

STATISTICS BASED ON CALENDAR YEAR ~~1988~~ PLUS 40% INCREASE FOR ~~1989~~.

Average number of cases docketed per year per panel: 1411
Average number of dispositions per panel: 1246
Average number of dispositions per judge: 415
Total opinions per panel: 798
Total opinions per judge: 297

STATISTICS BASED ON CALENDAR YEAR 1988:

Average number of cases (matters) docketed per year per panel: 1008
Average number of dispositions per panel: ~~1246~~ 889
Average number of dispositions per judge: 297
Total opinions per panel: ~~798~~ 595
Total opinions per judge: 192

corrected totals
(calculator malfunction)
DUC

CORRECTED STATISTICS (8/4/89)

STATISTICS ON CALENDAR YEAR 1988

		<u>[1989]</u>
Average number of cases docketed per year per panel:	1008	[1411]
	per judge: 336	[471]
Average number of dispositions per panel:	890	[1245]
	per judge: 297	[415]
Average number of opinions per panel:	575	[805]
Average number of opinions per judge:	192	[267]

STATISTICS ON CALENDAR YEAR 1989 (projected with 40% increase):

Projected number of cases docketed per year per panel:	1411
	per judge: 471
Projected number of dispositions per panel:	1245
	per judge: 415
Projected number of opinions per panel:	805
	per judge: 267



Court of Appeals

Memorandum

To: Chief Judge Carley
From: Sheila Collins *sc*
Subject: Caseload Update
Date: February, 15, 1989

At the close of the docket for the ~~April, 1988~~ call (on February 15, 1988) there were 85 cases docketed per Judge.

At the close of the docket for the May, 1988 call (on March 15, 1988) there were 106 cases docketed per Judge.

The middle of the June, 1988 call there were 117 cases docketed per Judge.

At the close of the docket for the April, 1989 call (on February 15, 1989) there are 117 docketed per Judge.

COURT OF APPEALS

Following approval of a constitutional amendment in 1906, the Court of Appeals was created in 1907 to alleviate some of the considerable caseload burden from the Supreme Court. Recent studies have shown that this court has become one of the busiest appellate courts in the United States.

The Court of Appeals retains statewide appellate jurisdiction from superior, state and juvenile courts in all cases where exclusive jurisdiction is not reserved to the Supreme Court. Such cases include civil claims for damages, child custody cases, cases involving workers' compensation and criminal cases other than capital felonies. The court may also certify legal questions to the Supreme Court, but certification is rarely used.

The court consists of nine judges who serve on three panels of three judges each. Under the court's rules, the position of chief judge is filled by election for a two-year term, usually upon the basis of seniority of tenure on the court. The chief judge is responsible for the administration of the court and together with the presiding judges forms the executive council. The chief judge appoints the three presiding judges who head each panel. All other judges rotate annually among the three panels.

Any decision rendered by a panel is final unless a single judge dissents, whereupon the case is considered by all nine judges. If, after the full court hears a case, the judges are equally divided as to the verdict, the case is transferred to the Supreme Court.

The judges of the Court of Appeals are elected to staggered, six-year terms in statewide, nonpartisan

elections. A candidate for judgeship must have been a practicing attorney for at least seven years prior to assuming office. In the event of a vacancy on the court during a judge's term, the governor appoints a successor to complete the unexpired term.

The court has three annual terms, which begin in September, January and April and holds court in Atlanta. The constitution provides that all cases shall be decided no later than the term following the term to which a case is docketed (the "two term" rule) or the case shall be affirmed by operation of law. In the history of the Court of Appeals, no case has been affirmed by operation of law.

Effective Oct. 1, 1989, pursuant to an act of the General Assembly, the Court of Appeals adopted Rule 52 providing for a voluntary Settlement Conference procedure in civil cases after a notice of appeal is filed in the trial court. The procedure is intended to afford a realistic consideration of the possibility of settlement or simplification of the issues of a case prior to the docketing of the appeal in the Court of Appeals. The court has appointed a Settlement Conference chief judge and a Settlement Conference clerk in Atlanta and Settlement Conference judges throughout the state who consider those cases in which the parties have elected to proceed under Rule 52.

Court of Appeals filings and dispositions for calendar years 1988 and 1989 are compared in the table below.

Court of Appeals Caseload: 1988 and 1989		
Filed	1988	1989
Appeals	2,306	2,361
Discretionary applications	356	408
Interlocutory applications	361	401
Total	3,023	3,170
Disposed		
By opinion	1,724	1,359
By order	262	494
Discretionary applications	337	395
Interlocutory applications	346	382
Total	2,669	2,630

1988 Statistical Update:

TOTAL APPEALS DOCKETED 1988: 2306 (11% increase over 1987)

TOTAL DISCRETIONARIES 1988: 356 (12% increase)

TOTAL INTERLOCUTORIES: 361 (11% increase)

TOTAL DECIDED: 2669 (APPEALS, DISCRETIONARIES, INTERLOCUTORIES)

BY OPINION: 1724 DISCRETIONARIES: 337

BY ORDER: 262 INTERLOCUTORIES: 346

THROUGH 6/5/89: (1/1/88 through 6/5/89)

DOCKETED APPEALS: 3007

DECIDED: 2512

DISCRETIONARIES: DOCKETED: 543
(oops)

DECIDED: 525

INTERLOCUTORIES: DOCKETED: 526

DECIDED: 495

ADDENDUM

TOTAL CASES DOCKETED JANUARY 1, 1988 through JUNE 1, 1988: 778

TOTAL CASES DOCKETED JANUARY 1, 1989 through JUNE 1, 1989: 978



Court of Appeals

Memorandum

To: Judge Carley
From: Victoria McLaughlin, Clerk *VMC/sc*
Subject: Whole Court Cases for ~~1988~~ 1988
Date: December 29, 1988

The total number of Whole Court Cases decided in 1988 in the Court of Appeals is 169.

Attached is a list of the Case Numbers decided by Whole Court in 1988.

VMC/sc



Court of Appeals

Memorandum

To: Judge Birdsong
From: V. McLaughlin
Subject: 1988 Statistics
Date: November 13, 1989

1988 REVERSALS

Pursuant to your request this is to advise you that in 1988 this Court docketed 2306 appeals. 587 cases were reversed in whole or in part. To summarize, 25% of the appeals docketed in this Court in 1988 were reversed in whole or in part.



Court of Appeals

Memorandum

To: Chief Judge Birdsong

From: V. McLaughlin

Subject: 1988 Statistical Information

Date: October 4, 1988

Tom Chaffin of the Fulton Daily Report asked that I supply him with 1988 statistical information to incorporate into his article he is writing pursuant to your interview tomorrow morning.

Total Number of Appeals docketed 1988 to date: 1,762

Total Number Applications: 527

Total Matters: 2289

[1987: Total appeals: 2071; Total Matters: 2804)

Total Dispositions by Opinion in 1988 to date: 1407

Total Dispositions by Order in 1988 to date: 232

Total Dispositions 1988 (to date) 1239

(This disposition total is tied to appeals only. All applications are disposed of within 25 days.)

If you need further information or if I can be of further help, please call me.



Court of Appeals

Memorandum

To: Judge Carley
From: V. McLaughlin
Subject: 1988 Statistics (Interim)
Date: June 8, 1988

For your information the total number of appeals docketed from January 1, 1988 to June 3, 1988 is 889.

The total number of discretionary applications docketed during the same time period is 150.

The total number of interlocutory applications docketed during the same time period is 154.

Charles Webb of the Supreme Court has requested this information for a speech (I suppose the State of Judiciary) Justice Marshall will be making. I will, with your permission, provide him these figures and the 1987 calendar year figures.

TOTAL MATTERS DOCKETED 1/1/88 through 6/3/88: 1,193

*OK
JHE
6/8/88*

Court of Appeals

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practicing attorney for at least seven years prior to assuming office. In the event of a vacancy on the court during a judge's term, the governor appoints a successor to complete the unexpired term.

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Court of Appeals filings and dispositions for calendar years 1987 and 1988 are compared in the table below.

Court of Appeals Caseload: 1987 and 1988 (Docket entries)

Filed	1987	1988	Disposed		
			1987	1988	
Appeals	2,071	2,306	By opinion	1,667	1,724
Discretionary applications	342	356	By order	294	262
Interlocutory applications	391	361	Discretionary applications	377	337
			Interlocutory applications	324	346
Total	2,804	3,023	Total	2,662	2,669



Court of Appeals

Memorandum

To: Judge Carley

From: V. McLaughlin

Subject: Number of Whole Court Cases, ~~1987, 1988~~ to date

Date: August 25, 1988

Pursuant to your request, please be advised that in 1987 126 Whole Court cases were decided by this Court. In 1988 as of the end of the April Term, 110 Whole Court cases were decided.



Court of Appeals

Memorandum

To: Judge Carley

From: V. McLaughlin

Subject: 1987 Caseload

Date: July 15, 1987

1,840 appeals have been docketed to date in 1987. This total represents an average of 206 cases per judge through September, 1987.

1,673 cases were docketed in 1986 through September which represented an average of 187 cases per judge.

We are 167 cases ahead of last year for the same docketing period which represents 19 cases per judge more than last year through September.

(Interlocutory and discretionary applications are not included in these figures.)



Court of Appeals

Memorandum

To: Judge Pope
From: Clerk's Office
Subject: Revised Status of Criminal Cases in 1986
Date: October 21, 1987

Georgia Court of Appeals

Criminal Cases 1986

Total
839

Affirmed
643

Affirmed and Reversed
31

Reversed as the State (Appellant)
7

Remanded and Reversed
2

Remanded
10

Dismissed
46

Transferred to Supreme Court
19

Affirmed Reversed Remanded
2

Withdrawn
29

MEMORANDUM

To: Judge Beasley
From: V. McLaughlin
Re: STATISTICS

A comparison of the total number of appeals docketed in the Court of Appeals of Georgia during the calendar years ~~1985 and 1986~~ illustrates an increase of 27.1% in calendar year 1986. The total number of all matters docketed (including appeals and applications for permission to appeal) increased 27 1/4% in 1986 compared to 1985.

For the period from January 1, 1987 through September 15, 1987, the caseload indicates a 6.5% increase in the number of appeals docketed as compared to the same calendar period in 1986.

cc: Judge Carley

ENCs.: STATISTICAL REPORT
CASELOAD COMPARISON (1984)

Caseload Comparison per NCSC June 1986
Publication of 1984 Statistics

<u>STATE</u>	<u>MANDATORY AND DISCRETIONARY APPEALS FILED</u>	<u>CASE PER JUDGE</u>
Georgia	2776	308
Arizona	2803	187
Kentucky	2804	200
Louisiana	5712	119
Michigan	6552	364
Washington	3129	261

1984- same year we docketed 2,776 matters equals 308 per judge (including appeals and applications).

Only 5 states with larger caseload.

Only Michigan assigned more cases per judge (to more than twice our caseload for 1984). However, the Georgia Court of Appeals disposed of the same number of cases in 1984 (equals 266.) (They have more cases but render the same number of decisions).

cc: Judge Carley

NCSC REPORT PP. 26 and 37

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cc: Judge Carley

NCSC Report pp. 26 and 37

1985 - 821 criminal
1986 - 5774 criminal
to date 10/21/86

A REPORT ON THE CASELOAD
OF THE
COURT OF APPEALS OF GEORGIA
1983 AND 1984

JUDITH A. KLEMPERER

June 1985

COURT OF APPEALS OF GEORGIA

Harold R. Banke, Chief Judge

Braswell D. Deen, Jr., Presiding Judge

William LeRoy McMurray, Jr., Presiding Judge

A. W. Birdsong, Jr., Presiding Judge

George H. Carley, Judge

John W. Sognier, Judge

Marion T. Pope, Jr., Judge

Robert Benham, Judge

Dorothy Toth Beasley, Judge

Alton Hawk, Clerk

Wm. Scott Henwood, Reporter

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Introduction

This report presents a statistical description and examination of the number of cases processed by the Court of Appeals of Georgia for a two-year period and how these cases were disposed. The report includes an examination of all litigation matters, including general appeals and requests to appeal (discretionary and interlocutory applications), that were filed in and decided by the Court of Appeals from January 1, 1983 through December 31, 1984.

The data that is presented on general appeals case filings and dispositions were collected from Volumes 63 through 70 of the General Docket of the Court of Appeals. Information on the number of discretionary applications and interlocutory applications that were filed and reviewed by the court was obtained from the 1983 and 1984 application records. The 1983 and 1984 figures on the number of judgments affirmed without opinion (Rule 36 affirmances) were compiled from Volumes 169 through 173 of the Georgia Appeals Reports.

The caseload of the Court of Appeals is examined in three sections of the report. Each section provides a different perspective that enables a detailed study of how cases were disposed. Commentary is provided generally on the increase or decrease that is observed to have occurred in certain categories and some comparisons are made. The total case filings and dispositions for 1983 and 1984 are summarized and compared in the first section. Table 2 focuses on the disposition of general appeals only and Table 3 details the disposition of discretionary applications and interlocutory applications. In the second section, Table 4 identifies the types of civil and criminal cases that were disposed of by written opinion. Table 5 provides the actual cases in which lower court judgments were affirmed without a written opinion or Rule 36 affirmances and the frequency with which these judgments occurred. The final section, Section III, presents in Table 6 the affirmance and reversal percentages for general appeals that were disposed of by written opinion. Additionally, Tables 7 and 8 isolate the affirmance and reversal rates for civil appeals and criminal appeals.

I. Total Cases Processed and Disposed

A. Caseload Comparison - 1983 and 1984

Table 1 displays the total number of cases that were filed and disposed of by the Court of Appeals in 1983 and 1984. The court processed and disposed of over 2600 cases in each year. This summary figure consists of over 2000 general appeals that were filed and disposed of in 1983 and 1984. Also, there were over 600 requests to appeal (discretionary and interlocutory applications) that were filed in both 1983 and 1984. Furthermore, about 550 requests to appeal were disposed of in 1983 and over 600 requests to appeal were disposed of in 1984.

A comparison of the "Total Filings" columns shown in Table 1 indicates that there were 34 more cases filed in 1983 (2727) than there were in 1984 (2693). The one exception to the 1983 filings outnumbering those in 1984 is observed in the category "Requests to appeal." In 1984 there were a greater number of discretionary applications filed with the court, an increase of 49 applications.

Regarding the total number of cases that were disposed of by the court, there was a slight increase of 53 cases in 1984. The number of cases disposed rose from a total of 2667 dispositions in 1983 to 2720 in 1984. A comparison between the 1983 and 1984 total dispositions indicates that in 1984 the number of general appeals disposed of decreased by 25 cases and the number of requests to appeal increased by 78 applications. Seemingly, the increase in dispositions of discretionary applications in 1984, from 230 to 311, is explained by the increase in the number of discretionary applications that were filed within the same time period.

A commonly used assessment of a court's capacity to manage its caseload is to compare the total number of cases filed with the total number of cases disposed during the same time period. When the number of cases disposed of is at the same level or is greater than the number of cases filed, it is maintained that a court is current or that it is adequately keeping pace with its workload. In 1983 the

TABLE 1

Total Filings and Dispositions
January 1, 1983 to December 31, 1984

	<u>Cases Filed</u>		<u>Cases Disposed</u>		<u>End Pending</u>
	<u>1983</u>	<u>1984</u>	<u>1983</u>	<u>1984</u>	
General appeals	<u>2126</u>	<u>2070</u>	<u>2116</u>	<u>2091</u>	<u>169</u>
Total	<u>2126</u>	<u>2070</u>	<u>2116</u>	<u>2091</u>	<u>169</u>
Requests to appeal:			1975	1978	
Discretionary applics.	258	307	230	311	
Interlocutory applics.	<u>343</u>	<u>316</u>	<u>321</u>	<u>318</u>	
	<u>601</u>	<u>623</u>	<u>551</u> ✓	<u>629</u> ✓	
Total cases	<u>2727</u>	<u>2693</u> ¹	<u>2667</u>	<u>2720</u> ¹	<u>169</u> ²

2557

1. Each docket entry in the General Docket of the Court of Appeals for cases filed and disposed of in 1983 and 1984 was counted as one case. Also, each discretionary and interlocutory application recorded as filed and disposed of was counted as one case.

2. The number of cases filed in 1984 and still pending judgment in 1985 were totaled on May 13, 1985.

court disposed of a total of 2667 cases, 60 cases less than the total number of cases filed (2727). Comparatively, there were 27 more cases disposed of than there were cases filed in 1984; a total of 2693 cases were filed and 2720 cases were disposed of.

The column titled "End Pending" in Table 1 identifies the number of general appeals that were filed in 1984 that were still awaiting judgment as of May 13, 1985. A total of 169 cases were determined as still pending. According to the Clerk of Court's scheduling procedure, any cases that were filed after the 15th of December 1984 would be calendared for the January 1985 term. Under the provisions of the two-term limitation constitutionally imposed on the court to render judgment in a case following oral argument, those cases calendared in the January 1985 term would be disposed of by mid-July 1985.

B. Use of Written Opinions and Other
Summary Disposition Methods

The extent to which the Court of Appeals relied on written opinions and other summary disposition methods to dispose of general appeals filed in 1983 and 1984 is shown in Table 2. The court issued a total of 1673 written opinions in 1983 and a total of 1606 opinions in 1984, a decrease of 67 opinions. Of the different types of disposition methods that are identified in Table 2, written opinions accounted for 85% of the dispositions in 1983 and 83% in 1984.

A review of the other methods of disposition of cases that were exercised by the court and/or parties indicates that there were a large number of general appeals that were withdrawn in both 1983 (146;7%) and 1984 (148;8%). A second category with a large proportion of dispositions includes general appeals that were transferred to the state Supreme Court. This occurred at a rate of 80 cases in 1983 and 86 cases in 1984. A subsequent category, titled "Affirmed Without Opinion" or Rule 36 affirmances, shows a decline in frequency between 1983 and 1984. There were a total of 34 cases affirmed by Rule 36 in 1983 as opposed to a total of 22 in 1984, a decrease of 12. In Section II that

TABLE 2

Method of Disposition - All General Appeals
1983 and 1984

<u>DISPOSITION METHOD</u>	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>OPINION DISPOSITION</u>		
Opinions written	<u>1673</u>	<u>1606</u>
Total	1673 (85%)	1606 (83%) ¹
<u>OTHER SUMMARY DISPOSITION</u>		
Affirmed without opinion (Rule 36)	34 (2%)	22 (1%) ²
Transferred to Supreme Court	80 (4%)	86 (4%)
Dismissed - order	15 (0.75%)	40 (2%)
- Rule 27(a), 14	15 (0.75%)	22 (1%)
Withdrawn	146 (7%)	148 (8%)
Remanded to lower court	3 (0.15%)	3 (0.15%)
Stricken from docket and returned to lower court	3 (0.15%)	-0-
Granted	2 (0.1%)	-0-
Denied	<u>4 (0.2%)</u>	<u>1 (0.05%)</u>
Total	302 (15%)	326 (16%)
Total dispositions	<u>1975 (100%)</u>	1983 (99%)*

1924

* Less than 100% due to rounding.

1. Companion cases and main and cross appeal cases that were disposed of in 1983 and 1984 by the same opinion were counted as one written opinion.

2. The number of judgments affirmed without written opinion (Rule 36) was obtained from Volumes 169 through 173 of the Georgia Appeals Reports.

follows, the types of cases that the court affirmed without opinion in 1983 and 1984 are itemized in Table 5.

Another observable change between the disposition methods enumerated in Table 2 is that the number of general appeals dismissed by order of the court rose from 15 (0.75%) in 1983 to 40 (2%) in 1984. The category titled "Dismissed - Rule 27(a), 14" denotes the number of cases that were dismissed by the court because of the failure of a party to comply with the court's filing deadlines or other procedural default.

Table 3 details the disposition of discretionary applications and interlocutory applications. The apparent increase in the number of discretionary applications disposed of in 1984, noted previously on page 1, is due to an amendment to OCGA § 5-6-35. The amendment, effective July 1, 1984, directs that certain designated cases must follow the discretionary appeals procedure instead of the general appeals procedure.

A review of the disposition rates in Table 3 indicates that over 60% of the discretionary applications were denied in both years (62% in 1983; 66% in 1984). The actual number of discretionary applications that were denied increased from 143 to 204 (61;43%) in 1984 and, correspondingly, the percentage denied increased from 62% to 66%. The next largest category includes applications that were granted. A total of 71 or 31% were granted in 1983 and 91 or 29% were granted in 1984.

Similar to the percentage of discretionary applications that were denied by the court, over 60% of the interlocutory applications were denied. In 1983 a total of 321 applications were disposed of and of these 212 (66%) were denied and 90 (28%) were granted. Of the total 318 interlocutory applications that were disposed of in 1984, 219 (69%) were denied and 76 (24%) were granted.

The total number of discretionary and interlocutory applications that were disposed of increased from a total 551 dispositions in 1983 to 629 in 1984. This overall increase (78;14%) reflects the impact of the 1984 amendment

that diverted cases that were filed previously as general appeals to the discretionary appeals procedure.

TABLE 3

Disposition of Discretionary and
Interlocutory Applications, 1983 and 1984

<u>DISPOSITION METHOD</u>	<u>1983 (%)</u>	<u>1984 (%)</u>
Requests to appeal:		
<u>Discretionary applications</u>		
Granted	71 (31%)	91 (29%)
Denied	143 (62%)	204 (66%)
Transferred to Supreme Court	9 (4%)	7 (2%)
Transferred to interlocutory applications	6 (2%)	2 (0.7%)
Dismissed	1 (0.4%)	6 (2%)
Withdrawn	<u>-0-</u>	<u>1 (0.3%)</u>
Total dispositions	230 (99%)*	311 (100%)
<u>Interlocutory applications</u>		
Granted	90 (28%)	76 (23%)
Denied	212 (66%)	219 (69%)
Transferred to Supreme Court	3 (0.9%)	8 (3%)
Transferred to discretionary applications	3 (0.9%)	1 (0.3%)
Dismissed	12 (4%)	10 (3%)
Withdrawn	<u>1 (0.3%)</u>	<u>4 (1%)</u>
Total dispositions	321 (100%)	318 (99%)
Total requests to appeal disposed	<u>551</u>	<u>629</u>

* Less than 100% due to rounding.

II. Jurisdictional Basis of Cases Decided

The Court of Appeals is invested with broad jurisdiction over matters that are litigated in the lower courts of Georgia and subsequently appealed, with the exception of matters that are the exclusive jurisdiction of the Georgia Supreme Court. The listing provided in Table 4 of the civil and criminal appeals that were disposed by written opinion in 1983 and 1984 illustrates the range of diverse matters considered by the court.

The listing of cases that were disposed of by written opinion in Table 4 is not comprehensive for either 1983 or 1984. Because of the court's extensive jurisdiction it was thought unnecessary to prepare an all-inclusive list. The total number of opinions given in Table 4 (1475; 1375), however, represents over 85% of the actual opinions that were completed by the court in both 1983 and 1984.

The civil and criminal case categories that are itemized in Table 4 are ranked by the cases disposed of by the greatest number of opinions to the lowest number, based on the total number of opinions per case category in 1984. In 1983 and 1984, the action for damages appeals ranked first with the number of opinions accounting for 219 dispositions in 1983 and 246 dispositions in 1984. Secondary rankings of the number of opinions per case category include appeals relating to contract, drug violation, burglary, and insurance actions. The percentage of written opinions per case category drops quickly to below one percent (1%); for example, suits involving leases that were appealed ranked 25th and the number of opinions totaled 13 in 1984, but this category is attributed with less than 1% of the total opinions surveyed.

Appendix A provides additional information on the judgments that were rendered by opinion in the case categories presented in Table 4 and, if applicable, the other summary disposition methods used.

TABLE 4

Jurisdictional Basis of Selected
Cases In Which Opinions Were Written
1983 and 1984

<u>CASE TYPE</u>	<u>TOTAL OPINIONS</u>	
	<u>1983 (%)</u>	<u>1984 (%)</u>
Action for Damages	219 (15%)	246 (18%)
Contract	103 (7%)	114 (8%)
Drug Violation	112 (8%)	93 (7%)
Burglary	121 (8%)	74 (5%)
Insurance	84 (6%)	72 (5%)
Armed Robbery	94 (6%)	66 (5%)
Theft	46 (3%)	54 (4%)
Debt	49 (3%)	49 (4%)
Aggravated Assault	42 (3%)	44 (3%)
Rape	33 (2%)	39 (3%)
Worker's Compensation	25 (2%)	35 (3%)
Negligence	55 (4%)	35 (3%)
Promissory Note	46 (3%)	32 (2%)
DUI	22 (1%)	25 (2%)
Child Molestation	19 (1%)	25 (2%)
Voluntary Manslaughter	26 (2%)	25 (2%)
Garnishment	19 (1%)	23 (2%)
Condemnation	28 (2%)	23 (1%)
Child Custody	14 (0.9%)	17 (1%)
Robbery	15 (1%)	16 (1%)
Tenant Holding Over	22 (1%)	15 (1%)
Motion to Suppress Evidence	5 (0.3%)	15 (1%)
Suit on Account	19 (1%)	14 (1%)
Suit on Deed	4 (0.3%)	14 (1%)
Suit on Lease	16 (1%)	13 (0.9%)
Simple Battery	5 (0.3%)	12 (0.9%)
Probation Revocation	37 (3%)	11 (0.8%)
Vehicular Homicide	7 (0.5%)	10 (0.7%)
Libel	3 (0.2%)	10 (0.7%)
Aggravated Sodomy	8 (0.5%)	10 (0.7%)
Kidnapping	14 (0.9%)	8 (0.6%)
Forgery	7 (0.5%)	8 (0.6%)
Child Support	2 (0.1%)	8 (0.6%)
Shoplifting	3 (0.2%)	6 (0.4%)
Title to Land	9 (0.6%)	6 (0.4%)
Foreclosure	4 (0.3%)	6 (0.4%)
Agreement	-0-	6 (0.4%)
Arson	9 (0.6%)	5 (0.4%)
Habitual Violator	5 (0.3%)	5 (0.4%)
Mutiny (Penal Institute)	1 (0.7%)	5 (0.4%)
Fraud	13 (0.9%)	5 (0.4%)
Taxes	6 (0.4%)	5 (0.4%)
Traffic Violation	5 (0.3%)	4 (0.3%)
Aggravated Battery	1 (0.7%)	4 (0.3%)

Table 4 (cont'd)

Criminal Trespass	2 (0.1%)	4 (0.3%)
Termination of Parental Rights	6 (0.4%)	4 (0.3%)
Slander	4 (0.3%)	4 (0.3%)
Civil Trespass	1 (0.07%)	4 (0.3%)
Estate	-0-	4 (0.3%)
Involuntary Manslaughter	3 (0.2%)	3 (0.2%)
Escape	6 (0.4%)	3 (0.2%)
Criminal Contempt	3	3 (0.2%)
Civil Contempt	7 (0.5%)	3 (0.2%)
Adoption	9 (0.6%)	3 (0.2%)
Malpractice (Legal and Medical)	15 (1%)	3 (0.2%)
Will Dispute	2 (0.1%)	3 (0.2%)
Injunction	1 (0.7%)	3 (0.2%)
Terroristic Threats	1 (0.7%)	3 (0.2%)
Cruelty to Children	4 (0.3%)	2 (0.1%)
Incest	2 (0.1%)	2 (0.1%)
Bond Denial	1 (0.07%)	2 (0.1%)
Declaratory Judgment	8 (0.5%)	2 (0.1%)
Summary Judgment	1 (0.07%)	2 (0.1%)
Administrative Appeal	12 (0.8%)	2 (0.1%)
Guardianship	-0-	2 (0.1%)
Commitment	-0-	2 (0.1%)
Abandonment of Child	1 (0.07%)	1 (0.07%)
Child Abuse	1 (0.07%)	1 (0.07%)
Writ of Mandamus	-0-	1 (0.07%)
Zoning	3 (0.2%)	1 (0.07%)
Juvenile Delinquency	-0-	1 (0.07%)
Pension	1 (0.07%)	1 (0.07%)
Suit on Judgment	2 (0.1%)	-0-
Constitutional Rights	1 (0.7%)	-0-
Election Contests	1 (0.7%)	-0-
Total	<u>1475</u> (100%) ¹	<u>1375</u> (100%) ¹

1. Note that the 1983 and 1984 totals do not reflect the total number of opinions that were written by the court.

The Court of Appeals adopted Rule 36 on August 1, 1979. The rule permits the court to affirm the judgments of lower courts without issuing an opinion in appeals where specific circumstances exist. (See Rules of Court of Appeals of Georgia, March 1, 1984, pp. 17-18.) Table 5 summarizes the types of cases disposed of by Rule 36 in 1983 and 1984, and how frequently it was applied. Similar to the organization of Table 4, the cases are ranked by those disposed of by the greatest number of Rule 36 affirmances to the lowest number, based on 1984 data.

In comparison to the large proportion of general appeals that were disposed of by written opinion (85%;83%) and other summary disposition methods (see Table 2, p. 4), the number of Rule 36 affirmances comprised only 2% of the total dispositions in 1983 and 1% in 1984. There were 34 appeals affirmed by Rule 36 in 1983 as opposed to 22 in 1984, a decrease of 12 or 35%. The absence of any figures in the lower half of the 1984 column in Table 5 indicates that the use of Rule 36 to dispose of criminal appeals was discontinued in 1984.

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TABLE 5

Jurisdictional Basis of Cases
Affirmed Without Opinion (Rule 36)

<u>CASE TYPE</u>	<u>1983 (%)</u>	<u>1984 (%)</u>
Contract	3 (9%)	5 (23%)
Action for Damages	7 (21%)	4 (18%)
Debt	3 (8%)	2 (8%)
Tenant Holding Over	-0-	2 (8%)
Termination of Parental Rights	-0-	2 (8%)
Garnishment	1 (3%)	1 (5%)
Account	1 (3%)	1 (5%)
Tenant at Sufferance	-0-	1 (5%)
Agreement	-0-	1 (5%)
Title to Land	-0-	1 (5%)
Negligence	-0-	1 (5%)
Writ of Dispossessory	-0-	1 (5%)
Probation Revocation	4 (11%)	-0-
Drug Violation	3 (9%)	-0-
Deed	2 (6%)	-0-
Probation Violation, Theft	1 (3%)	-0-
Voluntary Manslaughter	1 (3%)	-0-
Rape	1 (3%)	-0-
Robbery	1 (3%)	-0-
Foreclosure	1 (3%)	-0-
Fraud	1 (3%)	-0-
Workers' Compensation	1 (3%)	-0-
Injunction	1 (3%)	-0-
Child Custody	1 (3%)	-0-
Summary Judgment	1 (3%)	-0-
 Total Rule 36 affirmances	 <u>34 (100%)</u> ¹	 <u>22 (100%)</u> ¹

1. Companion cases were counted as one case in arriving at the 1983 and 1984 totals.

III. Judgments Rendered by Written Opinion

This section discusses the specific judgments or decisions that were made by the court in opinions completed in 1983 and 1984. Table 6 shows the judgments that were rendered in both civil and criminal general appeals. Tables 7 and 8 provided a closer examination of the judgments assigned in opinions disposing of civil cases separately and then criminal cases.

A review of the categories of judgments assigned by the court in Table 6 indicates that in the majority of appeals the court affirms the decision of the lower court. The affirmance rate for general appeals was 72% in 1983 and 70% in 1984. The percentage of appeals reversed by the court was 17% in 1983 and 18% in 1984. The other judgment categories, such as "Affirmed in part; reversed in part" and "Reversed and remanded," comprise the remaining 10-15% of the judgments rendered. These smaller proportion categories remained constant from 1983 to 1984.

Table 7 details the judgments rendered in opinions that disposed of civil appeals only. The affirmance rate for civil appeals as compared to all general appeals, shown in Table 6, is lower with 59% in 1983 and 58% in 1984. Additionally, the reversal rate for civil appeals, 25% in both 1983 and 1984, is slightly higher in 1983 and 1984 than the reported reversal rates for all general appeals (17% in 1983; 18% in 1984).

The judgments assigned in written opinions that disposed of criminal appeals are displayed in Table 8. The affirmance rate for criminal appeals at 87% and 85% respectively is higher than the affirmance rate for all general appeals (72%;70%) and civil appeals (59%;58%). Of the total criminal appeals that were disposed of by opinion, the court reversed only 7% of the lower courts' decisions in 1983 and 8% in 1984. In the remaining judgment categories, one notable change occurred in the category entitled "Dismissed" by opinion. There was an increase of 13 (162%) dismissals by opinion in 1984: dismissals rose from a total of 8 in 1983 to 21 in 1984.

TABLE 6

Judgments Rendered By Written Opinion
Civil and Criminal Cases - 1983 and 1984

	<u>1983 (%)</u>	<u>1984 (%)</u>
Total opinions written	1673	1606
<u>JUDGMENT</u>		
Affirmed	1214 (72%)	1143 (70%)
Reversed	287 (17%)	288 (18%)
Affirmed in part; reversed in part	67 (4%)	83 (5%)
Dismissed	68 (4%)	76 (4%)
Reversed and remanded	20 (1%)	24 (1%)
Remanded	15 (0.75%)	8 (0.5%)
Affirmed and vacated	1 (0.05%)	5 (0.3%)
Affirmed and remanded	4 (0.2%)	3 (0.2%)
Affirmed in part; reversed in part and remanded	10 (0.5%)	3 (0.2%)
Vacated and remanded	7 (0.4%)	3 (0.2%)
Affirmed in part; vacated in part and remanded	-0-	3 (0.2%)
Total	<u>1693 (100%)</u>	<u>1639 (99%)*1</u>

* Less than 100% due to rounding.

1. The number of judgments in 1983 and 1984 is greater than total opinions written due to the occurrence of split decisions in companion cases and main and cross appeal cases. For example, in 1983 there were a total of 16 companion cases and 4 main and cross appeal cases where split decisions were made. The review of 1984 judgments indicates that there were 15 companion cases and 14 main and cross appeal cases with split decisions.

TABLE 7

Judgments Rendered by Written Opinion
Civil Cases Only
1983 and 1984

	<u>1983 (%)</u> 901	<u>1984 (%)</u> 890
Total opinions written		
<u>Judgment</u>		
Affirmed	535 (59%)	528 (58%)
Reversed	229 (25%)	230 (25%)
Affirmed in part; reversed in part	54 (6%)	72 (8%)
Dismissed	60 (7%)	55 (6%)
Remanded	11 (1%)	6 (0.7%)
Reversed and remanded	15 (1%)	19 (2%)
Affirmed and remanded	3 (0.25%)	2 (0.2%)
Affirmed in part; reversed in part and remanded	3 (0.25%)	2 (0.2%)
Vacated and remanded	4 (0.4%)	2 (0.2%)
Affirmed and vacated	1 (0.1%)	1 (0.1%)
Transferred to Supreme Court	-0-	1 (0.1%)
Total	<u>915 (100%)</u>	<u>918 (100%)</u> ¹

1. In 1983 there were 12 companion cases and 4 main and cross appeal cases where split decisions were assigned. A total of 10 companion cases and 13 main and cross appeal cases were reported in 1984 with split decisions.

TABLE 8

Judgments Issued By Written Opinion
Criminal Cases Only
1983 and 1984

	<u>1983 (%)</u>	<u>1984 (%)</u>
Total opinions written	772	716
<u>JUDGMENT</u>		
Affirmed	679 (87%)	615 (85%)
Reversed	58 (7%)	59 (8%)
Dismissed	8 (1%)	21 (3%)
Affirmed in part; reversed in part	13 (2%)	11 (2%)
Reversed and remanded	5 (0.6%)	5 (0.6%)
Affirmed and vacated	-0-	4 (0.5%)
Affirmed in part; vacated in part and remanded	-0-	3 (0.4%)
Remanded	4 (0.5%)	2 (0.2%)
Affirmed and remanded	1 (0.1%)	1 (0.1%)
Affirmed in part; reversed in part and remanded	7 (0.9%)	1 (0.1%)
Vacated and remanded	<u>3 (0.4%)</u>	<u>1 (0.1%)</u>
Total	<u>778 (100%)</u>	<u>723 (100%)</u> ¹

1. The occurrence of split decisions in opinions disposing of criminal appeals was reported in 4 companion cases only in 1983, and in 1984 there were 5 companion cases and one main appeal and cross appeal case.

A P P E N D I X

APPENDIX A

Disposition of Selected Cases
Listed in Table 4

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Action for Damages</u>		
Affirmed - opinion	131 (53%)	146 (47%)
- Rule 36	5 (2%)	4 (1%)
Reversed	63 (25%)	70 (22%)
Affirmed in part; reversed in part	13 (5%)	19 (6%)
Reversed and remanded	3 (1%)	5 (2%)
Dismissed - opinion	7 (3%)	5 (2%)
- order	1 (0.25%)	4 (1%)
- Rule 27(a), 14	-0-	2 (0.6%)
Vacated and remanded with direction	2 (0.75%)	-0-
Affirmed and vacated	-0-	1 (0.3%)
Transferred to Supreme Court	5 (2%)	2 (0.6%)
Withdrawn	18 (8%)	22 (7%)
Pending	-0-	33 (10%)
Total	248 (100%)	313 (99%)*

Contract

Affirmed - opinion	68 (55%)	81 (55%)
Reversed	18 (15%)	28 (19%)
Affirmed in part; reversed in part	7 (5%)	6 (4%)
Remanded - opinion	2 (2%)	-0-
- order	-0-	1 (0.7%)
Reversed and remanded	3 (2%)	1 (0.7%)
Dismissed - opinion	4 (3%)	2 (1%)
- Rule 27(a), 14	2 (2%)	1 (0.7%)
Affirmed in part; reversed in part and remanded	1 (0.8%)	-0-
Transferred to Supreme Court	5 (4%)	6 (4%)
Withdrawn	14 (11%)	13 (9%)
Pending	-0-	8 (5%)
Total	124 (99%)*	147 (99%)*

* Less than 100% due to rounding.

<u>Drug Violation</u>	<u>1983 (%)</u>	<u>1984 (%)</u>
Affirmed - opinion	96 (79%)	84 (80%)
- Rule 36	2 (1%)	-0-
Reversed	14 (12%)	6 (6%)
Affirmed in part; reversed in part	-0-	1 (1%)
Remanded with direction	-0-	1 (1%)
Reversed and remanded	1 (0.8%)	-0-
Affirmed in part; reversed in part and remanded	1 (0.8%)	-0-
Affirmed in part; vacated in part and remanded	-0-	1 (1%)
Dismissed - Rule 27 (a), 14	1 (0.8%)	-0-
Transferred to Supreme Court	1 (0.8%)	-0-
Withdrawn	5 (4%)	5 (4%)
Pending	-0-	7 (7%)
Total	121 (99%)*	105 (100%)

Burglary

Affirmed - opinion	103 (83%)	70 (83%)
Reversed	10 (8%)	3 (4%)
Affirmed in part; reversed in part	4 (3%)	-0-
Remanded with direction	-0-	1 (2%)
Affirmed in part; reversed in part and remanded	1 (0.8%)	-0-
Reversed and remanded with direction	1 (0.8%)	-0-
Vacated and remanded with direction	2 (1%)	-0-
Dismissed - Rule 27(a), 14	1 (0.8%)	1 (2%)
Transferred to Supreme Court	1 (0.8%)	-0-
Withdrawn	1 (0.8%)	3 (4%)
Pending	-0-	4 (5%)
Total	124 (99%)*	85 (100%)

Insurance

Affirmed - opinion	47 (50%)	41 (43%)
Reversed	27 (28%)	16 (16%)
Affirmed in part; reversed in part	9 (9%)	11 (12%)
Reversed and remanded	1 (1%)	2 (2%)
Dismissed - opinion	1 (1%)	2 (2%)
- order	1 (1%)	-0-
Transferred to Supreme Court	1 (1%)	2 (2%)
Withdrawn	8 (9%)	11 (12%)
Pending	-0-	10 (11%)
Total	95 (100%)	95 (100%)

* Less than 100% due to rounding.

1983 (%)

1984 (%)

Armed Robbery

Affirmed - opinion	89 (93%)	63 (78%)
Reversed	2 (2%)	1 (1%)
Reversed and remanded with direction	1 (1%)	-0-
Affirmed and remanded	2 (1%)	-0-
Affirmed and vacated	-0-	1 (1%)
Dismissed - opinion	-0-	1 (1%)
Denied - order	-0-	1 (1%)
Transferred to Supreme Court	2 (2%)	1 (1%)
Withdrawn	-0-	1 (1%)
Pending	-0-	13 (16%)
Total	96 (100%)	82 (100%)

Theft

Affirmed - opinion	37 (72%)	44 (76%)
- Rule 36	1	-0-
Reversed - opinion	5 (10%)	4 (6%)
- order	1 (2%)	-0-
Affirmed in part; reversed in part	2 (4%)	1 (2%)
Reversed and remanded	1 (2%)	1 (2%)
Dismissed - opinion	-0-	1 (2%)
- order	-0-	1 (2%)
Affirmed in part; reversed in part and remanded	1 (2%)	-0-
Affirmed and remanded	-0-	1 (2%)
Affirmed and vacated with direction	-0-	1 (2%)
Affirmed in part; vacated and remanded with direction	-0-	1 (2%)
Withdrawn	4 (8%)	-0-
Pending	-0-	2 (4%)
Total	52 (100%)	57 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Debt</u>		
Affirmed-- opinion	29 (52%)	29 (47%)
- Rule 36	3 (5%)	2 (3%)
Affirmed in part; reversed in part	2 (3%)	2 (3%)
Reversed	12 (22%)	11 (18%)
Remanded - opinion	-0-	2 (3%)
- order	-0-	1 (2%)
Dismissed - opinion	4 (7%)	5 (8%)
- order	2 (3%)	1 (8%)
- Rule 27(a), 14	1 (1%)	-0-
Affirmed and remanded	2 (3%)	-0-
Transferred to Supreme Court	-0-	1 (2%)
Withdrawn	2 (3%)	4 (6%)
Pending	-0-	4 (5%)
Total	55 (100%)	62 (100%)

Aggravated Assault

Affirmed - opinion	39 (84%)	38 (69%)
Reversed	1 (2%)	2 (4%)
Affirmed in part; reversed in part	1 (2%)	1 (2%)
Reversed and remanded	-0-	1 (2%)
Affirmed in part; reversed in part and remanded	2 (4%)	-0-
Affirmed and vacated	-0-	1 (2%)
Dismissed - opinion	-0-	1 (2%)
Remanded - order	1 (2%)	-0-
Transferred to Supreme Court	1 (2%)	2 (4%)
Withdrawn	2 (4%)	-0-
Pending	-0-	9 (15%)
Total	47 (100%)	55 (100%)

Rape

Affirmed - opinion	32 (86%)	39 (95%)
- Rule 36	1 (3%)	-0-
Dismissed - opinion	1 (3%)	-0-
Transferred to Supreme Court	2 (5%)	-0-
Withdrawn	1 (3%)	-0-
Pending	-0-	2 (5%)
Total	37 (100%)	41 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Worker's Compensation</u>		
Affirmed -- opinion	7 (23%)	11 (23%)
- Rule 36	1 (3%)	-0-
Reversed	15 (47%)	16 (34%)
Affirmed in part; reversed in part	-0-	1 (2%)
Reversed and remanded	-0-	3 (6%)
Dismissed - opinion	3 (9%)	4 (9%)
- order	1 (3%)	6 (13%)
Remanded - order	1 (3%)	-0-
Stricken from the docket and returned to lower court	1 (3%)	-0-
Withdrawn	3 (9%)	2 (4%)
Pending	-0-	4 (9%)
Total	32 (100%)	47 (100%)

Negligence

Affirmed - opinion	30 (45%)	17 (42%)
- Rule 36	-0-	1 (3%)
Reversed	18 (27%)	11 (27%)
Affirmed in part; reversed in part	4 (6%)	2 (5%)
Remanded with direction	-0-	1 (3%)
Reversed and remanded	1 (2%)	-0-
Affirmed in part; reversed in part	-0-	-0-
Dismissed - opinion	2 (3%)	2 (5%)
- Rule 27(a), 14	1 (2%)	-0-
Transferred to Supreme Court by opinion	-0-	1 (3%)
Withdrawn	10 (15%)	3 (7%)
Pending	-0-	2 (5%)
Total	66 (100%)	40 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Promissory Note</u>		
Affirmed - opinion	30 (60%)	16 (32%)
Reversed	10 (20%)	10 (20%)
Affirmed in part; reversed in part	4 (8%)	3 (6%)
Remanded with direction	1 (2%)	-0-
Affirmed in part; dismissed in part	-0-	1 (2%)
Dismissed - opinion	1 (2%)	2 (4%)
- Rule 27 (a), 14	1 (2%)	-0-
Transferred to Supreme Court	-0-	2 (4%)
Withdrawn	3 (6%)	10 (20%)
Pending	-0-	6 (12%)
Total	50 (100%)	50 (100%)

<u>DUI</u>		
Affirmed - opinion	18 (78%)	19 (54%)
Reversed	2 (9%)	4 (13%)
Dismissed - opinion	2 (9%)	1 (3%)
Vacated and remanded with direction	-0-	1 (3%)
Withdrawn	1 (4%)	-0-
Pending	-0-	7 (22%)
Total	23 (100%)	32 (100%)

<u>Child Molestation</u>		
Affirmed - opinion	16 (80%)	23 (77%)
Reversed	2 (10%)	1 (3%)
Affirmed in part; reversed in part	1 (5%)	1 (3%)
Stricken from the docket and returned to lower court	1 (5%)	-0-
Withdrawn	-0-	2 (7%)
Pending	-0-	3 (10%)
Total	20 (100%)	30 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Voluntary Manslaughter</u>		
Affirmed - opinion	24 (83%)	23 (82%)
- Rule 36	1 (3%)	-0-
Reversed	2 (7%)	2 (7%)
Transferred to Supreme Court	2 (7%)	-0-
Withdrawn	-0-	1 (4%)
Pending	-0-	2 (7%)
Total	29 (100%)	28 (100%)

Garnishment

Affirmed - opinion	15 (70%)	19 (70%)
- Rule 36	1 (5%)	-0-
Reversed	-0-	4 (15%)
Affirmed in part; reversed in part	1 (5%)	-0-
Remanded	1 (5%)	1 (4%)
Reversed and remanded	1 (5%)	-0-
Dismissed - opinion	1 (5%)	-0-
Withdrawn	1 (5%)	2 (7%)
Pending	-0-	1 (4%)
Total	21 (100%)	27 (100%)

Condemnation

Affirmed - opinion	16 (53%)	12 (40%)
Reversed	9 (30%)	2 (6%)
Affirmed in part; reversed in part	1 (3%)	2 (6%)
Dismissed - opinion	2 (7%)	1 (3%)
- Rule 27(a), 14	-0-	2 (6%)
Transferred to Supreme Court	-0-	1 (3%)
Withdrawn	2 (7%)	4 (13%)
Pending	-0-	7 (23%)
Total	30 (100%)	31 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Child Custody</u>		
Affirmed - opinion	2 (11%)	6 (24%)
Reversed	4 (24%)	4 (16%)
Affirmed in part; reversed in part	-0-	1 (4%)
Remanded	1 (6%)	-0-
Reversed and remanded	-0-	1 (4%)
Dismissed - opinion	6 (35%)	4 (16%)
- order	1 (6%)	2 (8%)
Vacated and remanded with direction	1 (6%)	-0-
Affirmed and remanded	-0-	-0-
Transferred to Supreme Court	1 (6%)	1 (4%)
Withdrawn	1 (6%)	2 (8%)
Pending	-0-	4 (16%)
Total	17 (100%)	25 (100%)

<u>Robbery</u>		
Affirmed - opinion	14 (88%)	14 (77%)
- Rule 36	1 (6%)	-0-
Reversed	1 (6%)	-0-
Affirmed and vacated	-0-	1 (6%)
Affirmed and vacated and remanded with direction	-0-	1 (6%)
Pending	-0-	2 (11%)
Total	16 (100%)	18 (100%)

<u>Tenant Holding Over</u>		
Affirmed - opinion	12 (41%)	4 (16%)
- Rule 36	-0-	2 (8%)
Reversed	1 (4%)	3 (12%)
Affirmed in part; reversed in part	2 (7%)	1 (4%)
Remanded	3 (10%)	-0-
Reversed and remanded	-0-	1 (4%)
Dismissed - opinion	4 (14%)	6 (24%)
- Rule 27(a), 14	2 (7%)	5 (20%)
Withdrawn	5 (17%)	3 (12%)
Total	29 (100%)	25 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Motion to Suppress Evidence</u>		
Affirmed - opinion	4 (80%)	1 (6%)
Reversed	1 (20%)	10 (63%)
Reversed and remanded	-0-	2 (13%)
Dismissed - opinion	-0-	1 (6%)
Transferred to Supreme Court	-0-	1 (6%)
Withdrawn	-0-	1 (6%)
Total	5 (100%)	16 (100%)

<u>Suit on Account</u>		
Affirmed - opinion	14 (63%)	11 (65%)
- Rule 36	-0-	1 (5%)
Reversed	4 (18%)	3 (18%)
Affirmed in part; reversed in part	1 (5%)	-0-
Dismissed - Rule 27(a), 14	1 (5%)	-0-
Withdrawn	2 (9%)	2 (12%)
Total	22 (100%)	17 (100%)

<u>Suit on Deed</u>		
Affirmed - opinion	2 (25%)	7 (33%)
- Rule 36	1 (12.5%)	-0-
Reversed	1 (12.5%)	3 (14%)
Affirmed in part; reversed in part	-0-	1 (5%)
Reversed and remanded	-0-	1 (5%)
Affirmed and remanded with direction	1 (12.5%)	-0-
Dismissed - opinion	-0-	2 (10%)
- order	1 (12.5%)	-0-
Transferred to Supreme Court	1 (12.5%)	5 (23%)
Withdrawn	1 (12.5%)	2 (10%)
Total	8 (100%)	21 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Suit on Lease</u>		
Affirmed - opinion	9 (48%)	10 (64%)
Affirmed in part; reversed in part	1 (5%)	1 (6%)
Reversed	4 (21%)	1 (6%)
Remanded	-0-	1 (6%)
Affirmed and remanded	1 (5%)	-0-
Dismissed - opinion	1 (5%)	-0-
- Rule 27(a), 14	-0-	1 (6%)
Transferred to Supreme Court	-0-	1 (6%)
Withdrawn	3 (16%)	1 (6%)
Total	19 (100%)	16 (100%)

<u>Simple Battery</u>		
Affirmed - opinion	2 (40%)	11 (85%)
Reversed	3 (60%)	1 (7.5%)
Withdrawn	-0-	1 (7.5%)
Total	5 (100%)	13 (100%)

<u>Probation Revocation</u>		
Affirmed - opinion	33 (80%)	10 (71%)
- Rule 36	4 (10%)	-0-
Reversed	2 (5%)	-0-
Remanded with direction	1 (2%)	-0-
Affirmed in part; reversed in part and remanded with direction	-0-	1 (8%)
Dismissed - opinion	1 (2%)	-0-
- Rule 27(a), 14	-0-	3 (21%)
Total	41 (99%)*	14 (100%)

<u>Vehicular Homicide</u>		
Affirmed - opinion	6 (86%)	8 (73%)
Reversed	-0-	2 (18%)
Remanded with direction	1 (14%)	-0-
Withdrawn	-0-	1 (9%)
Total	7 (100%)	11 (100%)

* Less than 100% due to rounding.

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Libel</u>		
Affirmed - opinion	1 (25%)	9 (90%)
Affirmed in part; reversed in part	2 (50%)	-0-
Dismissed - opinion	-0-	1 (10%)
Withdrawn	1 (25%)	-0-
Total	4 (100%)	10 (100%)
<u>Aggravated Sodomy</u>		
Affirmed - opinion	8 (100%)	10 (100%)
Total	8 (100%)	10 (100%)
<u>Kidnapping</u>		
Affirmed - opinion	13 (93%)	7 (70%)
Affirmed in part; reversed in part	1 (7%)	1 (10%)
Denied - order	-0-	1 (10%)
Withdrawn	-0-	1 (10%)
Total	8 (100%)	9 (100%)
<u>Forgery</u>		
Affirmed - opinion	6 (75%)	8 (89%)
Affirmed in part; reversed in part	1 (12.5%)	-0-
Dismissed - order	1 (12.5%)	-0-
Withdrawn	-0-	1 (11%)
Total	8 (100%)	9 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Child Support</u>		
Affirmed - opinion	1 (25%)	5 (39%)
Reversed	1 (25%)	3 (23%)
Transferred to Supreme Court	1 (25%)	2 (15%)
Withdrawn	1 (25%)	2 (15%)
Pending	-0-	1 (8%)
Total	4 (100%)	13 (100%)
 <u>Shoplifting</u>		
Affirmed - opinion	2 (50%)	5 (62.5%)
Reversed	1 (25%)	-0-
Reversed and remanded	-0-	1 (12.5%)
Dismissed - Rule 27(a), 14	-0-	1 (12.5%)
Withdrawn	1 (25%)	1 (12.5%)
Total	4 (100%)	8 (100%)
 <u>Title to Land</u>		
Affirmed - opinion	5 (56%)	3 (25%)
- Rule 36	-0-	1 (8%)
Reversed	2 (22%)	-0-
Affirmed in part; reversed in part	-0-	1 (8%)
Reversed and remanded with direction	1 (11%)	-0-
Dismissed - opinion	1 (11%)	2 (17%)
Transferred to Supreme Court	-0-	4 (34%)
Pending	-0-	1 (8%)
Total	9 (100%)	12 (100%)
 <u>Foreclosure</u>		
Affirmed - opinion	3 (60%)	2 (25%)
Reversed	1 (20%)	1 (12.5%)
Reversed and remanded	-0-	1 (12.5%)
Dismissed - opinion	-0-	2 (25%)
- order	1 (20%)	-0-
Transferred to Supreme Court	-0-	1 (12.5%)
Withdrawn	-0-	1 (12.5%)
Total	5 (100%)	8 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Agreement</u>		
Affirmed - opinion	-0-	3 (38%)
Reversed	-0-	2 (25%)
Affirmed in part; reversed in part	-0-	2 (25%)
Transferred to Supreme Court	-0-	1 (12%)
Total	-0-	8 (100%)
 <u>Arson</u>		
Affirmed - opinion	8 (73%)	5 (71%)
Reversed	1 (9%)	-0-
Dismissed - Rule 27 (a), 14	1 (9%)	-0-
Withdrawn	1 (9%)	-0-
Pending	-0-	2 (29%)
Total	11 (100%)	7 (100%)
 <u>Habitual Violator</u>		
Affirmed - opinion	4 (66%)	5 (83%)
Reversed	1 (17%)	-0-
Withdrawn	1 (17%)	1 (17%)
Total	6 (100%)	6 (100%)
 <u>Mutiny (Penal Institution)</u>		
Affirmed - opinion	1 (100%)	5 (100%)
Total	1 (100%)	5 (100%)
 <u>Fraud</u>		
Affirmed - opinion	12 (67%)	3 (60%)
Affirmed in part; reversed in part	1 (5%)	1 (20%)
Reversed	-0-	1 (20%)
Returned to Supreme Court	2 (11%)	-0-
Withdrawn	3 (17%)	-0-
Total	18 (100%)	5 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Taxes</u>		
Affirmed - opinion	4 (40%)	-0-
Reversed	1 (10%)	4 (80%)
Affirmed in part; reversed in part	-0-	1 (20%)
Reversed and remanded	1 (10%)	-0-
Transferred to Supreme Court	3 (30%)	-0-
Withdrawn	1 (10%)	-0-
Total	10 (100%)	5 (100%)
 <u>Traffic Violation</u>		
Affirmed - opinion	4 (80%)	3 (60%)
Vacated and Remanded	1 (20%)	-0-
Dismissed - opinion	-0-	1 (20%)
- order	-0-	1 (20%)
Total	5 (100%)	5 (100%)
 <u>Aggravated Battery</u>		
Affirmed - opinion	1 (50%)	4 (100%)
Dismissed - Rule 27(a), 14	1 (50%)	-0-
Total	2 (100%)	4 (100%)
 <u>Criminal Trespass</u>		
Affirmed - opinion	-0-	4 (100%)
Reversed	1 (33%)	-0-
Affirmed in part; reversed in part	1 (33%)	-0-
Withdrawn	1 (33%)	-0-
Total	3 (99%)*	4 (100%)
 <u>Termination of Parental Rights</u>		
Affirmed - opinion	3 (50%)	3 (43%)
- Rule 36	-0-	2 (29%)
Reversed	1 (16.6%)	1 (14%)
Remanded with direction	1 (16.6%)	-0-
Vacated and remanded	1 (16.6%)	-0-
Pending	-0-	1 (14%)
Total	6 (99%)*	7 (100%)

* Less than 100% due to rounding.

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Slander</u>		
Affirmed - opinion	3 (60%)	3 (75%)
Reversed	-0-	1 (25%)
Affirmed in part; reversed in part	1 (20%)	-0-
Dismissed - Rule 27 (a), 14	1 (20%)	-0-
Total	5 (100%)	4 (100%)
<u>Civil Trespass</u>		
Affirmed - opinion	1 (100%)	2 (67%)
Remanded	-0-	1 (33%)
Total	1 (100%)	3 (100%)
<u>Estate</u>		
Affirmed - opinion	-0-	3 (75%)
Reversed	-0-	1 (25%)
Total	-0-	4 (100%)
<u>Involuntary Manslaughter</u>		
Affirmed - opinion	3 (100%)	2 (67%)
Reversed	-0-	1 (33%)
Total	3 (100%)	3 (100%)
<u>Escape</u>		
Affirmed - opinion	6 (100%)	3 (100%)
Total	6 (100%)	3 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Criminal Contempt</u>		
Affirmed - opinion	3 (100%)	-0-
Affirmed in part; reversed in part	-0-	1 (33%)
Dismissed - opinion	-0-	2 (67%)
Total	3 (100%)	3 (100%)
<u>Civil Contempt</u>		
Affirmed - opinion	1 (11%)	2 (40%)
Reversed	3 (33%)	-0-
Dismissed - opinion	3 (33%)	1 (20%)
Transferred to Supreme Court	1 (11%)	1 (20%)
Withdrawn	1 (11%)	1 (20%)
Total	9 (99%)	5 (100%)
<u>Petition for Adoption</u>		
Affirmed - opinion	8 (80%)	3 (60%)
Dismissed - opinion	1 (10%)	-0-
Remanded - order	1 (10%)	-0-
Withdrawn	-0-	2 (40%)
Total	10 (100%)	5 (100%)
<u>Malpractice (Legal and Medical)</u>		
Affirmed - opinion	9 (60%)	2 (50%)
Reversed	3 (20%)	1 (25%)
Affirmed in part; reversed in part	3 (20%)	-0-
Pending	-0-	1 (25%)
Total	15 (100%)	4 (100%)

* Less than 100% due to rounding.

<u>Will Dispute</u>	<u>1983 (%)</u>	<u>1984 (%)</u>
Affirmed - opinion	2 (33%)	2 (50%)
Reversed	-0-	1 (25%)
Transferred to Supreme Court	3 (50%)	1 (25%)
Withdrawn	1 (17%)	-0-
Total	6 (100%)	4 (100%)

Injunction

Affirmed - opinion	1 (50%)	1 (33%)
- Rule 36	1 (50%)	
Affirmed in part; reversed in part	-0-	1 (33%)
Dismissed - opinion	-0-	1 (33%)
Total	2 (100%)	3 (99%)*

Terroristic Threats

Affirmed - opinion	1 (100%)	3 (100%)
Total	1 (100%)	3 (100%)

Cruelty to Children

Affirmed	4 (80%)	2 (100%)
Transferred to Supreme Court	1 (20%)	-0-
Total	5 (100%)	2 (100%)

Incest

Affirmed	-0-	1 (50%)
Reversed	2 (100%)	-0-
Dismissed - opinion	-0-	1 (50%)
Total	2 (100%)	2 (100%)

* Less than 100% due to rounding.

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Bond Denial</u>		
Affirmed - opinion	-0-	1 (13%)
Dismissed - opinion	-0-	1 (13%)
- Rule 27(a), 14	-0-	1 (13%)
- order	-0-	2 (25%)
Remanded	1 (33%)	-0-
Denied - order	1 (33%)	-0-
Withdrawn	1 (33%)	3 (36%)
Total	3 (99%)*	8 (100%)

Declaratory Judgment

Affirmed	4 (36%)	2 (100%)
Affirmed in part; reversed in part	3 (28%)	-0-
Dismissed - opinion	1 (9%)	-0-
Transferred to Supreme Court	2 (18%)	-0-
Withdrawn	1 (9%)	-0-
Total	11 (100%)	2 (100%)

Summary Judgment

Affirmed - opinion	-0-	1 (50%)
- Rule 36	1 (33%)	-0-
Reversed	1 (33%)	1 (50%)
Withdrawn	1 (33%)	-0-
Total	3 (99%)*	2 (100%)

Administrative Appeal

Affirmed - opinion	7 (50%)	1 (25%)
Reversed	2 (14%)	-0-
Dismissed - opinion	3 (21%)	1 (25%)
- Rule 27(a), 14	1 (7%)	-0-
Withdrawn	1 (7%)	1 (25%)
Pending	-0-	1 (25%)
Total	14 (99%)*	4 (100%)

* Less than 100% due to rounding.

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Guardianship</u>		
Reversed"	-0-	2 (67%)
Withdrawn	<u>1 (100%)</u>	<u>1 (33%)</u>
Total	1 (100%)	3 (100%)
<u>Commitment</u>		
Affirmed - opinion	<u>-0-</u>	<u>2 (100%)</u>
Total	-0-	2 (100%)
<u>Abandonment of a Minor</u>		
Affirmed - opinion	-0-	1 (100%)
Dismissed - opinion	1 (50%)	-0-
Transferred to Supreme Court	<u>1 (50%)</u>	<u>-0-</u>
Total	2 (100%)	1 (100%)
<u>Child Abuse</u>		
Affirmed - opinion	<u>1 (100%)</u>	<u>-0-</u>
Total	1 (100%)	-0-
<u>Writ of Mandamus</u>		
Affirmed - opinion	-0-	1 (100%)
Dismissed - order	1 (25%)	-0-
Transferred to Supreme Court	<u>3 (75%)</u>	<u>-0-</u>
Total	4 (100%)	1 (100%)

	<u>1983 (%)</u>	<u>1984 (%)</u>
<u>Zoning</u>		
Affirmed - opinion	1 (20%)	-0-
Affirmed and remanded	-0-	1 (17%)
Reversed	1 (20%)	-0-
Reversed and remanded	1 (20%)	-0-
Transferred to Supreme Court	2 (40%)	4 (66%)
Withdrawn	-0-	1 (17%)
Total	5 (100%)	6 (100%)
<u>Juvenile Delinquency</u>		
Affirmed in part; reversed in part	-0-	1 (100%)
Total	-0-	1 (100%)
<u>Pension</u>		
Affirmed - opinion	1 (100%)	-0-
Reversed	-0-	1 (100%)
Total	1 (100%)	1 (100%)
<u>Suit on Judgment</u>		
Affirmed - opinion	1 (33%)	-0-
Reversed	1 (33%)	-0-
Withdrawn	1 (33%)	-0-
Total	3 (99%)*	-0-
<u>Constitutional Rights</u>		
Affirmed - opinion	1 (100%)	-0-
Total	1 (100%)	-0-
<u>Election Contests</u>		
Dismissed - opinion	1 (50%)	-0-
Transferred to Supreme Court	1 (50%)	-0-
Total	2 (100%)	-0-

* Less than 100% due to rounding.

Date: 8/21/84

To: Judge Quillian

From: Kathy Garland

Interlocutory and Discretionary Applications filed

July 1, 1983 - June 30, 1984

Interlocutory - 313

Discretionary - 270

DIRECT APPEALS 7/1/83 to 6/30/84 -- 2,223

COURT OF APPEALS CASELOAD: FY 1982 and 1983

	<u>1982</u>	<u>1983</u>
CASES DOCKETED	2163	2215
CRIMINAL CASES	979	
CIVIL CASES	1184	
CASES AFFIRMED	1010	
CASES REVERSED	260	
SUPERCEDEAS CASES (4 Granted)	14	
CASES WITHDRAWN	138	
CASES DISMISSED	113	
CASES TRANSFERRED	98	
CERTIFIED QUESTIONS	3	
CASES PENDING	527	
INTERLOCUTORY APPEALS (70 Granted)	258	328 (89 Granted)
DISCRETIONARY APPEALS (63 Granted) (125 W/C)	219	238 (68 Granted)

Insert

COURT OF APPEALS CASELOAD BY 1982 AND 1981

	<u>1982</u>	<u>1981</u>
CASES DOCKETED	2,152	2,086
INTERLOCUTORY APPEALS	288	291
DISCRETIONARY APPEALS	208	165
CASES WITHDRAWN	139	133
CASES TRANSFERRED TO SUPREME COURT	88	104
CASES DISMISSED BY ORDER (WITHOUT OPINION)	65	61
CASES STRICKEN FROM DOCKET AND RETURNED TO LOWER COURT	9	15
SUPERSEDEAS BONDS	15	
GRANTED	6	
DENIED	9	
CASES AFFIRMED BY ORDER	4	
OPINIONS WRITTEN	1,618	1,664

COURT OF APPEALS

STATISTICAL REPORT	<u>1981</u>	<u>1982</u>	<u>1983</u>
CASES DOCKETED:	2086	2163	2215
Interlocutory Appeals	291	258	328
Discretionary Appeals	<u>165</u>	<u>219</u>	<u>238</u>
TOTALS:	2542	2640	2781
Cases Per Judge:	282	293	309
Per cent. increase:	3.3%	3.9%	5.5%
Cases Per Year	<u>1974</u>	<u>1983</u>	<u>Per Cent Increase</u>
	1152	2781	141.4%

compiled 7/18/84 fm

filing an application for certiorari. The times specified herein shall run from the date of the order overruling the Motion for Rehearing. Notice of Intention to apply for certiorari shall be given to the Clerk of the Court of Appeals within ten (10) days after the order overruling the Motion for Rehearing. The Application for certiorari shall be filed with the Clerk of the Supreme Court within twenty (20) days after the order overruling the Motion for Rehearing.

In 1980 the Supreme Court published more opinions than any other state's high court. (The number of opinions published totaled almost as many as those published in the states of California, Delaware, Hawaii, Kentucky, New Jersey and Wyoming combined.) A summary of the Supreme Court's FY 1981 (September 1, 1980—August 31, 1981) caseload is given below and includes filings, dispositions and motions.

Supreme Court Caseload: FY 1981 (September 1, 1980—August 31, 1981)					
Case Type	Filed	Disposed			
		Opinions Written	Without Opinion	Granted	Denied
Direct Appeals	595	509	76		
Certiorari Petitions	492			76	416
Habeas Corpus Applications	132			17	115
Interlocutory Appeal Applications	58			28	30
Discretionary Appeal Applications	163			68	95

In addition to the above filings, five certified questions were filed during the year, making a total of 1,445 cases filed.
 There were 184 additional cases disposed, eighty-four (84) by transfer to the Court of Appeals and 100 by "other" methods. Number of cases reviewed by the Court totaled 1,614.
 Also during the year, the Court considered 157 Motions for Rehearing and 67 Motions for Reconsideration.

Georgia Court of Appeals

The Court of Appeals is vested with jurisdiction to correct errors on appeal from the same trial courts which may appeal to the Supreme Court in those cases in which exclusive jurisdiction is not conferred on the Supreme Court. Such cases include claims for damages, criminal cases other than capital felonies and cases involving workmen's compensation and insurance claims.

The Court of Appeals has nine judges and is divided into three divisions of three judges. The judges elect a chief judge, who presides over the first division and who appoints two presiding judges to sit at the head of the other two divisions. Any decision rendered by a division is final unless a single judge dissents, whereupon the case is considered by the entire Court. When there is an equal division of judges hearing a case *en banc*, the case is transferred to the Supreme Court.

Court of Appeals judges are elected to staggered, six-year terms of office in statewide elections. The Court holds three terms of court per year, beginning in January, April and September.

Fiscal year 1981 caseload information for the Court of Appeals is presented below.

Georgia Court of Appeals Caseload: FY 1981	
2,086 Cases Docketed	133 Cases Withdrawn
291 Interlocutory Appeals	104 Cases Transferred to Supreme Court
165 Discretionary Appeals	61 Cases Dismissed by Order (without opinion)
	15 Cases Stricken from Docket and Returned to Lower Court
	1,664 Opinions Written

SUPERIOR COURTS

Georgia's court of general jurisdiction and its highest trial court, the superior court has been established since the late eighteenth century. It is the state's major trial court of record and is required by law to maintain minutes of trials, records of decisions and other books and files as official documents.

Each county has a superior court, although a superior court judge may serve more than one county. Groups of counties (from one to eight) form circuits, which are the basic unit of superior court organization and which serve as the basis for allocation of additional superior court judicial manpower. There are presently forty-two judicial circuits in the state. A forty-third circuit (Douglas Judicial Circuit), created from an existing judicial circuit by the 1980 legislature, will become effective January 1, 1983.

For the purpose of administration, the judicial circuits are organized into ten judicial districts drawn to correspond closely with U.S. congressional districts. The superior court judges of each district elect one of their number to act as the administrative judge.

While a total of 118 superior court judicial positions have been allocated throughout the state, there were 114 active superior court judges at the end of fiscal year 1981. Of the remaining four judgeships, one becomes effective in October, 1981, one takes effect January 1, 1982, and two judges will be elected to terms beginning January 1, 1983.

Superior court judges are elected to four-year terms, except in the Atlanta Judicial Circuit where the term is eight years. The governor appoints qualified attorneys to fill vacancies and new judgeships from a list provided by the Judicial Nominating Commission. Superior court judges may be called to fill a temporary vacancy on the Georgia Supreme Court, the Court of Appeals or certain limited jurisdiction courts.

The Georgia Constitution grants superior courts exclusive jurisdiction in cases of divorce, cases involving equity and land titles and felony cases. The superior court in any circuit has concurrent jurisdiction with the limited jurisdiction trial courts in the counties that comprise the circuit except for some juvenile and probate matters. It is also authorized to correct errors made by lower courts by issuing writs of certiorari. For some courts, the right of direct review by the superior court applies.

The 1981 General Assembly created eight new superior court judgeships—in the Conasauga, Douglas, Macon, Mountain, Pataula, Southwestern, Toombs and Waycross judicial circuits—to assist with excessive caseload burdens around the state. A bill submitted during the legislative session to split the existing Blue Ridge Judicial Circuit and provide an additional super-

The Court of Appeals

Office of the Clerk

433 State Judicial Building

Atlanta, Georgia 30334

ALTON HAWK
CLERK

(404) 656-3450

August 28, 1981

Ms. Molly J. McPhillamy
Communications Officer
Judicial Council of Georgia
Suite 500, 84 Peachtree Street
Atlanta, Georgia 30334

Dear Ms. McPhillamy:

In reply to your request for ~~statistics for the 1980-81~~
~~Annual Report of the Administrative Office of the Courts,~~
the following information is furnished:

1. Total number of cases docketed - 2,086
2. Number of interlocutory appeals - 291
3. Number of discretionary appeals - 165
4. Number of cases withdrawm - 133
5. Number of cases transferred to
Supreme Court - 104
6. Number of cases dismissed (without
opinion) by order - 61
7. Number of cases stricken from docket
and returned to lower court - 15
8. Number of opinions written - 1,664

If further information is desired, please advise.

Very truly yours,

Alton Hawk

AH/jsy

COURT OF APPEALS
OF THE
STATE OF GEORGIA
ATLANTA

August 2, 1979

J. KELLEY QUILLIAN
PRESIDING JUDGE

ANALYSIS OF WORK LOAD - GEORGIA COURT OF APPEALS

CASE LOAD: In 1961 the Legislature authorized two additional judges for the Court of Appeals, bringing their total number to the present nine. (Ga. L. 1961, pp. 140, 141). During that year (1961) the case load was 69 cases per judge - per year. In 1978 the case load per judge was 226 cases - an increase of 227% over 1961. In addition, Ga. L. 1975, pp. 757, 758 (Code Ann. § 6-701), authorized an interlocutory appeal procedure which resulted in 273 cases in 1978 - an average of 30 per judge. These statistics, in and of themselves, do not reveal the complete picture. Each judge will write dissents and special concurrences to opinions of other judges, and must participate in all cases of this court in which a dissent has been filed. The composite picture shows that each judge will write approximately 250 opinions per year (including dissents and special concurrences), and review an additional 50, or more, interlocutory appeals, bail bond and supersedeas appeals, and 50 or more whole court cases, for a total work load of approximately 800 cases per year. According to available statistics, this is the heaviest case load per judge in the United States.

Incl. C

PROCEDURE: Intra-office research and discussion precede the written opinion. Intra-Division discussion of a large percentage of cases are required among the judges, and for unique or landmark cases the entire court will frequently discuss the issues en banc. It should be noted that when each judge's case load goes up one case, it means that he writes one additional case after reading two - sometimes four, additional briefs, and must review one case from each of the other judges on his Division - after reading two briefs per case. Thus, one additional case per judge translates to three additional cases and six additional briefs.

LAST DECADE: Over the past ten years our per judge case load has increased from 94 to 226 - an increase of 140%, or more than 13 cases per judge - per year. However, using the multiplier shown above - an increase of 13 cases per judge - per year, means that each judge considers 39 additional cases for his Division and reads 78, or more, related briefs. Stated differently - in 1968 each judge considered approximately 300 cases per year. Today, the same judge considers 800 cases per year.

COMPLEXITY: Reading, analyzing, and resolving 4 cases per day would not be too difficult if neither the facts nor the law were unduly complex. Unfortunately for this court, all of the issues of law are disputed and questioned, and while most trial rulings are sound, some are dubious, indefinite, perplexing, and questionable - or they would not be in an appellate court. The size of the cases

appear to increase with the complexity. It is not unusual for consecutive cases to average more than 1,000 pages of transcript, and for "briefs" to exceed 100 pages. Prolivity and contrariety of a lawyer cannot be overestimated. Complex legal issues become convoluted by application of extensive facts to intricate questions of law. Simplistic solutions are generally unavailable. Divergent views of opposing parties present seemingly incompatible and irreconcilable precepts of law. To correctly delineate the rights of all parties, the legal acumen and jurisprudential wisdom of the appellate judge is tested on a daily basis.

DIVERSITY: A facet of the appellate process that is not usually emphasized is the varying subject matter of each appeal. It might be anticipated that legal issues recur - thereby easing resolution of recurring problems. However, the opposite result must be reached. Legal resolution of issues is directly related to the factual predicate. Thus, although the same legal issue may be presented, the factual basis is never the same. Because the gamut of our jurisprudence spans the legal lexicon from "abandonment" to "zoning," research is the inflexible sine qua non of appellate resolution of trial issues. Research requires time, and time available for research is directly proportionate to the work load.

CONCLUSION: The unavoidable components which directly bear upon the appellate process are: number of cases, size of cases, number of issues, complexity of issues, diversity of subject matter, research number of personnel available to research, and unanimity of opinion of judges. The appellate process is a part of the trial by jury

system and "due process" guaranteed to every citizen by the U.S. and Georgia Constitutions. The efficacy, credibility, and effectiveness of the appellate process is directly related to the ability of this Court's personnel. It is in the best interest of the citizens of this State to select and retain those individuals best qualified by judicial training and experience to be judges of this Court.

Respectfully submitted,

J. KELLEY QUILLIAN

JKQ/jgl

Encls. (2)

Case Load per month
Chart - Case load per year