief of the appellant. Other briefs shall be accepted only if filed as an Amicus Curiae brief or a supplemental brief. See Rules 26 and Rule 27. Briefs shall not be accepted unless filed by a pro se party, a member of the State Bar of Georgia admitted to the Court or an attorney granted a courtesy appearance in accordance with Rule 9 (c). Counsel are required to file an original and two copies of their brief for each docketed appeal, including companion cases and cross appeals.
- (b) Paper; Spacing.**  
Briefs shall be filed in conformity with Rule 1 (a) and (c) and Rule 6.
- (c) Margins.**  
Writing shall be on only one side of each sheet with a margin of not less than two inches at the top and a margin of at least one inch on the sides and bottom of each page.
- (d) Citations.**  
All citations of cases shall be by name of the case as well as by volume, page and year of the official report. Cases not yet reported shall be cited by the Court of Appeals or Supreme Court case number and date of decision.
- (e) Pages to be Numbered.**  
The pages of each brief shall be sequentially numbered with Arabic numerals at the bottom of the pages.
- (f) Limitation as to Length.**  
Briefs and responsive briefs shall be limited to 30 pages in civil cases and 50 pages in criminal cases including certificates of services, indexes, exhibits and appendices, except upon written motion directed to the Clerk and approved by the Court. Appellant's reply brief shall be limited to 15 pages. See Rule 27 for additional briefs.
- (g) Attachments and Exhibits.**  
Documents attached to an appellate brief, which have not been certified by the clerk of the trial court as a part of the appellate record and forwarded to this Court, shall not be considered on appeal.
- (h) Address of Defendant.**  
Counsel for defendant shall include the address of the defendant in a criminal case on the face of the brief and shall notify the Court of any change of address.

#### **Rule 24.**

**(f) Limitation as to Length.**

Briefs and responsive briefs shall be limited to 30 pages in civil cases and 50 pages in criminal cases including ~~certificates of services, indexes, exhibits and appendices~~, except upon written motion directed to the Clerk and approved by the Court. Appellant's reply brief shall be limited to 15 pages. See Rule 27 for additional briefs. With respect to all briefs and responsive briefs, tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit.

#### **Rule 30.**

- (e)** Applications for interlocutory appeals pursuant to OCGA § 5-6-34 (b) shall have copies of all submitted materials from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The materials must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and shall follow the general format of briefs as to margins. Tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit for interlocutory appeal applications and responses.

#### **Rule 31.**

- (c)** Applications for discretionary appeal pursuant to OCGA § 5-6-35 shall have copies of all submitted material from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The material must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and should follow the general format of briefs as to margins. Tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit for discretionary appeal applications and responses.

**MINUTES OF THE BANC MEETING  
OF THE  
COURT OF APPEALS OF GEORGIA  
Banc Room  
Wednesday, September 20, 2012  
10:00 a.m.**

**D R A F T**

A Banc Meeting of the Court of Appeals was called and held in the Court of Appeals Banc Room at 10:00 a.m. on Wednesday, September 20, 2012. Those present were:

Chief Judge John J. Ellington  
Presiding Judge Anne Elizabeth Barnes  
Presiding Judge M. Yvette Miller  
Presiding Judge Herbert E. Phipps  
Presiding Judge Sara L. Doyle  
Judge Gary B. Andrews  
Judge Stephen Louis A. Dillard  
Judge Christopher J. McFadden  
Judge Michael P. Boggs  
Judge William M. Ray, II  
Judge Elizabeth L. Branch

Absent was:

Judge A. Harris Adams

Also attending:

Holly Sparrow, Clerk and Court Administrator  
John Ruggeri, Director, Information Technology

I. **CALL TO ORDER - ASCERTAINMENT OF QUORUM**

Chief Judge Ellington called the meeting to order at 9:58 a.m. A quorum was present.

II. **APPROVAL OF BANC MEETING MINUTES**

Chief Judge Ellington asked for any corrections or discussion of the Minutes of the last meeting. Judge McFadden made a motion to correct page two of the Minutes. He moved that the second sentence of Item IV, Paragraph B be corrected to state, " Ms. Sparrow stated that prior to the adoption of the new docket, the Clerk was given the authority to grant first extensions of no more than twenty days." The motion was seconded by Judge Dillard and approved unanimously.

### III. INFORMATION TECHNOLOGY REPORT

Chief Judge Ellington asked John Ruggeri to present his report about the new case management system and other IT projects. Mr. Ruggeri explained he and Huston Franklin of Trivir were meeting with Fulton County Superior Court this morning to discuss the trial court records project. A visit to Fayette County Superior Court had already taken place this week. Mr. Ruggeri stated that he would be discussing this project and enhancements to the new docket with some of the staff attorneys.

Mr. Ruggeri also stated that the Nexis Lexis contract was being renewed this year, and that NexisLexis would be including the New Advantage application in the contract. There will be on-site training for this new legal research product. The application can be used on iPads and iPhones, but equipment would have to be registered before the application can be used. He noted that the WestLaw contract would not be up for renewal until summer of the next calendar year. Judge Boggs said that he believed West was providing its new application for iPads and iPhones free and asked Mr. Ruggeri to investigate it.

### IV. AMENDED BUDGET FY2013 AND FY2014 BUDGET

Chief Judge Ellington presented the amended FY2013 and FY2014 budget requests of about \$270,000 for each year. Chief Judge Ellington stated that without this money, the fiscal office had predicted as of September 1, 2012, seven furlough days would be needed to end the year within budget. Since that date as a result of personnel changes, that estimate has been reduced by about three furlough days.

Chief Judge Ellington noted that he had met with Governor Deal to discuss the impact the recent changes in judges had on the Court's budget and expected to meet with key legislators on this issue. Chief Judge Ellington encouraged the other judges to ask questions about the budget and to participate in the budget process. He said he was hoping to restore another position to Central Staff, maybe in the next year, but he could not see any across the board raises while the Governor was requesting cuts to all agencies.

### IV. POLICY ISSUES

#### A. *Page Limit for Briefs - Request for Change to Rule 24.*

Chief Judge Ellington stated that a committee of the State Bar had requested the Court of Appeals and the Supreme Court amend their rules to exclude Table of Contents, Table of Authorities, Cover Sheets and Certificates of Service from the page count of Briefs. This subject had been tabled at the last Banc Meeting because the rule change was under consideration by the Supreme Court. At Chief Judge Ellington's request, Ms. Sparrow reported that the Supreme Court

had amended that Court's Rule 20 exempting most of the items from the page count. Ms. Sparrow proposed that Rules 24, 30 and 31 of the Rules of the Court of Appeals be amended providing a similar exception. There was a discussion about whether appendices should be included in the page count exclusion, but it was decided to vote on the current proposal. Judge Dillard made a motion to adopt the proposed amendments, which was seconded by Presiding Judge Phipps and adopted unanimously by the judges.

#### ***B. Moving to Mandatory E-Filing***

Chief Judge Ellington stated that Ms. Sparrow thought the Court should begin to consider moving to mandatory electronic filing for attorneys, and she asked for the consensus of the judges on this issue. She stated that there would be no immediate shift to mandatory filing because such a change will require research and planning by both Ms. Sparrow and Mr. Ruggeri. There are other states moving in the same direction, but this Court may choose not to require e-filing for everything at once. Also, there should be a plan established in the event of any technical problems. Several judges spoke in favor of the goal of mandatory e-filing. Chief Judge Ellington assigned the Technology Committee to coordinate with Ms. Sparrow and Mr. Ruggeri on this project.

#### **V. New Business**

Chief Judge Ellington polled the judges as to any new business they may like to bring up to the group.

Judge McFadden reported that the Family Law Section of the State Bar was interested in participating in the Continuing Education Seminar held for the Court's attorneys. He indicated that this was being coordinated with the seminar committee.

Judge McFadden provided information on panels he gathered while attending the new judges course at New York University. He stated that most courts change their panels more frequently than once a year and although there are administrative advantages to less frequent changes, there are also advantages to more frequent change such as: flexibility in composing panels, the size of the court may not always be divisible by 3, changes might allow more use of senior appellate judges, and collegiality and consistency might be enhanced if the judges sat with all the other judges earlier in their careers at the Court.

#### **VI. ANNOUNCEMENTS**

Chief Judge Ellington stated that the Court was going to contract for a study of the air quality of the judicial building. Although the Court had a limited study made a few years ago, we need to have a study that matches the issues and needs of the Court. We want to do it right this time. We will be emailing all employees to identify the areas of concern, the types of concerns, incidents, and

symptoms so the study can be tailored to our needs.

Chief Judge Ellington mentioned he was revising the committee assignments for next year and that he was soliciting the judges preferences for committees on which they would like to serve.

Chief Judge Ellington announced that the Supreme Court had invited the judges of the Court of Appeals to a joint lunch tentatively set for Thursday, October 11, 2012. He indicated that next year the Court of Appeals would host a joint lunch for the two judicial bodies.

Chief Judge Ellington asked Ms. Sparrow to provide the judges' information about the conversion to PeopleSoft Financials. Ms. Sparrow said that the Court would be changing to the PeopleSoft Financial system on November 5, 2012. After the conversion, travel reimbursements will require overnight processing and the reimbursements will be made electronically rather than by check. More and more of the Court's financial transactions will be made electronically in the future.

VII. OLD BUSINESS

There being no further business and following a few additional announcements, a motion to adjourn was made by Judge Andrews and seconded by Judge Dillard. The motion was approved and the meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Minutes approved by the Court  
En Banc on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2012

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HOLLY K.O. SPARROW  
Clerk/Court Administrator  
Court of Appeals of Georgia

**COURT OF APPEALS OF GEORGIA  
ADMINISTRATIVE BANC MEETING**

Wednesday, September 19, 2012

10:00 A.M.

Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.

Atlanta, Georgia 30334

**AGENDA**

- |       |   |  |
|-------|---|--|
| I.    | Call Meeting to Order - Ascertainment of Quorum     | Chief Judge Ellington                  |
| II.   | Approval of Banc Meeting Minutes                    | Chief Judge Ellington                  |
| III.  | Supplementary 2013 Budget and 2014 Budget           | Chief Judge Ellington<br>Holly Sparrow |
| IV.   | Policy Issues                                       |  |
|       | 1. Page Limit for Briefs Request for Change-Rule 24 | Chief Judge Ellington                  |
|       | 2. Moving to Mandatory E-Filing                     | Holly Sparrow                          |
| V.    | New Docket Status Report                            | Presiding Judge Phipps<br>John Ruggeri |
| VI.   | New Business  | Chief Judge Ellington                  |
| VII.  | Announcements                                       | Chief Judge Ellington                  |
|       | Peoplesoft Accounting & Travel Reimbursements       | Holly Sparrow                          |
| VIII. | Adjournment   | Chief Judge Ellington                  |

Cont

not foresee across hd raises as long as Gov. request cuts

Dillard

not required tables of contents  
no problem

McFadden concern appendices

can continue

Dillard  
Phelps  
accepted

---

Elliston

assign to technology com.

talk w staff & AAs

Miller spoke in favor, foresee this

McFadden 2 tracks applications once

everything else taken care of

Miller may install piece by piece

**R**ay pro se & inmate

---

New Business Air Quality Tnd Bldg

GBA ordered study not serve our needs

— Court order do it right  
need help -

AS send email

Comm. Assignments - next year  
list from the AS if want

~~1/11/11~~

Tentative

Judges  
Thurs Oct 11, lunch w Supr Ct  
COA host next year

Judge McFadden ICLT  
Family Law Section ~~ICL~~ participate - coordinate  
w D. Payne

# Minutes Banc Meeting 9/19/2012

9:58

Welcome Ray & Branch

- Judge McKell home after hosp./trip Cruise
- Judge Adams <sup>OA</sup> tomorrow?
- Nov. 1 Mas Admission

## Minutes

correction page 2 - no more than 20 days ext  
2nd Dillard

V → Ist

## New Dkt Rept

John

Trial Ct Records project jt. w Supr Ct  
visits - Fayette  
Fulton Super



dkting meetings & w staff attys set up com.

lexis app for IPAD & iPhone but must be registered  
<sup>advantage</sup>  
on-site training

Bosco → West NextFree app for IPAD or iPhone

West Next Tool. we pay for it. next yr. new contract <sup>may</sup>

~~Mr. Hel~~ Announcement pre-off-site - send text for  
Mercer + Emory on web

## III. Budget - get involved

Supp. Budget

met w Gov. new judges Impact Court  
\$60,000 not in budget

meet ahead w Gov, House & Sen ahead

asked for \$273,000

7 full time marks down to 3

encouraged to ask questions - hope restore 1 <sup>more</sup> position to central staff

# People Soft

New Bus

McFadden - NLU new judges course - practice panels once a yr.  
most ~~different~~ courts change more frequently

admin advantages but costs - change

long time to sit w. all

7 yrs to sit w other judges

law consistently

panels not random - chief & takes requests

flexibility

not divisible by 3

use senior appellate judges

more adjoin Andrews  
2nd Dillard

# COURT OF APPEALS

## BUDGET SUBMISSIONS - AFY 2013 & FY 2014

### TALKING POINTS

For FY 2013 we submitted a request for additional state funds in the amount of \$273,875. Most of the funds were a request for retraction of personal services cuts.

**PERSONAL SERVICES:** At the time of budget submission we projected funding needs for personnel services for FY 2014 in excess of \$225,000. We have requested restoration of personnel services funding for this amount for both FY 2013 & FY 2014. The amount needed is equivalent to 7 furlough days for staff. **NOTE:** Due to recent personnel changes, we have already been able to reduce our needs for AFY 2013 by approximately \$90,000 (3 furlough days)

**I.T. SOFTWARE MAINTENANCE -** We have asked for an enhancement to our budget to pay Trivir for annual maintenance fees for the new docket (case management system). This amount has been paid already this year but funding was eliminated in prior budget cuts.

**REAL ESTATE RENT -** We have requested enhanced funding to pay for additional real estate rent. GBA has increased it rates by \$.20 per foot which equates to \$10,459 per year of additional expense.

**OPERATING EXPENSE -** We have also requested an enhancement in state funding to fund additional printing costs associated with the Court History Book and a new judgeship. These additional costs amount to \$5,400.

**FY 2014 BUDGET -** We requested \$233,599 in additional state funding for FY 2013. This funding request includes the AFY 2013 requests made for personal services, I.T. software maintenance and real estate rents.

The changes are: A request for \$30,000 for software development for E-Voting for Judges and elimination of one-time fund of \$66,000 for software development to receive trial court records (received in FY 2012 appropriation). We have requested \$1,124 for online legal subscription fees due to scheduled increases in the contract rates for both Lexis-Nexis and Westlaw.

**NOTE:** A communication was received from the Governor's Office of Planning and Budget requesting a 3% cut to agencies budgets for AFY 2013 & FY 2014. While we did not submit a budget request with a 3% cut projected, we have been asked to provide the Senate with a 3% cut plan by September 30.

Furloughs

# COURT OF APPEALS

## AFY 2013 SUPPLEMENTAL BUDGET

	H.B. 742	0% Reduction	Requested AFY 2013 Enhancements	Total Requested AFY 2013 Budget
Personal Services	12,971,922		225,016	13,196,938
Operating Expenses	1,284,078		48,859	1,332,937
Court of Appeals Program Budget	\$14,256,000	\$0	\$273,875	\$14,529,875
Less: Other Funds	\$150,000	\$0	\$0	150,000
	\$14,106,000	\$0	\$273,875	<b>14,379,875</b>

TOTAL ADDITIONAL STATE FUNDS NEEDED

**273,875**

### BUDGET CHANGES

1	PROGRAM CHANGE	PERSONNEL SERVICES		\$225,016
Comments: Restore Personnel Services Budget Cuts				
2	PROGRAM CHANGE	I.T. Software Maintenance		\$33,000
Comments: Yearly Docket Maintenance				
3	PROGRAM CHANGE	Real Estate Rental		\$10,459
Comments: Increase in Rental Expense due to GBA Rate Increase				
4	PROGRAM CHANGE	Increase in Operating Costs		\$5,400
Comments: Printing-Court History Book \$2,800 & New Judges \$2,600				
Total Program Changes				<b>\$273,875</b>

# Court of Appeals of Georgia

## AFY 2013 SUPPLEMENTAL BUDGET

### Breakdown of Court of Appeals Budget

	Actual FY 2007	Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Variance
<b>STATE APPROPRIATION</b>									
GENERAL APPROPRIATION	\$12,751,212	\$13,808,111	\$14,744,435	\$13,452,235	\$12,531,853	\$13,357,490	\$14,106,000	\$14,379,875	\$273,875
AMENDED APPROPRIATION	\$355,290	\$335,016	(\$2,078,722)	(\$935,713)	\$159,876	\$358,832	\$0		
GOVERNOR'S EMERGENCY FUND *			\$0	\$0	\$0	\$0			
TRANSFER TO/FROM FUNCTIONAL BUDGETS			\$0	\$0	\$0	\$0			
NOT ALLOTTED			(\$161,222)	\$0	\$0	\$0			
<b>APPROPRIATION</b>	<b>\$13,106,502</b>	<b>\$14,143,127</b>	<b>\$12,504,491</b>	<b>\$12,516,522</b>	<b>\$12,691,729</b>	<b>\$13,716,322</b>	<b>\$14,106,000</b>	<b>\$14,379,875</b>	<b>\$273,875</b>
<b>EXPENDITURES</b>									
PERSONAL SERVICES	\$11,665,363	\$12,595,851	\$11,509,737	\$11,387,352	\$11,470,193	\$12,513,601	\$12,971,922	\$13,196,938	\$225,016
OPERATING EXPENSES	\$1,592,081	\$1,731,098	\$1,224,469	\$1,313,956	\$1,421,757	\$1,429,140	\$1,284,078	\$1,332,937	\$48,859
<b>TOTAL EXPENDITURES</b>	<b>\$13,257,444</b>	<b>\$14,326,949</b>	<b>\$12,734,206</b>	<b>\$12,701,308</b>	<b>\$12,891,950</b>	<b>\$13,942,740</b>	<b>\$14,256,000</b>	<b>\$14,529,875</b>	<b>\$273,875</b>
<b>OTHER FUNDS</b>									
REVENUE - COPY FEES	\$150,951	\$184,279	\$229,718	\$184,792	\$196,951	\$223,545	\$150,000	\$150,000	\$0
REVENUE - OTHER	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE - CONVENIENCE FEES	\$0	\$0	\$0	\$495	\$4,390	\$6,615	\$0	\$0	\$0
	<b>\$150,951</b>	<b>\$184,279</b>	<b>\$229,718</b>	<b>\$185,287</b>	<b>\$201,341</b>	<b>\$230,160</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$0</b>
<b>TOTAL FUNDS</b>	<b>\$13,257,453</b>	<b>\$14,327,406</b>	<b>\$12,734,209</b>	<b>\$12,701,809</b>	<b>\$12,893,070</b>	<b>\$13,946,481</b>	<b>\$14,256,000</b>	<b>\$14,529,875</b>	<b>\$273,875</b>
<b>SURPLUS OVER APPROP</b>	<b>\$9</b>	<b>\$457</b>	<b>\$2</b>	<b>\$501</b>	<b>\$1,119</b>	<b>\$3,741</b>	<b>(\$0)</b>	<b>\$0</b>	<b>(\$0)</b>

\* FY 2009-\$161,222 Withheld from Appropriated Allotment due to Budget Crisis.

# Court of Appeals of Georgia

## AFY 2013 SUPPLEMENTAL BUDGET

### Breakdown of Personal Services Expense

			Actual	Actual	Actual	Actual	Actual	Actual	Approp	Suppl Approp	Variance
			FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	Request	FY 2013
<b>SALARIES</b>											
300	510000	Regular Salary Expense	\$8,556,393	\$8,904,616	\$8,606,525	\$8,168,824	\$7,817,831	\$8,016,084	\$8,078,665	\$8,187,599	\$108,934
300	510002	Annual Leave Payout	\$60,781	\$13,928	\$151,817	\$21,782	\$80,401	\$14,335	\$30,000	\$66,858	\$36,858
300	503000	Supplemental Pay		\$0	\$0	\$0	\$101,019	\$0	\$0	\$0	\$0
		<b>Total Regular Salaries</b>	<b>\$8,617,174</b>	<b>\$8,918,545</b>	<b>\$8,758,342</b>	<b>\$8,190,606</b>	<b>\$7,999,250</b>	<b>\$8,030,419</b>	<b>\$8,108,665</b>	<b>\$8,254,457</b>	<b>\$145,792</b>
300	512000	Permanent Labor	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
300	513000	Temporary Casual Labor	\$45,110	\$28,954	\$11,318	\$4,780	\$0	\$7,540	\$0	\$0	\$0
		<b>Total Wages</b>	<b>\$8,662,284</b>	<b>\$8,947,499</b>	<b>\$8,769,660</b>	<b>\$8,195,386</b>	<b>\$7,999,250</b>	<b>\$8,037,958</b>	<b>\$8,108,665</b>	<b>\$8,254,457</b>	<b>\$145,792</b>
<b>FRINGE BENEFITS</b>											
300	514000	Employer's FICA	\$573,877	\$590,645	\$579,065	\$546,385	\$528,584	\$524,936	\$554,066	\$574,268	\$20,202
300	515000	Employer Retirement	\$959,533	\$974,916	\$956,158	\$905,913	\$915,386	\$1,485,800	\$1,841,389	\$1,863,437	\$22,048
300	516000	Employer Health Insurance	\$1,440,186	\$2,037,036	\$1,170,680	\$1,703,194	\$1,980,968	\$2,421,211	\$2,421,420	\$2,458,260	\$36,840
		<b>Total Fringe Benefits</b>	<b>\$2,973,596</b>	<b>\$3,602,597</b>	<b>\$2,705,903</b>	<b>\$3,155,492</b>	<b>\$3,424,938</b>	<b>\$4,431,946</b>	<b>\$4,816,875</b>	<b>\$4,895,965</b>	<b>\$79,090</b>
<b>PERSONAL LIABILITY</b>											
300	517000	Personal Liability Insurance	\$0	\$0	\$0	\$0	\$0	\$0	\$5,592	\$5,677	\$85
300	518000	Unemployment Insurance	\$11,688	\$6,482	\$7,480	\$7,499	\$10,573	\$10,639	\$18,170	\$18,290	\$120
300	519000	Worker's Compensation	\$4,271	\$25,455	\$12,362	\$15,517	\$22,127	\$21,146	\$16,201	\$16,130	(\$71)
		<b>Total Personal Liability</b>	<b>\$15,959</b>	<b>\$31,937</b>	<b>\$19,842</b>	<b>\$23,016</b>	<b>\$32,701</b>	<b>\$31,785</b>	<b>\$39,963</b>	<b>\$40,097</b>	<b>\$134</b>
300	520000	Merit System Assessments	\$13,524	\$13,818	\$14,333	\$13,221	\$12,878	\$11,714	\$6,059	\$6,059	\$0
300	522000	Drug Testing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
300	523000	Employee Physical Exams	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
300	524000	Other Employment Related Exp	\$0	\$0	\$0	\$238	\$427	\$198	\$360	\$360	\$0
		<b>TOTAL PERSONAL SERVICES</b>	<b>\$11,665,363</b>	<b>\$12,595,851</b>	<b>\$11,509,737</b>	<b>\$11,387,352</b>	<b>\$11,470,193</b>	<b>\$12,513,601</b>	<b>\$12,971,922</b>	<b>\$13,196,938</b>	<b>\$225,016</b>
			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

# Court of Appeals of Georgia

## AFY 2013 SUPPLEMENTAL BUDGET Breakdown of Operating Expenses

			Actual FY 2007	Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Variance
<b>REGULAR OPERATING</b>											
301	611000	Postage	\$27,690	\$29,593	\$30,101	\$30,764	\$32,103	\$31,228	\$32,000	\$32,000	\$0
301	612000	Motor Vehicle Expenses	\$1,931	\$2,624	\$3,266	\$994	\$779	\$138	\$500	\$500	\$0
301	613000	Publications & Printing	\$26,497	\$30,745	\$9,905	\$27,897	\$21,610	\$20,457	\$18,150	\$23,550	\$5,400
301	614000	Supplies & Materials	\$200,118	\$137,076	\$84,644	\$64,803	\$107,864	\$84,466	\$83,141	\$83,141	\$0
301	615000	Repairs & Maintenance	\$138,935	\$49,638	\$14,567	\$11,532	\$43,086	\$24,046	\$24,500	\$24,500	\$0
301	616000	Equip on Inventory Not Capitalized <\$5K	\$44,268	\$18,422	\$1,714	\$0	\$2,049	\$1,476	\$0	\$0	\$0
301	619000	Rents-Other Than Real Estate	\$4,476	\$2,527	\$2,323	\$6,007	\$5,127	\$3,655	\$4,800	\$4,800	\$0
301	620000	Insurance & Bonding	\$2,232	\$3,762	\$2,512	\$2,976	\$2,785	\$3,969	\$3,850	\$3,850	\$0
301	622000	Freight	\$5,900	\$4,285	\$1,397	\$862	\$1,151	\$1,244	\$1,000	\$1,000	\$0
301	627000	Other Operating Exp	\$93,264	\$70,279	\$55,535	\$32,015	\$51,865	\$34,553	\$36,223	\$36,223	\$0
301	640000	Travel	\$32,959	\$70,270	\$58,468	\$48,815	\$52,251	\$77,932	\$68,000	\$68,000	\$0
		REG OPERATING	<b>\$578,271</b>	<b>\$419,220</b>	<b>\$264,434</b>	<b>\$226,665</b>	<b>\$320,670</b>	<b>\$283,165</b>	<b>\$272,164</b>	<b>\$277,564</b>	<b>\$5,400</b>
304	720000	Equip - Machinery & Equip (Capitalized)	\$28,964	\$39,085	\$0	\$11,517	\$0	\$11,163	\$12,000	\$12,000	\$0
304	821000	I.T. Equipment (Capitalized) EQUIPMENT	\$53,443	\$99,296	\$10,933	\$73,536	\$101,736	\$14,995	\$0	\$0	\$0
			<b>\$82,408</b>	<b>\$138,380</b>	<b>\$10,933</b>	<b>\$85,053</b>	<b>\$101,736</b>	<b>\$26,158</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$0</b>
<b>I.T. EXPENDITURES</b>											
305	814000	I.T. Supplies & Materials	\$4,431	\$12,555	\$3,524	\$1,128	\$27,150	\$7,437	\$12,000	\$12,000	\$0
305	815000	I.T. Repairs & Maintenance	\$8,476	\$22,289	\$11,621	\$8,215	\$17,108	\$18,743	\$21,000	\$21,000	\$0
305	815000	I.T. Equipment \$0 to \$4,999	\$32,540	\$194,260	\$1,023	\$81,907	\$62,724	\$123,678	\$34,000	\$34,000	\$0
305	819000	I.T. Rents Other Than R.E.	\$0	\$10,923	\$10,080	\$10,082	\$10,207	\$10,288	\$12,000	\$12,000	\$0
305	823000	I.T. Software (Capitalized)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
305	858000	Centralized Accounting	\$0	\$0	\$0	\$0	\$3,791	\$5,285	\$5,232	\$5,232	\$0
305	863000	I.T. Software (Not Capitalized)	\$27,042	\$33,335	\$90,062	\$82,057	\$20,476	\$112,647	\$76,600	\$76,600	\$0
305	864000	I.T. - Software Maintenance & Support	\$22,081	\$35,644	\$21,292	\$23,395	\$58,883	\$65,063	\$49,575	\$82,575	\$33,000
		I.T. EXPENDITURES	<b>\$94,571</b>	<b>\$309,007</b>	<b>\$137,602</b>	<b>\$206,784</b>	<b>\$200,339</b>	<b>\$343,140</b>	<b>\$210,407</b>	<b>\$243,407</b>	<b>\$33,000</b>

# Court of Appeals of Georgia

## AFY 2013 SUPPLEMENTAL BUDGET Breakdown of Operating Expenses

			Actual	Actual	Actual	Actual	Actual	Actual	Approp	Suppl Approp	Variance
			FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	Request	FY 2013
306	648000	Real Estate Rents	\$604,874	\$685,187	\$685,187	\$685,187	\$693,741	\$693,420	\$693,421	\$703,879	\$10,459
306	848000	I.T. Real Estate Rentals	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>REAL ESTATE RENTALS</b>			<b>\$604,874</b>	<b>\$685,187</b>	<b>\$685,187</b>	<b>\$685,187</b>	<b>\$693,741</b>	<b>\$693,420</b>	<b>\$693,421</b>	<b>\$703,879</b>	<b>\$10,459</b>
<b>VOICE/DATA COMMUNICATION SVCS</b>											
307	865000	Infrastructure/Telecom (GAIT)*			\$16,035	\$54,562	\$42,927	\$41,507	\$46,713	\$46,713	\$0
307	871000	Voice/Data - GTA	\$64,595	\$42,861	\$49,277	\$0	\$0	\$0	\$0	\$0	\$0
307	872000	Voice/Data - Other	\$572	\$5,526	\$4,897	\$4,582	\$5,458	\$4,438	\$5,582	\$5,582	\$0
307	872012	Voice/Data - Other	\$47,488	\$61,705	\$26,975	\$24,002	\$31,485	\$31,996	\$32,951	\$32,951	\$0
<b>VOICE/DATA COMMUNICATIONS</b>			<b>\$112,655</b>	<b>\$110,092</b>	<b>\$97,184</b>	<b>\$83,146</b>	<b>\$79,870</b>	<b>\$77,941</b>	<b>\$85,246</b>	<b>\$85,246</b>	<b>\$0</b>
<b>CONTRACTUAL SERVICES</b>											
<b>Professional Services</b>											
308	651000	Per diem, Fees	\$1,764	\$1,764	\$1,929	\$3,120	\$3,527	\$5,316	\$5,840	\$5,840	\$0
312	652000	Per Diem & Fees - Reimb. Exp.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
			<b>\$1,764</b>	<b>\$1,764</b>	<b>\$1,929</b>	<b>\$3,120</b>	<b>\$3,527</b>	<b>\$5,316</b>	<b>\$5,840</b>	<b>\$5,840</b>	<b>\$0</b>
312	851000	Profess/Tech Svcs - Computer/I.T.	\$110,400	\$65,658	\$27,200	\$24,000	\$21,875	\$0	\$5,000	\$5,000	\$0
312	852000	Proession/Tech Svcs - I.T. Reimb Exp	\$0	\$1,791	\$0	\$0	\$0	\$0	\$0	\$0	\$0
			<b>\$110,400</b>	<b>\$67,449</b>	<b>\$27,200</b>	<b>\$24,000</b>	<b>\$21,875</b>	<b>\$0</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$0</b>
312	65300	Contractual Services	\$7,138	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
653600		Computer Charges-Contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
			<b>\$7,138</b>	<b>\$0</b>	<b>\$0</b>						
<b>CONTRACTS</b>											
<b>TOTAL CONTRACTUAL SVCS</b>			<b>\$119,302</b>	<b>\$69,213</b>	<b>\$29,129</b>	<b>\$27,120</b>	<b>\$25,402</b>	<b>\$5,316</b>	<b>\$10,840</b>	<b>\$10,840</b>	<b>\$0</b>
<b>Transfer to Other Agencies</b>			<b>\$0</b>	<b>\$0</b>							
<b>TOTAL OPERATING EXP</b>			<b>\$1,592,081</b>	<b>\$1,731,098</b>	<b>\$1,224,469</b>	<b>\$1,313,956</b>	<b>\$1,421,757</b>	<b>\$1,429,140</b>	<b>\$1,284,078</b>	<b>\$1,332,937</b>	<b>\$48,859</b>
			<b>\$0</b>	<b>\$0</b>							

**NOTED CHANGES:**

# COURT OF APPEALS

## FISCAL YEAR 2014 BUDGET

	H.B. 742	0% Reduction	Requested FY 2014 Enhancements	Total Requested FY 2014 Budget
Personal Services	12,971,922		225,016	13,196,938
Operating Expenses	1,284,078		8,583	1,292,661
Court of Appeals Program Budget	\$14,256,000	\$0	\$233,599	\$14,489,599
Less: Other Funds	\$150,000	\$0	\$0	150,000
	\$14,106,000	\$0	\$233,599	14,339,599

TOTAL ADDITIONAL STATE FUNDS NEEDED

**233,599**

### BUDGET CHANGES

1	PROGRAM CHANGE	PERSONNEL SERVICES		\$225,016
Comments: Restore Personnel Services Budget Cuts				
2	PROGRAM CHANGE	I.T. Software Maintenance Yearly Docket Maintenance		\$33,000
Comments:				
3	PROGRAM CHANGE	I.T. Software Elimination of One-Time Funds for Case Management System-Ability to Receive Trial Court Records		(\$66,000)
Comments:				
4	PROGRAM CHANGE	I.T. Software Case Management System Enhancement - E-Voting Judges		\$30,000
Comments:				
5	PROGRAM CHANGE	Real Estate Rental Increase in Rental Expense due to GBA Rate Increase		\$10,459
Comments:				
6	PROGRAM CHANGE	Increase in Operating Expenses-Legal Subscriptions Increase in Legal Online Subscriptions Fees	\$1,124	
				\$1,124
<b>Total Program Changes</b>				<b>\$233,599</b>

# Court of Appeals of Georgia

## FISCAL YEAR 2014 BUDGET

### Breakdown of Court of Appeals Budget

	Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Budget Req FY 2014	Variance
<b>STATE APPROPRIATION</b>									
GENERAL APPROPRIATION	\$13,808,111	\$14,744,435	\$13,452,235	\$12,531,853	\$13,357,490	\$14,106,000	\$14,373,030	\$14,339,599	\$233,599
AMENDED APPROPRIATION	\$335,016	(\$2,078,722)	(\$935,713)	\$159,876	\$358,832	\$0			
GOVERNOR'S EMERGENCY FUND *		\$0	\$0	\$0	\$0				
TRANSFER TO/FROM FUNCTIONAL BUDGETS		\$0	\$0	\$0	\$0				
NOT ALLOTTED		(\$161,222)	\$0	\$0	\$0				
<b>APPROPRIATION</b>	<b>\$14,143,127</b>	<b>\$12,504,491</b>	<b>\$12,516,522</b>	<b>\$12,691,729</b>	<b>\$13,716,322</b>	<b>\$14,106,000</b>	<b>\$14,373,030</b>	<b>\$14,339,599</b>	<b>\$233,599</b>
<b>EXPENDITURES</b>									
PERSONAL SERVICES	\$12,595,851	\$11,509,737	\$11,387,352	\$11,470,193	\$12,513,601	\$12,971,922	\$13,190,094	\$13,196,938	\$225,016
OPERATING EXPENSES	\$1,731,098	\$1,224,469	\$1,313,956	\$1,421,757	\$1,429,140	\$1,284,078	\$1,332,936	\$1,292,661	\$8,583
<b>TOTAL EXPENDITURES</b>	<b>\$14,326,949</b>	<b>\$12,734,206</b>	<b>\$12,701,308</b>	<b>\$12,891,950</b>	<b>\$13,942,740</b>	<b>\$14,256,000</b>	<b>\$14,523,030</b>	<b>\$14,489,599</b>	<b>\$233,599</b>
<b>OTHER FUNDS</b>									
REVENUE - COPY FEES	\$184,279	\$229,718	\$184,792	\$196,951	\$223,545	\$150,000	\$150,000	\$150,000	\$0
REVENUE - OTHER	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE - CONVENIENCE FEES	\$0	\$0	\$495	\$4,390	\$6,615	\$0	\$0	\$0	\$0
	<b>\$184,279</b>	<b>\$229,718</b>	<b>\$185,287</b>	<b>\$201,341</b>	<b>\$230,160</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$0</b>
<b>TOTAL FUNDS</b>	<b>\$14,327,406</b>	<b>\$12,734,209</b>	<b>\$12,701,809</b>	<b>\$12,893,070</b>	<b>\$13,946,481</b>	<b>\$14,256,000</b>	<b>\$14,523,030</b>	<b>\$14,489,599</b>	<b>\$233,599</b>
<b>SURPLUS OVER APPROP</b>	<b>\$457</b>	<b>\$2</b>	<b>\$501</b>	<b>\$1,119</b>	<b>\$3,741</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$0)</b>

\* FY 2009-\$161,222 Withheld from Appropriated Allotment due to Budget Crisis.

# Court of Appeals of Georgia

FISCAL YEAR 2014 BUDGET

## Breakdown of Personal Services Expense

			Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Budget Req FY 2014	Variance
<b>SALARIES</b>											
300	510000	Regular Salary Expense	\$8,904,616	\$8,606,525	\$8,168,824	\$7,817,831	\$8,016,084	\$8,078,665	\$8,216,494	\$8,221,383	\$142,718
300	510002	Annual Leave Payout	\$13,928	\$151,817	\$21,782	\$80,401	\$14,335	\$30,000	\$30,000	\$30,000	\$0
300	503000	Supplemental Pay	\$0	\$0	\$0	\$101,019	\$0	\$0	\$0	\$0	\$0
		<b>Total Regular Salaries</b>	<b>\$8,918,545</b>	<b>\$8,758,342</b>	<b>\$8,190,606</b>	<b>\$7,999,250</b>	<b>\$8,030,419</b>	<b>\$8,108,665</b>	<b>\$8,246,494</b>	<b>\$8,251,383</b>	<b>\$142,718</b>
300	512000	Permanent Labor	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
300	513000	Temporary Casual Labor	\$28,954	\$11,318	\$4,780	\$0	\$7,540	\$0	\$0	\$0	\$0
		<b>Total Wages</b>	<b>\$8,947,499</b>	<b>\$8,769,660</b>	<b>\$8,195,386</b>	<b>\$7,999,250</b>	<b>\$8,037,958</b>	<b>\$8,108,665</b>	<b>\$8,246,494</b>	<b>\$8,251,383</b>	<b>\$142,718</b>
<b>FRINGE BENEFITS</b>											
300	514000	Employer's FICA	\$590,645	\$579,065	\$546,385	\$528,584	\$524,936	\$554,066	\$573,752	\$573,950	\$19,884
300	515000	Employer Retirement	\$974,916	\$956,158	\$905,913	\$915,386	\$1,485,800	\$1,841,389	\$1,867,444	\$1,867,744	\$26,355
300	516000	Employer Health Insurance	\$2,037,036	\$1,170,680	\$1,703,194	\$1,980,968	\$2,421,211	\$2,421,420	\$2,455,888	\$2,457,344	\$35,924
		<b>Total Fringe Benefits</b>	<b>\$3,602,597</b>	<b>\$2,705,903</b>	<b>\$3,155,492</b>	<b>\$3,424,938</b>	<b>\$4,431,946</b>	<b>\$4,816,875</b>	<b>\$4,897,084</b>	<b>\$4,899,039</b>	<b>\$82,164</b>
<b>PERSONAL LIABILITY</b>											
300	517000	Personal Liability Insurance	\$0	\$0	\$0	\$0	\$0	\$5,592	\$5,677	\$5,677	\$85
300	518000	Unemployment Insurance	\$6,482	\$7,480	\$7,499	\$10,573	\$10,639	\$18,170	\$18,290	\$18,290	\$120
300	519000	Worker's Compensation	\$25,455	\$12,362	\$15,517	\$22,127	\$21,146	\$16,201	\$16,130	\$16,130	(\$71)
		<b>Total Personal Liability</b>	<b>\$31,937</b>	<b>\$19,842</b>	<b>\$23,016</b>	<b>\$32,701</b>	<b>\$31,785</b>	<b>\$39,963</b>	<b>\$40,097</b>	<b>\$40,097</b>	<b>\$134</b>
300	520000	Merit System Assessments	\$13,818	\$14,333	\$13,221	\$12,878	\$11,714	\$6,059	\$6,059	\$6,059	\$0
300	522000	Drug Testing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
300	523000	Employee Physical Exams	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
300	524000	Other Employment Related Exp	\$0	\$0	\$238	\$427	\$198	\$360	\$360	\$360	\$0
		<b>TOTAL PERSONAL SERVICES</b>	<b>\$12,595,851</b>	<b>\$11,509,737</b>	<b>\$11,387,352</b>	<b>\$11,470,193</b>	<b>\$12,513,601</b>	<b>\$12,971,922</b>	<b>\$13,190,094</b>	<b>\$13,196,938</b>	<b>\$225,016</b>
			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

# Court of Appeals of Georgia

## FISCAL YEAR 2014 BUDGET

### Breakdown of Operating Expenses

			Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Budget Request FY 2014	Variance
<b>REGULAR OPERATING</b>											
301	611000	Postage	\$29,593	\$30,101	\$30,764	\$32,103	\$31,228	\$32,000	\$32,000	\$32,000	\$0
301	612000	Motor Vehicle Expenses	\$2,624	\$3,268	\$994	\$779	\$138	\$500	\$500	\$500	\$0
301	613000	Publications & Printing	\$30,745	\$9,905	\$27,897	\$21,610	\$20,457	\$18,150	\$23,550	\$18,150	\$0
301	614000	Supplies & Materials	\$137,076	\$84,644	\$64,803	\$107,864	\$84,466	\$83,141	\$83,141	\$83,141	\$0
301	615000	Repairs & Maintenance	\$49,638	\$14,567	\$11,532	\$43,086	\$24,046	\$24,500	\$24,500	\$24,500	\$0
301	616000	Equip on Inventory Not Capitalized <\$5K	\$18,422	\$1,714	\$0	\$2,049	\$1,476	\$0	\$0	\$0	\$0
301	619000	Rents-Other Than Real Estate	\$2,527	\$2,323	\$6,007	\$5,127	\$3,655	\$4,800	\$4,800	\$4,800	\$0
301	620000	Insurance & Bonding	\$3,762	\$2,512	\$2,976	\$2,785	\$3,969	\$3,850	\$3,850	\$3,850	\$0
301	622000	Freight	\$4,285	\$1,397	\$862	\$1,151	\$1,244	\$1,000	\$1,000	\$1,000	\$0
301	627000	Other Operating Exp	\$70,279	\$55,535	\$32,015	\$51,865	\$34,553	\$36,223	\$36,223	\$36,223	\$0
301	640000	Travel	\$70,270	\$58,468	\$48,815	\$52,251	\$77,932	\$68,000	\$68,000	\$68,000	\$0
		<b>REG OPERATING</b>	<b>\$419,220</b>	<b>\$264,434</b>	<b>\$226,665</b>	<b>\$320,670</b>	<b>\$283,165</b>	<b>\$272,164</b>	<b>\$277,563</b>	<b>\$272,163</b>	<b>\$0</b>
304	720000	Equip - Machinery & Equip (Capitalized)	\$39,085	\$0	\$11,517	\$0	\$11,163	\$12,000	\$12,000	\$12,000	\$0
304	821000	I.T. Equipment (Capitalized)	\$99,296	\$10,933	\$73,536	\$101,736	\$14,995	\$0	\$0	\$0	\$0
		<b>EQUIPMENT</b>	<b>\$138,380</b>	<b>\$10,933</b>	<b>\$85,053</b>	<b>\$101,736</b>	<b>\$26,158</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$0</b>
<b>I.T. EXPENDITURES</b>											
305	814000	I.T. Supplies & Materials	\$12,555	\$3,524	\$1,128	\$27,150	\$7,437	\$12,000	\$12,000	\$12,000	\$0
305	815000	I.T. Repairs & Maintenance	\$22,289	\$11,621	\$8,215	\$17,108	\$18,743	\$21,000	\$21,000	\$21,000	\$0
305	815000	I.T. Equipment \$0 to \$4,999	\$194,260	\$1,023	\$81,907	\$62,724	\$123,678	\$34,000	\$34,000	\$34,000	\$0
305	819000	I.T. Rents Other Than R.E.	\$10,923	\$10,080	\$10,082	\$10,207	\$10,288	\$12,000	\$12,000	\$12,000	\$0
305	823000	I.T. Software (Capitalized)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
305	858000	Centralized Accounting	\$0	\$0	\$0	\$3,791	\$5,285	\$5,232	\$5,232	\$5,232	\$0
305	863000	I.T. Software (Not Capitalized)	\$33,335	\$90,062	\$82,057	\$20,476	\$112,647	\$76,600	\$76,600	\$40,600	(\$36,000)
305	864000	I.T. - Software Maintenance & Support	\$35,644	\$21,292	\$23,395	\$58,883	\$65,063	\$49,575	\$82,575	\$82,575	\$33,000
		<b>I.T. EXPENDITURES</b>	<b>\$309,007</b>	<b>\$137,602</b>	<b>\$206,784</b>	<b>\$200,339</b>	<b>\$343,140</b>	<b>\$210,407</b>	<b>\$243,407</b>	<b>\$207,407</b>	<b>(\$3,000)</b>

# Court of Appeals of Georgia

## FISCAL YEAR 2014 BUDGET

### Breakdown of Operating Expenses

		Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Budget Request FY 2014	Variance
306	648000 Real Estate Rents	\$685,187	\$685,187	\$685,187	\$693,741	\$693,420	\$693,421	\$703,879	\$703,879	\$10,459
306	848000 I.T. Real Estate Rentals	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	REAL ESTATE RENTALS	<u>\$685,187</u>	<u>\$685,187</u>	<u>\$685,187</u>	<u>\$693,741</u>	<u>\$693,420</u>	<u>\$693,421</u>	<u>\$703,879</u>	<u>\$703,879</u>	<u>\$10,459</u>
<b>VOICE/DATA COMMUNICATION SVCS</b>										
307	865000 Infrastructure/Telecom (GAIT)*		\$16,035	\$54,562	\$42,927	\$41,507	\$46,713	\$46,713	\$46,713	\$0
307	871000 Voice/Data - GTA	\$42,861	\$49,277	\$0	\$0	\$0	\$0	\$0	\$0	\$0
307	872000 Voice/Data - Other	\$5,526	\$4,897	\$4,582	\$5,458	\$4,438	\$5,582	\$5,582	\$5,582	\$-
307	872012 Voice/Data - Other	\$61,705	\$26,975	\$24,002	\$31,485	\$31,996	\$32,951	\$32,951	\$34,075	\$1,124
	VOICE/DATA COMMUNICATIONS	<u>\$110,092</u>	<u>\$97,184</u>	<u>\$83,146</u>	<u>\$79,870</u>	<u>\$77,941</u>	<u>\$85,246</u>	<u>\$85,246</u>	<u>\$86,370</u>	<u>\$1,124</u>
<b>CONTRACTUAL SERVICES</b>										
<b>Professional Services</b>										
308	651000 Per diem, Fees	\$1,764	\$1,929	\$3,120	\$3,527	\$5,316	\$5,840	\$5,840	\$5,840	\$0
312	652000 Per Diem & Fees - Reimb. Exp.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		<u>\$1,764</u>	<u>\$1,929</u>	<u>\$3,120</u>	<u>\$3,527</u>	<u>\$5,316</u>	<u>\$5,840</u>	<u>\$5,840</u>	<u>\$5,840</u>	<u>\$0</u>
312	851000 Profess/Tech Svcs - Computer/I.T.	\$65,658	\$27,200	\$24,000	\$21,875	\$0	\$5,000	\$5,000	\$5,000	\$0
312	852000 Proession/Tech Svcs - I.T. Reimb Exp	\$1,791	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		<u>\$67,449</u>	<u>\$27,200</u>	<u>\$24,000</u>	<u>\$21,875</u>	<u>\$0</u>	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$0</u>
312	65300 Contractual Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	653600 Computer Charges-Contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		<u>\$0</u>	<u>\$0</u>	<u>\$0</u>						
<b>CONTRACTS</b>										
	TOTAL CONTRACTUAL SVCS	<u>\$69,213</u>	<u>\$29,129</u>	<u>\$27,120</u>	<u>\$25,402</u>	<u>\$5,316</u>	<u>\$10,840</u>	<u>\$10,840</u>	<u>\$10,840</u>	<u>\$0</u>
	Transfer to Other Agencies	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>						
<b>TOTAL OPERATING EXP</b>		<u>\$1,731,098</u>	<u>\$1,224,469</u>	<u>\$1,313,956</u>	<u>\$1,421,757</u>	<u>\$1,429,140</u>	<u>\$1,284,078</u>	<u>\$1,332,936</u>	<u>\$1,292,661</u>	<u>\$8,583</u>
		\$0	\$0	\$0	\$0	\$0	(\$0)			

**NOTED CHANGES:**

# Court of Appeals of Georgia

## FISCAL YEAR 2014 BUDGET

### Breakdown of Operating Expenses

	Actual FY 2008	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Approp FY 2013	Suppl Approp Request FY 2013	Budget Request FY 2014	Variance
306 648000 Real Estate Rents	\$685,187	\$685,187	\$685,187	\$693,741	\$693,420	\$693,421	\$703,879	\$703,879	\$10,459
306 848000 I.T. Real Estate Rentals REAL ESTATE RENTALS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	<u>\$685,187</u>	<u>\$685,187</u>	<u>\$685,187</u>	<u>\$693,741</u>	<u>\$693,420</u>	<u>\$693,421</u>	<u>\$703,879</u>	<u>\$703,879</u>	<u>\$10,459</u>
<b>VOICE/DATA COMMUNICATION SVCS</b>									
307 865000 Infrastructure/Telecom (GAIT)*		\$16,035	\$54,562	\$42,927	\$41,507	\$46,713	\$46,713	\$46,713	\$0
307 871000 Voice/Data - GTA	\$42,861	\$49,277	\$0	\$0	\$0	\$0	\$0	\$0	\$0
307 872000 Voice/Data - Other	\$5,526	\$4,897	\$4,582	\$5,458	\$4,438	\$5,582	\$5,582	\$5,582	-
307 872012 Voice/Data - Other VOICE/DATA COMMUNICATIONS	\$61,705	\$26,975	\$24,002	\$31,485	\$31,996	\$32,951	\$32,951	\$34,075	\$1,124
	<u>\$110,092</u>	<u>\$97,184</u>	<u>\$83,146</u>	<u>\$79,870</u>	<u>\$77,941</u>	<u>\$85,246</u>	<u>\$85,246</u>	<u>\$86,370</u>	<u>\$1,124</u>
<b>CONTRACTUAL SERVICES</b>									
<b>Professional Services</b>									
308 651000 Per diem, Fees	\$1,764	\$1,929	\$3,120	\$3,527	\$5,316	\$5,840	\$5,840	\$5,840	\$0
312 652000 Per Diem & Fees - Reimb. Exp.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	<u>\$1,764</u>	<u>\$1,929</u>	<u>\$3,120</u>	<u>\$3,527</u>	<u>\$5,316</u>	<u>\$5,840</u>	<u>\$5,840</u>	<u>\$5,840</u>	<u>\$0</u>
312 851000 Profess/Tech Svcs - Computer/I.T.	\$65,658	\$27,200	\$24,000	\$21,875	\$0	\$5,000	\$5,000	\$5,000	\$0
312 852000 Proession/Tech Svcs - I.T. Reimb Exp	\$1,791	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	<u>\$67,449</u>	<u>\$27,200</u>	<u>\$24,000</u>	<u>\$21,875</u>	<u>\$0</u>	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$0</u>
312 65300 Contractual Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
653600 Computer Charges-Contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>						
<b>CONTRACTS</b>									
TOTAL CONTRACTUAL SVCS	<u>\$69,213</u>	<u>\$29,129</u>	<u>\$27,120</u>	<u>\$25,402</u>	<u>\$5,316</u>	<u>\$10,840</u>	<u>\$10,840</u>	<u>\$10,840</u>	<u>\$0</u>
Transfer to Other Agencies	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>						
<b>TOTAL OPERATING EXP</b>	<u>\$1,731,098</u>	<u>\$1,224,469</u>	<u>\$1,313,956</u>	<u>\$1,421,757</u>	<u>\$1,429,140</u>	<u>\$1,284,078</u>	<u>\$1,332,936</u>	<u>\$1,292,661</u>	<u>\$8,583</u>
	\$0	\$0	\$0	\$0	\$0	(\$0)			

**NOTED CHANGES:**

## Holly Sparrow - Fwd: Lexis Contract Update

---

**From:** Jan Kelley  
**To:** Holly Sparrow  
**Date:** 9/14/2012 9:26 AM  
**Subject:** Fwd: Lexis Contract Update

---

This is the email we were looking for the other day about the OCGA bill for \$15,000. It was due to a licensing lapse by Lexis.

>>> John Ruggeri 9/4/2012 3:32 PM >>>

1.) The 15k bill for the OCGA can be ignored. We will not have to pay that, this year or any year going forward. It was a licensing lapse on Lexis part and is being resolved for all GA agencies.

2.) New Lexis contract terms will be:

This fiscal year 9/1/2012 - 6/30/ 2013 \$1,300 per month (same as we are already paying).

Then

7/1/2013 - 6/30/2014 - \$1,326 per month ( 2% increase)

7/1/2014 - 6/30/2015 - \$1353 per month (2% increase).

Contract terms end.

I will have the newest version for approval in the next couple of days.

*final version*



**SUPREME COURT OF GEORGIA**

Atlanta June 14, 2012

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

It is hereby ordered that Rule 20 (Briefs: Page Limitation) of the Rules of the Supreme Court of the State of Georgia be amended to impose a fifty (50)-page limit on filings in criminal cases in which the death penalty has not been sought or imposed and to clarify that tables of contents, tables of citations, appendices and certificates of service shall not be counted toward the applicable page limit in all such filings in the Court.

The amended Rule 20, effective September 3, 2012, shall read as follows:

**Rule 20. PAGE LIMITATION.** Briefs, petitions for certiorari, applications for appeal, motions, and responses shall be limited to 30 pages in civil cases, except upon written request directed by letter to the Clerk and authorized by the Court prior to the due date of the filing. In all criminal cases, except those in which the State is pursuing the death penalty or in which the death penalty has been imposed, briefs, petitions for certiorari, applications for appeal, motions, and responses shall be limited to 50 pages, except upon written request directed by letter to the Clerk and authorized by the Court prior to the due date of the filing. With respect to all of the aforementioned filings, tables of contents, tables of citations, appendices and certificates of service shall not be counted toward the applicable page limit.

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

I hereby 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.

*Theresa A. Barnes*, Clerk

#### **Rule 24.**

**(f) Limitation as to Length.**

Briefs and responsive briefs shall be limited to 30 pages in civil cases and 50 pages in criminal cases including ~~certificates of services, indexes~~, exhibits and appendices, except upon written motion directed to the Clerk and approved by the Court. Appellant's reply brief shall be limited to 15 pages. See Rule 27 for additional briefs. With respect to all briefs and responsive briefs, tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit.

#### **Rule 30.**

- (e)** Applications for interlocutory appeals pursuant to OCGA § 5-6-34 (b) shall have copies of all submitted materials from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The materials must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and shall follow the general format of briefs as to margins. Tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit for interlocutory appeal applications and responses.

#### **Rule 31.**

- (c)** Applications for discretionary appeal pursuant to OCGA § 5-6-35 shall have copies of all submitted material from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The material must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and should follow the general format of briefs as to margins. Tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit for discretionary appeal applications and responses.

## PEOPLESOFT FINANCIALS –

Due to a legislative mandate, the Court of Appeals is transitioning onto PeopleSoft Financials (state's accounting system). The Court of Appeals has been using QuickBooks for over a decade which has been an efficient low-cost software program but it cannot provide all of the elements currently needed by State Accounting Office or the Auditors. These items have to be handled outside the program for compliance.

Conversion to PS Financials will bring about some process changes in the Fiscal Office. We are scheduled to go-live with the PS Financials on November 5. The Fiscal Office asked your patience for the next few months while they learn the new system. Also, PeopleSoft is a more labor intensive program and, therefore, it will require additional time to disburse payments, record receipts, etc. PS Financials is a batch processing system and transactions are processed at night. Therefore, the Fiscal Office will no longer be able to make immediate disbursements for travel, etc. Also, the state is transitioning in to "greener-lesser paper environment". The State Accounting Office is reducing the number of paper checks produced and has a new policy mandating payment disbursements through electronic funds transfer whenever possible. Therefore, travel reimbursements processed on the new system will be electronically deposited into your bank account just like your payroll check.

NOTE: It is estimated that conversion to PS Financials will cost the Court between \$12,000 and \$15,000 a year. The cost is based on actual activity, therefore, no additional expense will be incurred until a year's data is available (which should be FY 2015). We plan to request additional funding for these expenses in our 2015 budget.

Jeff Swart  
Charles Cork  
David Schaeffer

**From:** "Swart, Jeff" <Jeff.Swart@alston.com>  
**To:** Bryan Cavan <bcavan@millermartin.com>, "David N. Schaeffer" <dschaeffer@...>  
**Date:** 4/17/2012 1:33 PM  
**Subject:** Appellate Rules / Suggestion for Consideration

Edward Lindsey  
Bryan Cavan

Friends,

I wanted to raise an issue for this group's consideration that was brought to my attention at the last appellate seminar.

Rule 24 of the Court of Appeals, copied in part below, does not exclude Tables of Contents and Tables of Authorities from the page count. This is contrary to the rule in federal court and in most state appellate courts I have encountered. See, e.g., FRAP 32(a)(7)(B)(iii) (excluding the table of contents and table of authorities from the page limitation).

Rule 20 of the Supreme Court doesn't speak to this specifically.

I think that the current rule is unfortunate, because it discourages the inclusion of Tables of Contents and Tables of Authorities in the briefs that need them the most (briefs at or near the page limit). I also think that the tables (especially Tables of Contents) help lawyers and judges. For lawyers, they encourage disciplined organization in briefing. For judges, they are a roadmap.

It seems to me that it would be worthwhile for both of our appellate courts to consider rule amendments to exclude these tables from the page count. I don't think the tables should be required, but the current rule has the (presumably unintended) effect of discouraging their inclusion.

Best regards,

Jeff

Jeff Swart  
Alston & Bird LLP  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
(404) 881-7569

Rule 24. Preparation.

(a) Briefs shall be limited to an initial appellant's brief, a responding appellee's brief, and a reply brief of the appellant. Other briefs shall be accepted only if filed as an Amicus Curiae brief or a supplemental brief. See Rules 26 and 27. Briefs shall not be accepted unless filed by a pro se party, a member of the State Bar of Georgia admitted to the Court, or an attorney granted a courtesy appearance in accordance with Rule 9 (c). Counsel are required to file an original and two copies of their brief for each docketed appeal, including companion cases and cross appeals.

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From: Bryan Cavan [mailto:bcavan@millermartin.com]  
Sent: Tuesday, November 22, 2011 3:05 PM  
To: David N. Schaeffer; Edward H. Lindsey; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Holly O. Sparrow ; Swart, Jeff; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes  
Subject: RE: Lawyer Record Preparation for Court of Appeals

Absolutely. Now is not the time.

Bryan M. Cavan

From: "Swart, Jeff" <Jeff.Swart@aiston.com>  
 To: Charles Cork <cmc@corklaw.com>  
 CC: Bryan Cavan <bcavan@millermartin.com>, "David N. Schaeffer" <dschaeffer@...  
 Date: 4/17/2012 6:16 PM  
 Subject: RE: Appellate Rules / Suggestion for Consideration

Charles,

You are right, and I should have pointed this out. ~~I agree that these should be excluded as well, especially cover sheets and certificates of service.~~

For context, attached is a copy of the related portion of the federal rule, which I think is more or less consistent with the rule in most state appellate courts.

Obviously, Georgia may have reasons to do things differently, but I am not sure all of the differences here are really intentional or that they are uniformly followed.

Best regards,

Jeff

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Excerpt from FRAP 32(a)(7)(B):

(iii) Headings, footnotes, and quotations count toward the word and line limitations. The corporate disclosure statement, ~~table of contents, table of citations, statement with respect to oral argument, any addendum containing statutes, rules or regulations, and any certificates of counsel do not count toward the limitation.~~

From: Charles Cork [mailto:cmc@corklaw.com]  
 Sent: Tuesday, April 17, 2012 5:56 PM  
 To: Swart, Jeff  
 Cc: Bryan Cavan; David N. Schaeffer; Edward H. Lindsey; Amy Levin Weil; Antoinette Davis; Chris Smith; Christopher J McFadden; Holly O. Sparrow; Michael Terry; Paul J Kaplan; Stephanie J. Kirijan; Therese S. Barnes  
 Subject: Re: Appellate Rules / Suggestion for Consideration

I agree. I would add that certificates of service are also included in the page count, so that the more parties to the appeal, the less space is available for argument. The same could be said for cover sheets and might be said for attached documents.

Charles M. Cork, III  
 P.O. Box 1041  
 Macon, Georgia 31202-1041  
 Phone: (478) 742-0204  
 Email: cmc@corklaw.com<mailto:cmc@corklaw.com>  
 Web: http://corklaw.com

On 4/17/2012 1:32 PM, Swart, Jeff wrote:  
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Subject: RE: Lawyer Record Preparation for Court of Appeals

Absolutely. Now is not the time.

Bryan M. Cavan

Miller & Martin PLLC

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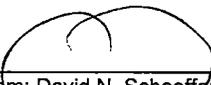
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[<http://remote.millermartin.com/green.jpg>]



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From: David N. Schaeffer [mailto:dschaeffer@cclblaw.com]<mailto:[mailto:dschaeffer@cclblaw.com]>

Sent: Tuesday, November 22, 2011 2:38 PM

To: Bryan Cavan; Edward H. Lindsey; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes

Subject: RE: Lawyer Record Preparation for Court of Appeals

I suggest that we wait a while before raising the issue again.

David N. Schaeffer, Partner

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Atlanta, Georgia 30305

Phone: 404-233-4171 ext 22

Fax: 404-261-2842

dschaeffer@cclblaw.com<mailto:dschaeffer@cclblaw.com>

From: Bryan Cavan [mailto:bcavan@millermartin.com]<mailto:[mailto:bcavan@millermartin.com]>

Sent: Tuesday, November 22, 2011 11:33 AM

To: Edward H. Lindsey; David N. Schaeffer; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes

Subject: RE: Lawyer Record Preparation for Court of Appeals

Edward and David

I am in agreement with you that we should make a pitch for this. Let me look into a couple of things before we make the approach.

Thanks to both of you.

Happy Thanksgiving

Bryan

Bryan M. Cavan

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[<http://remote.millermartin.com/green.jpg>]

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From: Edward H. Lindsey [mailto:ELindsey@GMLJ.com]<mailto:[mailto:ELindsey@GMLJ.com]>

Sent: Tuesday, November 22, 2011 11:12 AM

To: David N. Schaeffer; Bryan Cavan; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes

Subject: RE: Lawyer Record Preparation for Court of Appeals

"Perhaps if this issue is revisited in the future, the appendix rule could apply only if the trial clerk fails to prepare the record within 90

days of the notice of appeal being filed. That way most of the courts besides Fulton would be handled without a problem . . . ."

All:

Like a stopped watch, my friend David Schaffer is right twice a day. :)

Seriously, David is dead right. Is there any way to get the Court of Appeals to look at this narrow exception? My last appeal from Fulton took almost two years to get docketed in the Court of Appeals.

Happy Thanksgiving to all.

Edward

p.s. I am sure David will tell you that I am not even right twice a day.

Edward H. Lindsey Jr.  
Goodman McGuffey Lindsey & Johnson, LLP  
Atlanta - Savannah - Orlando - Charlotte  
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Atlanta, GA 30326-1084  
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(404) 316-4466 (mobile)  
(404) 264-1737 (fax)  
elindsey@gmlj.com<mailto:elindsey@gmlj.com>

[cid:image001.jpg@01CD1CC5.6E724510]<http://www.gmlj.com/>

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From: David N. Schaeffer [mailto:dschaeffer@cclblaw.com]<mailto:[mailto:dschaeffer@cclblaw.com]>  
Sent: Tuesday, November 22, 2011 10:53 AM  
To: Bryan Cavan; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Edward H. Lindsey; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes  
Subject: RE: Lawyer Record Preparation for Court of Appeals  
Disappointing, but not that surprising given prior staffing and other problems and the change in the legislation which spawned the rule in the first place. This record preparation ought to be done by the trial court clerks on a prompt (30-60 day) basis.

Perhaps if this issue is revisited in the future, the appendix rule could apply only if the trial clerk fails to prepare the record within 90 days of the notice of appeal being filed. That way most of the courts besides Fulton would be handled without a problem, but it would give the attorneys some way to move the appeal along in the event that the trial court does not do its job on a reasonably timely basis.

Thanks to everyone who spent time on this. It was a worthwhile effort and helped avert a crisis. Unfortunately, we still do not have a long-term solution for those courts that simply are not staffed or efficient enough to get the appeals records out quickly. David

David N. Schaeffer, Partner  
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From: Bryan Cavan [mailto:bcavan@millermartin.com]<mailto:[mailto:bcavan@millermartin.com]>  
Sent: Monday, November 21, 2011 5:10 PM  
To: Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; David N. Schaeffer; Edward H. Lindsey Jr.; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes  
Subject: Lawyer Record Preparation for Court of Appeals

All:

Very shortly, the attached message will be placed on the Bar's Website. I am disappointed that we were unable to keep the option available.

Thanks to all of you for your efforts in this matter.

A very special "Thank You" to Charles Cork, Paul Kaplan and Judge Chris McFadden for their efforts last month to prepare language amending Rule 17 that might make the option more palatable to the Court.

Although very few submissions have been made recently, the burden on the Court and particularly Holly Sparrow's office last year was incredible.

Best wishes for the Thanksgiving Holiday.

Bryan

Bryan M. Cavan

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Subject: RE: Lawyer Record Preparation for Court of Appeals

Absolutely. Now is not the time.

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[<http://remote.millermartin.com/green.jpg>]

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From: Edward H. Lindsey [mailto:ELindsey@GMLJ.com]<mailto:[mailto:ELindsey@GMLJ.com]>

Sent: Tuesday, November 22, 2011 11:12 AM

To: David N. Schaeffer; Bryan Cavan; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes

Subject: RE: Lawyer Record Preparation for Court of Appeals

"Perhaps if this issue is revisited in the future, the appendix rule could apply only if the trial clerk fails to prepare the record within 90 days of the notice of appeal being filed. That way most of the courts besides Fulton would be handled without a problem . . . ."

All:

Like a stopped watch, my friend David Schaffer is right twice a day. :)

Seriously, David is dead right. Is there any way to get the Court of Appeals to look at this narrow exception? My last appeal from Fulton took almost two years to get docketed in the Court of Appeals.

Happy Thanksgiving to all.

Edward

p.s. I am sure David will tell you that I am not even right twice a day.

Edward H. Lindsey Jr.

Goodman McGuffey Lindsey & Johnson, LLP

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From: David N. Schaeffer [mailto:dschaeffer@cclblaw.com]<mailto:[mailto:dschaeffer@cclblaw.com]>

Sent: Tuesday, November 22, 2011 10:53 AM

To: Bryan Cavan; Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; Edward H. Lindsey; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes

Subject: RE: Lawyer Record Preparation for Court of Appeals

Disappointing, but not that surprising given prior staffing and other problems and the change in the legislation which spawned the rule in the first place. This record preparation ought to be done by the trial court clerks on a prompt (30-60 day) basis.

Perhaps if this issue is revisited in the future, the appendix rule could apply only if the trial clerk fails to prepare the record within 90 days of the notice of appeal being filed. That way most of the courts besides Fulton would be handled without a problem, but it would give the attorneys some way to move the appeal along in the event that the trial court does not do its job on a reasonably timely basis.

Thanks to everyone who spent time on this. It was a worthwhile effort and helped avert a crisis. Unfortunately, we still do not have a long-term solution for those courts that simply are not staffed or efficient enough to get the appeals records out quickly. David

David N. Schaeffer, Partner  
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3127 Maple Drive, NE  
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From: Bryan Cavan [mailto:bcavan@millermartin.com]<mailto:[mailto:bcavan@millermartin.com]>  
Sent: Monday, November 21, 2011 5:10 PM  
To: Amy Levin Weil ; Antoinette Davis; Charles M. Cork; Chris Smith; Christopher J McFadden ; David N. Schaeffer; Edward H. Lindsey Jr.; Holly O. Sparrow ; Jeff Swart ; Michael Terry ; Paul J Kaplan; Stephanie J. Kirijan ; Therese S. Barnes  
Subject: Lawyer Record Preparation for Court of Appeals

All:

Very shortly, the attached message will be placed on the Bar's Website. I am disappointed that we were unable to keep the option available.

Thanks to all of you for your efforts in this matter.

A very special "Thank You" to Charles Cork, Paul Kaplan and Judge Chris McFadden for their efforts last month to prepare language amending Rule 17 that might make the option more palatable to the Court.

Although very few submissions have been made recently, the burden on the Court and particularly Holly Sparrow's office last year was incredible.

Best wishes for the Thanksgiving Holiday.

Bryan

Bryan M. Cavan

Miller & Martin PLLC

Suite 800  
1170 Peachtree Street, N.E.

Atlanta, GA 30309

Phone (404) 962-6463

Fax (404) 962-6363

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Judge Changes not done yet

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### In Memoriam

- **Judge Preston Brooks Lewis Jr.** of Waynesboro died on December 25, 2011. Judge Lewis served as Burke County's juvenile court judge for over thirty years. He also served six terms in the Georgia House of Representatives and one term in the Georgia Senate. Judge Lewis served in the Korean War and earned his law degree from the University of Georgia.
- **Former Judge Theodore Barner Jr.** of Roswell died on January 20, 2012. Judge Barner served as a magistrate court judge in Fulton County until 1999. He graduated with a business degree from the University of Georgia and previously served in the U.S. Army.
- **Chief Judge Lawrence G. Dillion** of Savannah died on February 5, 2012, after a lengthy illness. Judge Dillion left his post as Chief Judge of the Recorder's Court of Chatham County in November 2011 after twenty-three years on the bench.
- **Judge Dale P. Smith** of Toccoa died of a heart attack on March 11, 2012. Judge Smith served as Chief Magistrate of Stephens County since his election in 1988. He earned a master's degree in public administration, a doctorate in political science, and his law degree from the University of Georgia.

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The Georgia Judicial Building — home to the Supreme Court and Court of Appeals of Georgia — guested as a courthouse in Virginia in one episode of what military drama in 2001?  
 Find the answer when the next issue of the Courts Journal is published or check for the answer on the AOC Facebook page or Twitter feed!

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## Transitions

- **Judge Amanda F. Williams**, Superior Court, Brunswick Judicial Circuit, resigned effective January 2, 2012.
- **Judge Harold G. Benefield**, State Court of Clayton County, retired on February 1, 2012. He was appointed by Gov. Deal as a senior judge of the state court on February 13, 2012.
- On February 15, 2012, **Judge Marvin S. Arrington Sr.** retired from the Superior Court, Atlanta Judicial Circuit. Judge Arrington was appointed by Gov. Roy Barnes on January 22, 2002.
- **Judge Isaac "Buddy" Jolles**, Probate Court of Richmond County, retired on February 22, 2012. Judge Jolles was elected in 1998.
- On February 29, 2012, **Judge David E. Barrett**, Superior Court, Enotah Judicial Circuit, retired.
- **Judge Lynn Akeley-Alderman**, Superior Court, Enotah Judicial Circuit, resigned from the bench on March 30, 2012.

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## Appointments



• On December 16, 2011, Gov. Nathan Deal appointed Judge Jon F. Helton (left) as a superior court judge for the Dublin Judicial Circuit. Judge Helton has served as a judge pro tem of the juvenile court of the Dublin Judicial Circuit and as a municipal judge for the City of McIntyre.

• Judge Charles E. Auslander III (right) was sworn in by Gov. Deal as a state court judge for Clarke County on December 16, 2011. Judge Auslander previously served as a magistrate court judge for Clarke County and as a judge for the local DU/Drug Court.



• On January 6, 2012, Gov. Nathan Deal appointed Judge Michael Boggs to the Court of Appeals of Georgia. Judge Boggs has served as a superior court judge for the Waycross Judicial Circuit. He was formerly a state representative and graduated from Mercer University's School of Law.

• Mr. Bert Poston was appointed the District Attorney for the Conasauga Judicial Circuit on February 9, 2012.

• Judge Philip T. Raymond III was sworn in by Gov. Nathan Deal as a superior court judge for the Macon Judicial Circuit on February 23, 2012. Judge Raymond was a managing partner at Shaffer, Raymond and Dalton law firm.

• Judge Adalberto Jose Jordan was appointed by President Barack Obama as an 11<sup>th</sup> Circuit Court of Appeals judge. Judge Jordan was confirmed by the U.S. Senate on February 15, 2012. Judge Jordan was previously a judge of the District Court in Miami.

• On March 8, 2012, Gov. Deal administered the oath of office to two new superior court judges:



Judge David J. Blevins (above, left) joins the bench of the Conasauga Judicial Circuit. Judge Blevins was previously a solo law practitioner in Dalton. He fills the vacancy created by the retirement of Judge Robert Adams.

Judge Timothy R. Walmsley (above, right) was sworn-in to the Eastern Judicial Circuit. Judge Walmsley previously sat as a part-time magistrate court judge in Chatham County and was a civil litigator with the Hunter, Maclean, Exley & Dunn law firm. He fills the vacancy created by the retirement of Judge Perry Brannen.



• Judge Asha F. Jackson, (left) Superior Court, Stone Mountain Judicial Circuit, was sworn-in by Gov. Nathan Deal on March 13, 2012. Judge Jackson fills the vacancy created by the retirement of Judge Michael E. Hancock. She was appointed to the Recorder's Court of DeKalb County as a Pro Hac Judge in 2010 and served as partner at Barnes & Thornburg LLP.

• Judge Franklin D. Rozier, Jr., State Court of Pierce County, was appointed to the Board of Juvenile Justice by Gov. Nathan Deal on March 16, 2012.

• Gov. Deal appointed Mr. Roger B. Lane Sr. as a superior court judge, Brunswick Judicial Circuit on March 29, 2012. Mr. Lane has served in the Georgia House of Representatives since 2004. His appointment will take effect upon swearing-in.

• Judge Robert C. McBurney was administered the oath of office by Gov. Nathan Deal on April 10, 2012, as a judge on the Superior Court bench in the Atlanta Judicial Circuit. Judge McBurney fills the vacancy created by the retirement of Judge Marvin Arrington.

• On April 12, 2012,

Judge Michael T. Garrett was sworn-in by Gov. Nathan Deal as the newest jurist on the State Court of Clayton County. Judge Garrett succeeds Judge Harold Benefield who retired in February.

Judge Jeffery Kight, Superior Court, Waycross Judicial Circuit, will be sworn-in on April 18, 2012 to fill the unexpired term of Judge Michael Boggs, recently appointed to the Court of Appeals of Georgia. Judge Kight currently serves as Solicitor-General of Coffee County.

*Senior Judge Appointments*

The following judges were appointed as Senior Judges of the Superior Court.

• Judge Perry Brannen Jr., December 27, 2011

• Judge Martha C. Christian, January 6, 2012

• Judge Michael E. Hancock, February 13, 2012

• Judge Robert B. Adams, February 13, 2012

• Judge Kariton Van Banke was appointed as a Senior Judge of the Courts of Georgia on January 6, 2012, by Gov. Deal.

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**2011**

**Georgia Court of Appeals**

**R U L E S**

# RULES COURT OF APPEALS OF GEORGIA

These rules are not intended to reiterate all applicable laws. Where the word "counsel" has been used, this will include pro se parties. The latest version of these rules can be found at the Court web site: [www.gaappeals.us](http://www.gaappeals.us).

**This publication contains the rules  
and all amendments thereto made through December 14, 2011**

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## I. GENERAL

### Rule 1.

#### **Documents; Communications; General.**

(a)

#### **Requirement for Written and Signed Documents.**

All filings, documents, motions, briefs, requests and communications relating to appeals shall be in writing, shall be filed with the Clerk's office, shall be signed by an attorney of record, an attorney granted courtesy appearance or pro se party, and shall include the mailing address and telephone number of the attorney or pro se party signing the document, and shall show that copies have been furnished to opposing counsel. Documents with conformed or stamped signatures by judges, attorneys, law firm staff, or an attorney's employee shall not be permitted. No signatures by express permission are permitted. All pleadings, including, but not limited to briefs, motions, requests, applications and notices shall be signed by counsel filing the document. All signed documents shall include the State Bar of Georgia membership number of all submitting attorneys.

(b)

#### **Communications with the Court.**

There shall be no communications relating to pending cases to any judge or member of the judge's staff.

(c)

#### **Documents.**

All documents filed with the Court shall be typed or printed on non-transparent, letter size (8 ½" x 11") white paper and bound at the top with staples or fasteners (round head or Acco) except as provided in Rule 46. All documents filed with the Court shall have no less than double spacing between the lines including quotations and footnotes. Letter spacing and type or font size shall be no smaller than 10 characters per inch. Notwithstanding the ten (10) characters per inch requirement, the Court shall accept in lieu thereof Times New Roman Regular 14pt (Western). Any documents that do not comply with the Court rules may be returned to counsel with notice of the defect of the pleading, and/or counsel may be ordered to redact and recast such documents. All paper documents filed with this Court shall have a non-glossy, white back of recyclable paper, heavier than regular stationery-type paper.

(d)

#### **Counsel.**

All reference to counsel in these rules shall include pro se parties.

(e)

#### **Facsimile Filing.**

The Court does not accept facsimile filings.

### Rule 2.

#### **Hours; Filing Fees; Stamped Copies.**

(a)

#### **Clerk's Office Hours of Operation and Location.**

The Clerk's office shall be open Monday through Friday from 8:30 a.m. to 4:30 p.m. E.S.T./E.D.T. The address is: Clerk, Court of Appeals of Georgia, Suite 501, 47 Trinity Avenue, S.W., Atlanta, Georgia 30334. The telephone number is (404) 656-3450.

(b)

**Filing Fees.**

All filings requiring fees must be accompanied by a check or money order, a sufficient pauper's affidavit or a form showing a public defender has been appointed to represent the party. The Clerk is not responsible for cash accompanying a filing.

(c)

**Stamped "Filed" Copy.**

If a return stamped "filed" copy of a filed document is needed, parties filing such documents must include an extra copy and a pre-addressed stamped envelope with sufficient postage to have the document returned.

**Rule 3.**

**Expiration Date.**

When an expiration date falls on Saturday, Sunday, or an official state or national holiday, the time is extended to the next business day.

**Rule 4.**

**Filing.**

(a)

**Drop Box.**

The Clerk's office has provided a drop box at the street level entrance to the 47 Trinity Avenue Building for filing documents after business hours. Although the Clerk's office hours are 8:30 a.m. to 4:30 p.m., the 47 Trinity Avenue Building is generally open from 7:00 a.m. to 5:00 p.m. Since the building hours of operation are controlled by the Georgia Building Authority, please refer to the Court website at [www.gaappeals.us](http://www.gaappeals.us) for current hours. Court personnel will remove the documents from the drop box each morning and clock documents to the present time and date and file the documents to the prior business day.

(b)

**Motions for Reconsideration.**

Motions for reconsideration are deemed filed only on the date they are physically received in the Clerk's office. See Rule 37.

(c)

**Other Documents.**

Any other document shall be deemed filed, except as provided under Rule 46, on the earlier of

- (1) The date it is physically delivered to the Clerk's office, with sufficient costs, if applicable, and clocked in by the Clerk's office staff; or
- (2) The United States Postal Service postmark date or commercial delivery service transmittal date that appears on the envelope or container, in which the document was received, if the document is accompanied with sufficient costs, if applicable.

**Rule 5.**

**Costs.**

Costs in all criminal cases are \$80.00 and \$300 in all civil cases. Costs shall not be required where either a sufficient pauper's affidavit or form showing a public defender has been appointed to represent the party has been filed with the Court or contained in the record. Costs shall be paid upon filing of applications or, in direct appeals, upon filing of appellant's brief. Costs are not required to file an appellant's brief in a direct appeal which is filed pursuant to an order of this Court granting an interlocutory or discretionary application. Costs are incurred and appellant and appellant's counsel are liable for costs when the case is docketed. The Clerk shall not receive a brief of the appellant or an application unless costs have been paid, a sufficient pauper's affidavit has been filed, or a form showing appointment of a public defender to represent the appellant on appeal has been filed or evidence of indigency is contained in the record.

For purposes of this rule, appeals from probation revocation and juvenile delinquency cases shall be deemed criminal cases and the costs for filing an application or a direct appeal in such cases shall be \$80.00.

**Rule 6.**

**Copies and Certificate of Service.**

All documents filed with the Clerk shall include an original and two copies. All documents shall show copies have been furnished to opposing counsel. Service shall be shown by written acknowledgment, certificate of counsel or affidavit of server, to include the name and complete mailing address of all opposing counsel. Service shall be made before filing. Any document without a certificate of service shall not be accepted for filing. The certificate of service shall be signed by counsel and attached to the document filed.

**Rule 7.**

**Contempt.**

Breach of any rule of the Court of Appeals or failure to comply with an order of this Court subjects the offending party and/or attorney to contempt and may subject the appeal to dismissal or cause appellee's brief to be stricken. The Court may, upon a finding of conduct constituting contempt, impose a fine not to exceed \$2,500.00 against each contemner or revoke the license to practice in this Court, or both.

**Rule 8.**

**Notice of Cause for Disqualification or Recusal.**

Cause for disqualification or recusal of a judge of this Court shall be brought to the attention of the Clerk as soon as practicable. See Rule 44.

## II. ATTORNEYS

### Rule 9.

#### Attorneys.

(a)

#### Application and Oath.

Any member of the State Bar of Georgia may be admitted to practice in this Court upon written application, and the certificate of at least two attorneys of this Court, that such member is of good private and professional character. The oath, may be administered by the Clerk, Deputy Clerk or Deputy Administrator. It may be taken in open court, before a judge in chambers, or in the Clerk's office. The oath is as follows:

*I do solemnly swear (or affirm) that I will conduct myself as an attorney or counselor of this Court truly and honestly, justly and uprightly, and according to law; and that I will support the Constitution of the State of Georgia and the Constitution of the United States. So help me God.*

After the oath has been administered, the applicant shall sign the roll of attorneys admitted to practice in the Court.

(b)

#### Fee.

The fee for admission is \$30.00, payable to the Clerk of the Court of Appeals of Georgia, who shall issue a license under the seal of the Court as evidence of applicant's authority to practice.

(c)

#### Appearance by Courtesy.

As a matter of professional courtesy, a visiting attorney from another state, a district, or territory or a resident attorney, who is not a member of the State Bar of Georgia, may petition this Court to be heard as associate counsel or counsel in a single case, without being admitted as a regular practitioner in this Court by showing the attorney is certified in good standing in the Bar of the highest court of another state, district, or territory. A request for courtesy appearance shall be made by motion which shall state the name and address of the attorney seeking to appear by courtesy and contain proof of that attorney's admittance and good standing in the Bar of the highest court of another state, district, or territory and be accompanied by a check or money order in the amount of \$30.00 payable to the Clerk of the Court of Appeals of Georgia. The motion may be made by the attorney requesting courtesy appearance or a member of the Bar of this Court on behalf of the attorney requesting courtesy appearance.

(d)

#### Withdrawal or Substitution of Counsel.

Any withdrawal or substitution of attorneys of record in the Court shall be communicated to the Court by written motion with a copy to substituted counsel, opposing counsel and the withdrawing or substituting attorney's client. A motion to withdraw as counsel shall contain the address of the withdrawing counsel's

client, or if the address is unknown, the motion shall contain a statement that the client's address is unknown and shall contain the client's last known address.

**(e) Change of Address or Telephone Number.**

If during the pendency of any appeal or application counsel for either party has a change of address or telephone number, counsel shall file a notification of change of address or telephone number with the Court, notifying the Court of counsel's correct address and telephone number and the effective date of such change.

The notification of change of address or telephone number shall be filed as a separate document, an original and two copies, with service made to opposing counsel.

Upon receipt of the notification of change of address or telephone number, the Clerk shall enter the change of address or telephone number on the Court's docket and all further notices generated from the Court shall be to counsel's new address.

Failure of counsel to properly notify the Court of any change of address or telephone number, which may result in counsel not receiving notification of court action, shall not be grounds to reinstate or reconsider any matter adverse to counsel or parties because of the failure of counsel to receive notification from the Court.

**(f) The Court of Appeals does not recognize, nor grant, leaves of court or leaves of absence.**

**Rule 10. Personal Remarks; Judge or Opposing Counsel.**

Personal remarks, whether oral or written, which are discourteous or disparaging to any judge, opposing counsel, or any court, are strictly forbidden.

### III. DOCKETS; CALENDARS

**Rule 11. Appeals, How Entered.**

**(a) Docketing.**

No appeal shall be docketed until the notice of appeal and a record, and transcript, if requested, are filed in the Clerk's office. Each notice of appeal shall be docketed as a separate case.

**(b) Transfer of Cases.**

Whenever an appeal or application filed in this Court is within the jurisdiction of the Supreme Court, such appeal or application shall be transferred by order to that court.

**(c) Transferred Cases.**

Appeals or applications transferred to this Court from the Supreme Court shall be docketed as of the date they are received in this Court.

(d)

**Premature Docketing.**

Any case docketed prior to the entire record coming to the Court, as requested by the parties, may be remanded to the trial court until such time as the record is so prepared and delivered to the Court.

**Rule 12.**

**Closing of the Dockets.**

The docket for the January, April, and September terms shall close at noon on the 15th day of December, April and August, respectively. By order, a closed docket may be opened when expedient for the docketing of a case or cases so that a judgment may be rendered by the Court at the earliest practicable date.

**Rule 13.**

**Notice of Docketing.**

Upon the docketing of every appeal and application for appeal, the Clerk shall mail notice of the docketing date and schedule for briefing to all counsel. The notice of docketing a direct appeal shall include a statement that failure to file the enumeration of errors and appellant's brief within the time required may result in the dismissal of the appeal. The notice shall also state that: Failure to timely file responsive briefs may result in their non-consideration or subject counsel to contempt. Failure of counsel to receive the docketing notice shall not relieve counsel of the responsibility to file briefs timely. See Rule 23.

**Rule 14.**

**Calendar; Conflicts.**

(a)

**Calendars to be Mailed.**

The Clerk shall mail the calendar to counsel in each appeal to be orally argued at least 14 days prior to the date set for oral argument at the addresses shown on the notice of appeal unless the Court is otherwise advised under Rule 9(e).

(b)

**Non-Receipt of Calendar.**

Counsel not receiving a calendar at least 10 days prior to the tentative oral argument dates should contact the Clerk's office to inquire about oral argument dates.

(c)

**Conflicts - State and Federal Court.**

(1) Counsel shall not be deemed to have a conflict unless such counsel:

- (i) Is lead counsel in two or more of the actions affected; and
- (ii) Certifies that the matters cannot be adequately handled by other counsel.

(2) When there is an apparent conflict:

- (i) Appellate arguments prevail over trials, hearings and conferences.
- (ii) The action first filed takes precedence.
- (iii) Felony actions prevail over civil actions.
- (iv) Misdemeanors stand on equal footing with civil actions.
- (v) The courts are assigned the following priorities:
  - (aa) United States Supreme Court.

- (bb) Supreme Court of the State of Georgia.
- (cc) Federal Courts of Appeal and State Courts of Appeal.
- (dd) United States District Courts and Superior Courts.
- (ee) Federal Magistrate Courts and State Courts.
- (ff) Probate, Juvenile and Magistrate Courts.

- (3) The Clerk shall resolve conflicts so as to accommodate all parties insofar as possible.
- (4) Using the above criteria, the only time a conflict exists is when the actions are in courts of equal priority, are of the same type and were filed on the same day. When such conflict exists, counsel shall give prompt written notice of the conflict to opposing counsel and to the clerk of each court.
- (5) When it is evident that counsel's presence is required in more than one court on the same day and no conflict actually exists under the above criteria, counsel shall nevertheless inform all courts concerned, giving the style of the case and the date of filing.

**Rule 15. No Prosecution, Frivolous Appeals and Penalties.**

- (a) On the call of the case for argument, if the appellant does not appear, and has not filed a brief, the Court may dismiss the appeal for want of prosecution.
- (b) The panel of the Court ruling on a case, with or without motion, may by majority vote impose a penalty not to exceed \$2,500.00 against any party and/or party's counsel in any civil case in which there is a direct appeal, application for discretionary appeal, application for interlocutory appeal, or motion which is determined to be frivolous.
- (c) The imposition of such penalty shall constitute a money judgment, in favor of appellee against appellant or appellant's counsel or in favor of appellant against appellee or appellee's counsel, as the Court directs. Upon filing of the remittitur in the trial court, the penalty may be collected as are other money judgments.

**IV. EXTENSION OF TIME FOR NOTICE OF APPEAL, ETC.**

**Rule 16. Extension of Time for Filing.**

- (a) Pursuant to the provisions of OCGA § 5-6-39, requests for extensions of time, which must be in writing, may be made only upon showing a bona fide effort has been made to obtain the extension from the trial court and the reason it could not be obtained. Any motion for extension of time to file a Notice of Appeal made in this Court shall be made as a Rule 40 (b) motion and shall be accompanied by a filing fee in the amount set out in Rule 5 or a sufficient pauper's affidavit.

- (b) Extensions of time to file briefs must be requested by motion and shall be subject to the Court's discretion. All extensions shall be by written order and no oral extension shall be recognized.

Failure to request an extension of time to file a brief prior to the date the brief is due may result in the non-consideration of the motion and/or the dismissal of the appeal.

- (c) No extension of time shall be granted for filing interlocutory or discretionary applications or filing responses thereto.

## **V. RECORDS AND TRANSCRIPTS**

### **Rule 17. Duty of Trial Court Clerks.**

The clerk of the trial court shall certify and transmit to the Clerk of this Court the original transcript and copies of all records as required within the time prescribed by statute. Trial court orders included in the record must contain the signature of the trial court judge. Conformed signatures, stamped signatures, and signatures with permission shall not be permitted. Transmittal shall be made by the clerk or deputy clerk personally or by First Class United States mail, express mail, or commercial courier or delivery service, charges prepaid. Transmittal by a party or attorney is prohibited.

### **Rule 18. Preparation and Arrangement of Records and Transcripts.**

- (a) Records and transcripts, to include depositions, shall be printed on one side of letter-size, white paper of good quality with ample spacing (at least double spaced) and margins so that they may be easily read. The margin at the top shall be of sufficient space so that the transcript may be read when folded over at the top. Type size shall not be smaller than 10 characters per inch. Notwithstanding the 10 characters per inch requirement, the Court shall accept in lieu thereof Times New Roman Regular 14pt. The record shall include an index. The pages of the record shall be numbered consecutively on the bottom of the page.

- (b) Any records or transcripts delivered to this Court from the trial court, and sealed by the trial court, with an order of the trial court attached to the record, shall remain sealed until a motion is made to unseal the record and/or the record is unsealed by this Court. Counsel for any party may move this Court for an order to unseal or seal any record in the Court.

**Rule 19.           Transmission of Transcript.**

The original transcript shall be a separate document and not attached to the record. It shall show the style of the case and contain an index, and the pages shall be numbered consecutively. Voluminous transcripts may be bound in separate parts. The court reporter and trial court clerk shall certify each part.

**Rule 20.           Objections to Records or Transcripts; Waiver.**

Appellee shall be deemed to have waived any failure of the appellant to comply with the provisions of the Appellate Practice Act relating to the filing of the transcript of the evidence and proceedings or transmittal of the record to this Court, unless objection thereto was made and ruled upon in the trial court prior to transmittal and such order is appealed as provided by law.

**Rule 21.           Physical Evidence - Original Evidence.**

Any party relying on physical evidence may include as a part of the transcript or record a photograph, a videotape or an audiotape of the evidence, together with an explanation or description if deemed necessary, in lieu of transmitting the original evidence. No original evidence or exhibits shall be transmitted to the Court unless the Court directs the clerk of the trial court to transmit such original evidence or exhibits, or upon the grant of a written motion of the party or parties desiring such original evidence or exhibits to be transmitted to the Court. The motion shall be specific as to what original evidence or exhibits shall be transmitted to the Court and the reason such original evidence or exhibits are necessary for the determination of the appeal. After the remittitur has been issued from the Court to the trial court, all original evidence or exhibits shall be returned to the clerk of the trial court. In no event, unless directed by this Court, shall physical evidence be transmitted to the Court which is bulky, cumbersome, or expensive to transport, or which, by reason of its nature, is dangerous to handle, or which is contraband. Any video or audio recording of evidence shall be submitted to the Court of Appeals in one of the following formats: VHS, DVD, video or audio CD, or audio cassette tape.

**VI. ENUMERATION OF ERRORS**

**Rule 22.           Filing.**

**(a)               Time of Filing.**

Pursuant to OCGA §5-6-40, the enumeration of errors, which shall be Part 2 of the appellant's brief, shall be filed within 20 days after the case is docketed. A separate enumeration of errors is not required.

**(b) Jurisdictional Statement.**

The enumeration of errors shall contain a statement of jurisdiction as to why this Court, and not the Supreme Court, has jurisdiction.

## VII. BRIEFS

**Rule 23. Time of Filing; Contempt; Dismissal.**

- (a)** Appellant's brief, which shall contain as Part 2 an enumeration of errors, shall be filed within 20 days after the appeal is docketed. Failure to file within that time, unless extended upon motion for good cause shown, may result in the dismissal of the appeal, and may subject the offender to contempt. See Rule 7 and Rule 13.

Appellant's motion for extension of time to file brief and enumeration of errors must be filed prior to the date the documents are due or the Court may dismiss the appeal.

- (b)** Appellee's brief shall be filed within 40 days after the appeal is docketed or 20 days after the filing of appellant's brief, whichever is later. Failure to timely file may result in non-consideration of the brief and may subject counsel to contempt. See Rule 13. A brief shall be filed by the appellee in all criminal appeals when the State is the appellee; and upon failure to file such brief, the State's representative may be subject to contempt.
- (c)** Appellant may file a reply brief within 20 days from the date of filing of appellee's brief. Appellee has no right to respond to appellant's reply brief except as permitted under Rule 27.

**Rule 24. Preparation.**

- (a)** Briefs shall be limited to an initial appellant's brief, a responding appellee's brief and a reply brief of the appellant. Other briefs shall be accepted only if filed as an Amicus Curiae brief or a supplemental brief. See Rules 26 and Rule 27. Briefs shall not be accepted unless filed by a pro se party, a member of the State Bar of Georgia admitted to the Court or an attorney granted a courtesy appearance in accordance with Rule 9 (c). Counsel are required to file an original and two copies of their brief for each docketed appeal, including companion cases and cross appeals.
- (b) Paper; Spacing.**  
Briefs shall be filed in conformity with Rule 1 (a) and (c) and Rule 6.
- (c) Margins.**  
Writing shall be on only one side of each sheet with a margin of not less than two inches at the top and a margin of at least one inch on the sides and bottom of each page.

- (d) **Citations.**  
All citations of cases shall be by name of the case as well as by volume, page and year of the official report. Cases not yet reported shall be cited by the Court of Appeals or Supreme Court case number and date of decision.
- (e) **Pages to be Numbered.**  
The pages of each brief shall be sequentially numbered with Arabic numerals at the bottom of the pages.
- (f) **Limitation as to Length.**  
Briefs and responsive briefs shall be limited to 30 pages in civil cases and 50 pages in criminal cases including certificates of services, indexes, exhibits and appendices, except upon written motion directed to the Clerk and approved by the Court. Appellant's reply brief shall be limited to 15 pages. See Rule 27 for additional briefs.
- (g) **Attachments and Exhibits.**  
Documents attached to an appellate brief, which have not been certified by the clerk of the trial court as a part of the appellate record and forwarded to this Court, shall not be considered on appeal.
- (h) **Address of Defendant.**  
Counsel for defendant shall include the address of the defendant in a criminal case on the face of the brief and shall notify the Court of any change of address.

**Rule 25. Structure and Content.**

**(a) Appellant.**

The brief of appellant shall consist of three parts:

- (1) Part One shall contain a succinct and accurate statement of the proceedings below and the material facts relevant to the appeal and the citation of such parts of the record or transcript essential to a consideration of the errors complained of, and a statement of the method by which each enumeration of error was preserved for consideration. Record and transcript citations shall be to the volume or part of the record or transcript and the page numbers that appear on the appellate records or transcript as sent from the trial court.
- (2) Part Two shall consist of the enumeration of errors.
- (3) Part Three shall contain the argument and citation of authorities. It shall also include a concise statement of the applicable standard of review with supporting authority for each issue presented in the brief.

(b) **Appellee.**

The brief of appellee shall be divided in the following manner:

- (1) Part One shall point out any material inaccuracy or incompleteness of appellant's statement of facts and any additional statement of facts deemed necessary, plus such additional parts of the record or transcript deemed material. Failure to do so shall constitute consent to a decision based on the appellant's statement of facts. Except as controverted, appellant's statement of facts may be accepted by this Court as true.
- (2) Part Two shall contain appellee's argument and the citation of authorities as to each enumeration of error. It shall also include the standard of review if different from that contended by the appellant.

(c) **General Provisions.**

(1) **Sequence of Argument.**

The sequence of arguments in the briefs shall follow the order of the enumeration of errors, and shall be numbered accordingly.

(2) **Unsupported Claim of Error; References to Record and Transcripts.**

Any enumeration of error which is not supported in the brief by citation of authority or argument may be deemed abandoned.

- (i) Each enumerated error shall be supported in the brief by specific reference to the record or transcript. In the absence of such reference, the Court will not search for or consider such enumeration.
- (ii) A contention that certain matters are not supported by the record may be answered by reference to particular pages where they appear.
- (iii) Reference to the record should be indicated by specific volume or part of the record and by (R-Page Number of the Record). Reference to the transcript should be indicated by specific volume or part of the transcript and by (T-Page Number of the Transcript). Reference to a motion transcript shall be indicated by (MT-Page Number of the Transcript and date of the hearing).

(3) **Sealing Briefs or Motions.**

No briefs or motions shall be filed under seal unless counsel has moved the Court for permission to file under seal and the Court has granted such motion.

**Rule 26. Amicus Curiae Briefs.**

Amicus curiae briefs may be filed without leave of Court, disclosing the identity and interest of the person or group on whose behalf the brief is filed and limited to issues properly raised by the parties. Only members of the Bar of this Court or attorneys appearing by courtesy may file amicus curiae briefs. Amicus curiae briefs shall conform to Rule 24(b)-(g).

**Rule 27. Supplemental Briefs.**

- (a) Briefs of the parties shall be limited to an appellant's brief, an appellee's brief, and an appellant's reply brief. Supplemental briefs may be filed only by leave of the Court. Counsel may file a motion for permission to file supplemental briefs. Counsel may not file a supplemental brief contemporaneously with the motion, but may include a copy of the supplemental brief with the motion for permission to file as an exhibit. Counsel shall file a supplemental brief with an original and two copies, not to exceed 15 pages only after permission to file is granted. A certificate of service must be attached to the supplemental brief and service must be made to opposing counsel.
- (b) Parties are not permitted to file letter briefs nor letter cites. Any communication with the Court regarding recent authority which comes to the attention of a party subsequent to the filing of such party's brief or after oral argument, but before decision, must be filed in compliance with Rule 27 (a) above as a supplemental brief. Any response shall be made promptly and in accordance with this rule.

**VIII. ARGUMENT**

**Rule 28. Oral Argument.**

**(a) Request and Time.**

- (1) Unless expressly ordered by the Court, oral argument is never mandatory and argument may be submitted by briefs only. A case shall be placed on the calendar for oral argument only upon the granting of the request of either party. Oral argument is not permitted for applications or motions.
- (2) A request for oral argument shall be filed within 20 days from the date the case is docketed in this Court. An extension of time to file brief and enumeration of errors does not extend the time to request oral argument.
- (3) The request must be a separate document, an original and two copies, directed to the Clerk, certifying that opposing counsel has been notified of the request and that opposing counsel desires, or does not desire, to argue orally. The request shall identify counsel who is scheduled to argue, and any change shall be communicated to the Clerk as soon as practicable.
- (4) A request shall contain a brief statement describing specifically how the decisional process will be significantly aided by oral argument. The request should be self-

contained and should convey the specific reason or reasons oral argument would be beneficial to the Court. Counsel should not assume the brief shall be considered in ruling on the request for oral argument.

**(b) Waiver.**

After either side has been granted oral argument, it may be waived by either side, but waiver by the requester does not remove the case from the oral argument calendar. If either counsel decides to waive oral argument after it has been granted, waiving counsel must notify opposing counsel and the Court of that fact.

Argument shall not be allowed on behalf of any party whose brief has not been timely filed, unless permission is granted by the Court. Counsel requesting extension of time to file briefs waive oral argument if the extension is beyond the end of the term.

Oral argument is waived if counsel is not actually inside the courtroom when the case is formally called in its order for argument.

**(c) Time of Oral Argument.**

Postponements of oral argument are not favored, and no postponement shall be granted under any circumstances that would allow oral argument to take place during a term of the Court subsequent to the term for which the case was docketed.

**(d) Length.**

Argument is limited to 30 minutes for each case, 15 minutes on each side, unless by special leave an enlargement of time is granted. On the day of the argument, counsel may request 5, 10, or 15 minutes for argument. If counsel do not agree on the length of oral argument, the longer time requested shall prevail and each counsel shall be given the same amount of time. Ordinarily, cases shall be argued in the following order: first, 5 minute cases; second, 10 minute cases; and third, 15 minute cases.

No additional time shall be granted for argument except on motion made in writing at least 5 days before the date set for the call of the case. If additional time is granted, the case shall be placed at the end of the calendar unless otherwise ordered by the Court. Appeals, cross appeals, companion cases, and related cases shall be considered to be one case for purpose of oral argument. In the discretion of the Court, a companion case may be treated as a separate case for oral argument if counsel so requests by written motion at least 5 days before the date set for oral argument and the motion is granted by the Court. Where there are third parties or additional parties with divergent interests, additional time may be requested and granted as set out above.

**(e) Number of Counsel Arguing.**

Ordinarily, when both sides of an appeal are argued, only two counsel on each side shall be heard. When only one side of an appeal is argued, or when arguments are to be made on behalf of more than two parties, no more than one counsel per party shall be heard. For exception, see paragraph 28(j).

- (f) **Opening and Concluding; Rebuttal.**  
Appellant has the right to open and conclude the arguments.
- (g) **Courtroom Decorum.**  
(1) Counsel appearing for oral argument shall check in with the Clerk in the courtroom at 9:30 a.m. on the date of oral argument specifying who shall argue and for how long.  
(2) Talking, reading newspapers or other material, and audibly studying briefs and arranging papers are prohibited in the courtroom. The lawyers' lounge has been provided for this purpose.  
(3) All counsel appearing before the Court must be properly attired.
- (h) **Recording.**  
Oral argument shall be recorded only for the use and benefit of the Court.
- (i) **Oral Argument Open to the Public.**  
Counsel may move the Court to exclude the public for a good cause shown. Such motion shall be filed not later than 24 hours prior to oral argument. News media may be granted permission to photograph or videotape oral argument in accordance with the Court's standing order regarding media in the courtroom.
- (j) **Procedural Questions.**  
The Presiding Judge shall decide all questions or issues arising at oral argument.

**Rule 29. Hearing by Quorum.**  
Whenever a Division of the Court is on the bench for the purpose of hearing oral argument, and a quorum (two judges) is present, the Division shall proceed with the call of the docket.

## IX. APPLICATION FOR INTERLOCUTORY APPEALS

- Rule 30. Interlocutory Applications.**  
(a) An application for leave to appeal an interlocutory order shall be granted only when it appears from the documents submitted that:
- (1) The issue to be decided appears to be dispositive of the case; or
- (2) The order appears erroneous and will probably cause a substantial error at trial or will adversely affect the rights of the appealing party until entry of final judgment in which case the appeal will be expedited; or

- (3) The establishment of precedent is desirable.
- (b) Applications for interlocutory appeal shall contain a jurisdictional statement and have attached a stamped “filed” copy of the trial court's order to be appealed and a stamped “filed” copy of the certificate of immediate review. The trial court's order and certificate of immediate review must contain the signature of the trial court judge. Neither conformed signatures nor stamped signatures shall be permitted.
- (c) The Clerk is prohibited from receiving the application without the filing fee, a sufficient pauper’s affidavit, or a public defender’s appointment to represent the party on appeal. See OCGA §5-6-4. The filing fee shall be in the amount set out in Rule 5.
- (d) The applicant shall include a copy of any petition or motion which led directly to the order or judgment being appealed and a copy of any responses to the petition or motion with the application.
- (e) Applications for interlocutory appeals pursuant to OCGA § 5-6-34 (b) shall have copies of all submitted materials from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The materials must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and shall follow the general format of briefs as to margins.
- (f) No application for interlocutory appeal shall be filed under seal unless counsel has moved the Court for permission to file under seal and the Court has granted such motion.
- (g) No extension of time shall be granted for filing of interlocutory applications or responses to interlocutory applications.
- (h) Responses are due within 10 days of docketing. No response is required, unless ordered by the Court.
- (i) If an interlocutory application is granted, appellant must file a notice of appeal in the trial court within 10 days of the date of the order granting the application.
- (j) No pleadings will be accepted on an application for interlocutory appeal which are filed more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the motion for reconsideration filed on the application.

## X. APPLICATION FOR DISCRETIONARY APPEAL

### Rule 31.

#### **Discretionary Applications.**

- (a) An application for leave to appeal a final judgment in cases subject to appeal under OCGA § 5-6-35 shall be granted only when:
- (1) Reversible error appears to exist; or
  - (2) The establishment of a precedent is desirable.
- (b) The applicant shall include a copy of any petition or motion which led directly to the order or judgment being appealed and a copy of any responses to the petition or motion with the application.
- (c) Applications for discretionary appeal pursuant to OCGA § 5-6-35 shall have copies of all submitted material from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The material must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and should follow the general format of briefs as to margins.
- (d) The Clerk is prohibited from receiving the application without the filing fee, a sufficient pauper's affidavit, or a public defender's appointment to represent the party on appeal. See OCGA § 5-6-4. The filing fee shall be in the amount set out in Rule 5.
- (e) Discretionary applications must contain a stamped "filed" copy of the trial court's order or judgment from which the appeal is sought. The stamped "filed" copy of the trial court's order or judgment must contain the signature of the trial court judge. Neither conformed signatures nor stamped signatures are permitted.
- (f) No application for discretionary appeal shall be filed under seal unless counsel has moved the Court for permission to file under seal and the Court has granted such motion.
- (g) No extensions of time shall be granted in filing discretionary applications or responses to discretionary applications.
- (h) Responses are due within 10 days of docketing. No response is required, unless ordered by the Court.

- (i) If the discretionary application is granted, appellant must file a notice of appeal in the trial court within 10 days of the date of the order granting the application.
- (j) No pleadings will be accepted on an application for discretionary appeal which are filed more than 30 days after the date of the order granting, denying, or dismissing the application or the order granting, denying or dismissing the motion for reconsideration filed on the application.

## **XI. TIME FOR FILING APPLICATIONS**

### **Rule 32.**

#### **Time for Filing.**

- (a) An application for interlocutory appeal shall be filed in this Court within 10 days of the entry of the trial court's order granting the certificate for immediate review. Entry of the trial court's order shall be the date it is filed with the trial court clerk.
- (b) An application for discretionary appeal shall be filed in this Court generally within 30 days of the date of the entry of the trial court's order being appealed. Pursuant to OCGA § 44-7-56, a discretionary application involving a dispossessory action must be filed within 7 days of the entry of the trial court's order. Entry of the trial court's order shall be the date it is filed with the trial court clerk.
- (c) Applications to appeal interlocutory or discretionary orders of which the Supreme Court has jurisdiction shall be transferred to that Court.

## **XII. OPINIONS AND JUDGMENTS**

### **Rule 33.**

#### **Showing of Concurrence or Dissent.**

The judgment line on an opinion shall show on its face, the vote or non-participation of each judge.

- (a)

#### **Judgment as Precedent.**

If an appeal is decided by a Division, a judgment in which all three judges fully concur is a binding precedent; provided, however, an opinion is physical precedent only with respect to any Division of the opinion for which there is a concurrence in the judgment only or a special concurrence without a statement of agreement with all that is said. If the appeal is decided by a seven or twelve-judge Court, a full concurrence by a majority of judges is a binding precedent; provided, however, an opinion is physical precedent only with respect to any Division of the opinion for which there are concurrences in the judgment only or special concurrences without a statement of agreement with all that is said in the Division, resulting in a general concurrence by less than a majority of the judges with respect to the Division. The opinion of a case which is physical precedent shall be marked as such.

- (b) **Unreported Opinion.**  
An unreported opinion is neither a physical nor binding precedent but establishes the law of the case as provided by OCGA § 9-11-60 (h).

**Rule 34. Reporting of Opinions.**  
Opinions are reported except as otherwise designated by the Court. The official reports shall list the cases in which opinions were written but not officially reported and shall indicate the authors and participants in the opinions.

**Rule 35. Copies of Opinions.**  
As soon as practicable after judgment, the Clerk shall furnish, without charge, a copy of the opinion to counsel for each party and to the trial judge. Additional copies cost \$1.50 page.

**Rule 36. Affirmance without Opinion, When Rendered.**  
Cases in which:

- (1) The evidence supports the judgment;
- (2) No reversible error of law appears and an opinion would have no precedential value;
- (3) The judgment of the court below adequately explains the decision; and/or
- (4) The issues are controlled adversely to the appellant for the reasons and authority given in the appellee's brief may be affirmed without opinion. Rule 36 cases have no precedential value.

### **XIII. RECONSIDERATION**

**Rule 37. Motions for Reconsideration.**  
(a) **Physical Preparation.**  
Motions for reconsideration shall be prepared in accordance with Rule 24.

(b) **Time of Filing.**  
Motions for reconsideration shall be filed within 10 days from the rendition of the judgment or dismissal. Motions for reconsideration must be physically received in the Court for filing within 10 days of the order or judgment for which reconsideration is sought. See Rule 4 (b). No extension of time shall be granted except for providential cause on written motion made before the expiration of 10 days. No response to a motion for reconsideration is required, but any party wishing to respond must do so expeditiously.

- (c) **Time May Be Limited.**  
The Court may by special order in any case direct that the remittitur be transmitted to the clerk of the trial court immediately after the rendition of the decision and judgment, or at any other time, without awaiting the expiration of 10 days, and may by special order limit the time within which a motion for reconsideration may be filed to any period less than 10 days.
- (d) **Second Motion.**  
No party shall file a second motion for reconsideration unless permitted by order of the Court. The filing of a motion for permission to file a second motion for reconsideration does not toll the 10 days for filing a notice of intent to apply for certiorari with the Supreme Court of Georgia.
- (e) **Basis for Granting.**  
A reconsideration shall be granted on motion of the requesting party, only when it appears that the Court overlooked a material fact in the record, a statute or a decision which is controlling as authority and which would require a different judgment from that rendered, or has erroneously construed or misapplied a provision of law or a controlling authority.
- (f) **Opinion May Be Revised without Grant of Motion.**  
If, upon the consideration of a motion for reconsideration, the Court decides its judgment as rendered is correct, but that some revision of the opinion is appropriate, it may revise the opinion accordingly, without granting reconsideration.
- (g) **Voting on Motions, Effect.**  
A motion for reconsideration shall be voted on by the judges who voted on the original opinion. If there is a dissent on the motion for reconsideration on a three-judge case, the motion shall be voted on by seven judges, or should the Court deem it appropriate, 12 judges.
- (h) **No Oral Argument.**  
Oral argument is not permitted on a motion for reconsideration.

#### XIV. CERTIORARI

**Rule 38. Petition for Writ of Certiorari.**  
**(a) Supreme Court of Georgia.**

(1) Notice of intention to petition for a writ of certiorari shall be filed with the Clerk of this Court within 10 days after the judgment or, if motion for reconsideration is filed, within 10 days after the order ruling on reconsideration. Filing a motion for reconsideration is not a prerequisite for filing a petition for writ of certiorari.

(2) Petition for writ of certiorari to the Supreme Court of Georgia is governed by the rules of that Court. Notice of filing a petition for writ of certiorari shall be filed in this Court simultaneously with the filing of the petition in the Supreme Court.

**(b) Supreme Court of the United States.**

(1) Notice of intention to petition for writ of certiorari to the Supreme Court of the United States shall be filed with the Clerk of this Court within 20 days after denial of a petition for writ of certiorari by the Supreme Court of Georgia.

(2) Notice of filing a petition for a writ of certiorari shall be filed in this Court simultaneously with the filing of a petition in the Supreme Court of the United States.

## **XV. REMITTITUR**

**Rule 39. Transmittal.**

(a) Remittiturs shall be transmitted to the clerk of the trial court as soon as practicable after the expiration of 10 days from the date of the judgment unless otherwise ordered or unless a motion for reconsideration or notice of intention to apply to the Supreme Court of Georgia for writ of certiorari has been filed.

(b) Notice of intention to apply to the Supreme Court of the United States for writ of certiorari generally will not stay the remittitur.

## **XVI. SUPERSEDEAS**

**Rule 40. Supersedeas.**

**(a) Civil Cases.**

The notice of appeal filed as provided in OCGA §§ 5-6-34(a), 5-6-37, and 5-6-38 shall serve as supersedeas upon payment of all costs in the trial court by the appellant. See OCGA § 5-6-46. Upon motion by the appellee, made in the trial court before or after the appeal is docketed in the appellate court, the trial court may require supersedeas bond to be given with such surety and in such amount as the trial court may require. The filing of an application for discretionary appeal shall act as a supersedeas to the extent that a notice of appeal acts as a supersedeas. See OCGA § 5-6-35 (h).

**(b) Emergencies.**

In the exercise of its inherent power this Court may issue such orders or give such direction to the trial court as may be necessary to preserve jurisdiction of an appeal or to prevent the contested issue from becoming moot. This power shall be exercised sparingly. Generally, no order shall be made or direction given in an appeal until it has been docketed in this Court.

A Rule 40 (b) motion shall:

- (1) Contain an explanation why an order of this Court is necessary and why the action requested is time sensitive;
- (2) Contain a stamped "filed" copy of the order being appealed;
- (3) Contain a stamped "filed" copy of the notice of appeal, if such has been filed in the trial court;
- (4) Show that service has been perfected upon the opposing party before filing the motion with the Court; and
- (5) Be accompanied by a filing fee, a sufficient pauper's affidavit, or a form showing a public defender has been appointed to represent the party, unless the motion is filed in a pending case already docketed with the Court. The filing fee shall be in the amount set out in Rule 5.

## **XVII. MOTIONS AND RESPONSES**

### **Rule 41.**

#### **Preparation and Filing.**

##### **(a) Filing in Triplicate.**

Motions and responses to motions shall be filed as an original and two copies as set out in Rule 6. Motions, not letters, shall be filed whenever counsel wish the Court to take any action.

##### **(b) Form and Physical Preparation.**

All motions and responses to motions shall be filed as separate documents, and shall not be filed as joint, compound or alternative motions. No motions or responses to motions shall be filed in the body of briefs, applications, or responses to applications. Motions and responses shall be prepared in accordance with Rule 24. Parties may cite to the record, but shall not attach to the motion or response to a motion exhibits that are included in the trial court record. Failure to comply with this rule may result in non-consideration of such motions or responses.

##### **(c) Motion to Supplement the Record.**

In a motion to supplement the record, counsel shall describe the material to be supplemented; but shall not attach the supplemental materials to the motion filed with the Court unless directed to do so by the Court. If the motion is granted, the Clerk of Court will obtain the supplemental record from the trial court clerk.

##### **(d) Motion to Dismiss.**

Notice of a motion to dismiss and of the grounds thereof shall be given in writing to counsel for the appellant by service made and shown as required in Rule 6. If such

notice cannot be given, the motion shall be entertained and the Court in its discretion shall give such direction as may seem proper. Whenever it appears that the Court has no jurisdiction of a pending appeal, it shall be dismissed or transferred to the Supreme Court, as the facts and/or law require.

(e) **Response Time to Motions.**

Responses to motions shall be made as soon as possible since the Court generally acts on motions quickly. There is no 10 day rule for time to respond to motions.

(f) **Reconsideration.**

See Rule 37.

(g) **Motion to Withdraw Appeal.**

(1) Whenever appellant decides not to pursue an appeal, such party shall promptly file a motion for permission to withdraw the appeal.

(2) In a criminal case, unless the state is the appellant, the motion shall include an affidavit from the defendant agreeing to the withdrawal of the appeal. Should the defendant refuse to provide such affidavit, that fact shall be made known to the Court and the grounds for the withdrawal of the appeal shall be stated in the motion.

## **XVIII. OFFICE PAPERS**

**Rule 42.**

**Access and Retention of Office Papers.**

(a)

Papers shall not be taken from the Clerk's office without leave of Court. When leave is granted, the party receiving the paper shall receipt the Clerk therefore. The Clerk may deliver records to the Clerk of the Supreme Court.

(b)

One year after the remittitur has issued, the party paying for the record and transcript may claim them. Otherwise, all records, record appendices and transcripts shall be recycled, unless the parties notify the Clerk, in writing, that the record should be maintained, and the reason therefore.

(c)

If the parties anticipate that the case will return to the Court or be appealed to the United States Supreme Court, the parties must notify the Clerk, in writing, to hold the record.

## **XIX. PARTIES**

### **Rule 43.**

#### **Parties, How Made.**

**(a)**

#### **Suggestion of Death of Party.**

The death of a party in a pending appeal may be suggested by counsel for either side at any time.

**(b)**

#### **Legal Representative May Volunteer.**

The legal representative of the deceased party may voluntarily become a party to the appeal at any time.

**(c)**

#### **Temporary Administrator.**

A temporary administrator is regarded as a competent party.

**(d)**

#### **Substituted Party.**

Whenever a party is substituted, counsel for the substituting party shall notify the Clerk and opposing counsel of such substitution.

## XX. DISQUALIFICATIONS AND RECUSALS

### Rule 44. Disqualifications and Recusals.

- (a) Any motion to disqualify or recuse a judge in a particular case shall be filed in writing, and shall contain such evidence and affidavits which shall fully assert the facts upon which the motion is founded. Such motion shall be filed within 20 days of the date of docketing, unless good cause is shown for failure to meet such time requirements.
- (b) The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances which demonstrate either bias in favor of any adverse party or prejudice against the moving party or a systematic pattern of prejudicial conduct. Allegations consisting of conclusions and opinions are not legally sufficient to support the motion or warrant further proceedings.
- (c) The determination of the motion to disqualify or recuse shall be made upon the written record, and no hearing or oral argument shall be permitted.
- (d) A motion to disqualify or recuse shall be decided by the remaining two judges on the Division and the presiding judge of the next Division. A judge may, however, voluntarily disqualify himself or herself prior to the matter being decided by the other judges. The criteria for disqualification are set forth in statutory law, case law and the Code of Judicial Conduct.
- (e) If the three judges designated to determine a motion to disqualify or recuse a judge do not agree on the decision, the matter shall be decided by a majority of the other judges on the Court not named in the motion to disqualify or recuse.
- (f) Any motion for disqualification or recusal of multiple judges in which the above process will be unsuitable will be dealt with by the Court as required in a particular situation.

Rule Amended June 15, 2011

## XXI. EXPEDITED APPEALS UNDER THE PARENTAL NOTIFICATION ACT

### Rule 45.

#### Parental Notification Act.

- (a) This rule is adopted under the authority of the Georgia Constitution, Article VI, § I, Para. IV (1983); OCGA §§ 15-1-5 and 15-11-114 (e) to provide for the expedited consideration of appeals under the "Parental Notification Act." (OCGA § 15-11-100 et seq.)
- (b) Any minor to whom a juvenile court has denied a waiver of notice under OCGA § 15-11-114 (d) may obtain an expedited appeal to this Court. For the purpose of this rule, in computing time, Saturdays, Sundays and holidays shall be included. Rule 3 shall govern in the event an expiration date falls on such a date.
- (c) A minor seeking an expedited appeal shall file a notice of appeal and a certified copy of the order denying waiver of notice with the Clerk of this Court. A copy of the notice of appeal shall also be filed with the juvenile court. The name, address and telephone number of the Guardian Ad Litem and any Counsel of Record shall be included with the notice of appeal. Upon receipt of the notice of appeal, this Court shall issue an order to the juvenile court directing that the record and transcript of the hearing be transmitted to and received by this Court within 5 days from the date of filing the notice of appeal with this Court. An enumeration of error shall be filed within the time period for the filing of the record. If a brief is desired, it shall also be filed within the time period for the filing of the record. No filing fee is required.
- (d) The record of the juvenile court shall be certified by the clerk of the juvenile court and transmitted to this Court under seal.
- (e) The Clerk shall assign the appeal to a Division of this Court, which shall take the matter under consideration and shall issue its decision within 5 days of receipt of the record.
- (f) In order to expedite further appellate review, a motion for reconsideration shall not be required. However, if the decision of this Court affirms the judgment of the juvenile court, the minor may file a motion for reconsideration and the same shall be governed by Rule 37, except that such a motion shall be filed within 5 days from the date of the decision of this Court and may be filed out of term. Any motion for reconsideration shall be decided by the Court within 5 days of filing thereof.
- (g) If the decision of this Court reverses the judgment of the juvenile court, the remittitur shall be forwarded to the clerk of the juvenile court immediately after the rendition of the decision. If the decision of this Court affirms the judgment of the juvenile court, the remittitur shall be transmitted to the clerk of the juvenile court as soon as practicable after the expiration of 5 days from the date of the judgment unless otherwise ordered or unless a motion for reconsideration or notice of intention to apply to the Supreme Court for writ of certiorari has been filed.

- (h) Upon good cause shown, the Court shall enter such orders as shall further expedite the processing of these cases.
- (i) In order to invoke the foregoing special procedures, the notice of appeal must be filed within 5 days of receipt by the minor of the juvenile court's order.
- (j) All pleadings, briefs, orders, transcripts, exhibits and any other written or recorded material that are part of the record shall be considered and treated by the Court as confidential. Upon conclusion of the appellate proceedings, the record shall be sealed, and the contents of the record shall not be disclosed, except upon order of this Court or the Supreme Court of Georgia.

## **XXII. ELECTRONIC FILING OF DOCUMENTS**

### **Rule 46.**

#### **Electronic Filing.**

Counsel shall be permitted to file documents with the Court by using the Court's electronic filing system. Counsel must agree to the terms of use and comply with the instructions of the Court's e-filing system. Counsel must also comply with all Rules of the Court except as modified by the electronic filing system terms of use or instructions.

## Holly Sparrow - Draft Banc Agenda for September 19, 2012

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**From:** Holly Sparrow  
**To:** Janey Tallent  
**Date:** 9/10/2012 2:52 PM  
**Subject:** Draft Banc Agenda for September 19, 2012  
**Attachments:** Draft Agenda Banc Meeting 9-19-2012.wpd

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Dear Judge Ellington:

Please find a draft agenda for your consideration for the banc meeting scheduled for September 19, 2012. Please let me know if you have any other items to include on the agenda or want to take any off. Of course, the budget information will be the meat of the meeting.

Under policy issues are:

1. A change to Rule 24. This arises from a request from some bar members who want the Court to exclude tables of contents, tables of citations, appendices and certificates of service from the briefs, motions, responses, and application page counts.

The Supreme Court has modified that Court's rule at the request of these bar members. Under this agenda items, we will discuss whether to make the same or a similar change to our Rule.

2. Now that the Court has had e-filing for almost two years, I would like to have the banc discuss whether it is interested in moving to mandatory e-filing within the next year or so. There needs to be research on this issue and planning before we actually make that step so we can make sure that we would be prepared for all contingencies. But I am just trying to determine if there is enough consensus to do that work and research.

The announcement about Peoplesoft is just to let the judges know they will be affected by our change to Peoplesoft Accounting November 5, 2012 in that travel reimbursements will require overnight processing and will be made by electronically to their accounts rather than by check.