



# SERVING THE COURTS

**The Judicial Council** is the state-level judicial agency charged with developing policies for administering and improving the courts. The state legislature created the Judicial Council in 1973; in 1978 the council officially became an administrative arm of the Supreme Court of Georgia. The council considers requests for new judgeships and oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting.

Twenty-four representatives of the appellate and trial courts make up the Judicial Council. The chief justice and presiding justice of the Supreme Court act as the chairperson and vice chairperson, respectively. The chief judge and another judge of the Court of Appeals; the presidents and presidents-elect of the superior, state, juvenile, probate and magistrate court councils; and the 10 superior court district administrative judges complete council membership. The full council meets at least twice a year.

**The Administrative Office of the Courts** staffs the Judicial Council, working closely with its chairperson, the chief justice of the Supreme Court of Georgia. The Administrative Office of the Courts serves all classes of courts by generating court statistical information and recommendations, providing publications of interest to the judiciary, acting as liaison with judicial branch policy-making groups and coordinating annual judicial branch appropriations requests and other fiscal services. The office is a liaison to other state and national judicial agencies.



## YOUR GUIDE TO THE GEORGIA COURTS

**The Georgia court system** has two appellate-level courts: the Supreme Court and Court of Appeals. There are five classes of trial-level courts: the superior, state, juvenile, probate and magistrate courts. In addition, there are approximately 400 municipal and/or special courts operating locally.

Courts have authority over specific matters as set forth in the 1983 State Constitution. The appellate courts review cases that have been tried in general and limited jurisdiction courts. Superior courts have general jurisdiction, meaning they hear almost any civil or criminal case. The other trial courts, often called limited jurisdiction courts, hear only certain cases.

At the appellate level, salaries and operating expenses are paid from state revenues. Funding for the superior courts is shared by state and county funding sources. Limited jurisdiction courts are funded solely by county governments.

For more information about Georgia's judicial system, contact the Administrative Office of the Courts Communications/Publications Office  
244 Washington Street, Suite 300  
Atlanta, GA 30334  
404-656-5171  
[www.georgiacourts.org](http://www.georgiacourts.org)

## THE APPELLATE COURTS



**The Supreme Court of Georgia** has exclusive appellate jurisdiction in the following matters set forth in the 1983 State Constitution: cases involving the construction of a treaty or of the Georgia or U.S. Constitution; the constitutionality of a law, ordinance or constitutional provision; and election contests. Unless otherwise provided by law, the Supreme Court has appellate jurisdiction of all cases involving title to land, equity, wills, habeas corpus, extraordinary remedies (mandamus, prohibition, quo warranto, etc.), divorce and alimony, all cases certified to it by the Court of Appeals and all cases in which a sentence of death was imposed or could be imposed. Additionally, the Supreme Court may answer any question of law from any state or federal appellate court and may review by certiorari cases in the Court of Appeals which are of great public importance.

Terms of court begin in January, April and September. Cases are assigned in rotation to the justices for preparation of opinions and decisions of the whole court. When a justice prepares an opinion, it is circulated for study to all the other justices and after discussion *en banc* the opinion is adopted or rejected by a majority of the justices.

The seven justices who serve on the Supreme Court are elected to six-year terms in statewide, nonpartisan elections. A candidate for Supreme Court justice must have been admitted to practice law for at least seven years prior to assuming office. The justices elect the chief justice and a presiding justice to handle administrative matters for the court.

### The Justices of the Supreme Court

Chief Justice Norman S. Fletcher  
Presiding Justice Leah Ward Sears  
Justice Robert Benham  
Justice Carol W. Hunstein  
Justice George H. Carley  
Justice Hugh P. Thompson  
Justice P. Harris Hines



### The Judges of the Court of Appeals

Chief Judge G. Alan Blackburn  
Presiding Judge Marion T. Pope, Jr.  
Presiding Judge Gary B. Andrews  
Presiding Judge Edward H. Johnson  
Presiding Judge J.D. Smith  
Judge John H. Ruffin, Jr.  
Judge Frank M. Eldridge  
Judge Anne Elizabeth Barnes  
Judge M. Yvette Miller  
Judge John J. Ellington  
Judge Herbert E. Phipps  
Judge Charles B. Mikell, Jr.



**The Court of Appeals of Georgia** has constitutional jurisdiction over appeals from superior, state and juvenile courts in all cases where exclusive or general jurisdiction is not reserved to the Supreme Court. These cases include civil claims for damages, child custody cases, workers' compensation and other administrative law cases and all criminal cases other than capital felonies. The court may also certify legal questions to the Supreme Court.

The court is made up of twelve judges. The chief judge of the court, usually the most senior judge who has not served as chief judge, is elected by the court to a two-year term and is responsible for the administration of the court. Cases are heard by panels of three judges. The chief judge appoints a presiding judge, usually the most senior, to head each panel and assigns judges to the panels each year. The chief judge and the presiding judges form the executive council which decides and/or advises on certain administrative matters.

Panel decisions are final unless a judge dissents. If after a hearing by the full court, the judges are equally divided, the case is transferred for decision to the Supreme Court. The court has terms beginning in September, January and April.

Court of Appeals judges are elected to six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been admitted to practice law for at least seven years.

# THE TRIAL COURTS



**The superior court** is Georgia's general jurisdiction trial court. It has exclusive, constitutional authority over felony cases, divorce, equity and cases regarding title to land. The exclusive jurisdiction of this court also covers such matters as declaratory judgments, habeas corpus, mandamus, quo warranto and prohibition. The superior court corrects errors made by lower courts by issuing writs of certiorari; for some lower courts, the right to direct review by the superior court applies.

Superior courts are organized into 49 judicial circuits. Each county has its own superior court, though a judge may serve more than one county. A chief judge handles the administrative tasks for each circuit.

Superior court judges are elected to four-year terms in nonpartisan, circuit-wide races. To qualify as a superior court judge, a candidate must be at least 30 years old, a citizen of Georgia for at least three years, and have practiced law for at least seven years. Superior court judges who have retired and taken senior status may hear cases in any circuit at the request of a local judge, an administrative judge, or the governor.



**The state court** was established by a 1970 legislative act that designated certain existing countywide courts of limited jurisdiction as state courts. State courts may exercise jurisdiction over all misdemeanor violations, including traffic cases, and all civil actions, regardless of the amount claimed, unless the superior court has exclusive jurisdiction.

State courts are authorized to hold hearings on applications for an issuance of search and arrest warrants and to hold preliminary hearings. The Georgia Constitution grants state

courts authority to review lower court decisions as provided by statute.

The General Assembly creates state courts by local legislation. Legislation also establishes the number of judges and whether the judges are to be full or part-time. Part-time judges may practice law, except in their own courts.

State court judges are elected to four-year terms in nonpartisan, countywide elections. Candidates must be at least 25 years old, have been admitted to practice law for at least seven years, and have lived in the state for at least three years.



The purpose of our **juvenile courts** is to protect the well-being of children, provide guidance and control conducive to child welfare and the best interests of the state, and secure care for children removed from their homes.

The exclusive, original jurisdiction of juvenile courts extends to delinquent and unruly children under the age of 17 and deprived children under the age of 18. Juvenile courts have concurrent jurisdiction with superior courts in cases involving capital felonies, custody and child support cases, and in proceedings to terminate parental rights. However, the superior court now has jurisdiction over juveniles who commit certain violent felonies including: murder, voluntary manslaughter, rape, other sexual offenses, and armed robbery if committed with a firearm. In addition, the juvenile court has jurisdiction over minors committing traffic violations or enlisting in the military services, consent to marriage for minors, and cases involving the Interstate Compact on Juveniles.

Juvenile court judges are appointed by the superior court judges of the circuit to four-year terms. Judges must be 30 years of age, have practiced law for five years, and have lived in Georgia for three years. Full-time judges cannot practice law while holding office.



**County probate courts** exercise exclusive, original jurisdiction in the probate of wills, administration of estates, appointment of guardians and involuntary hospitalization of incapacitated adults and other individuals.

All probate court judges administer oaths of office and issue marriage licenses. They may hold habeas corpus hearings or preside over criminal preliminary hearings. Unless a jury trial is requested, probate court judges may also hear certain misdemeanors, traffic cases and violations of state game and fish laws in counties where there is no state court. When authorized by local statute, probate judges serve as election supervisors and make appointments to certain local public offices.

In counties with population greater than 96,000, a party to a civil case may request a jury trial in the probate court by a written demand with the first pleading. Appeals from such civil cases may be to the Supreme Court or the Court of Appeals depending on the particular matter.

Most probate court judges are elected to four-year terms in countywide, partisan elections. A candidate for judge of the probate court must be at least 25 years of age, a high school graduate, a U.S. citizen and a county resident for at least two years preceding the election. In counties with population over 96,000, a candidate for probate judge must have practiced law for seven years and be at least 30 years of age.



**Magistrate court** jurisdiction includes: civil claims of \$15,000 or less; certain minor criminal offenses; distress warrants and dispossessory writs; county ordinance violations; deposit account fraud (bad checks); preliminary hearings; and summonses, arrest and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of Georgia's 159 magistrate courts.

Magistrates may grant bail in cases where the setting of bail is not exclusively reserved to a judge of another court. No jury trials are held in magistrate court. If a defendant submits a written request for a jury trial, cases may be removed to superior or state court.

The chief magistrate of each county assigns cases, sets court sessions, appoints other magistrates (with the consent of the superior court judges) and sets policy for the magistrate court. The number of magistrates in addition to the chief is usually set by majority vote of the county's superior court judges.

Most chief magistrates are elected in partisan, countywide elections to four-year terms. The chief magistrate may be appointed, if so provided by local legislation. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them.

To qualify as a magistrate, an individual must reside in the county for at least one year preceding his or her term of office, be 25 years of age, and have a high school diploma or its equivalent. A magistrate court judge may also serve as a judge of another limited jurisdiction court in the same county.



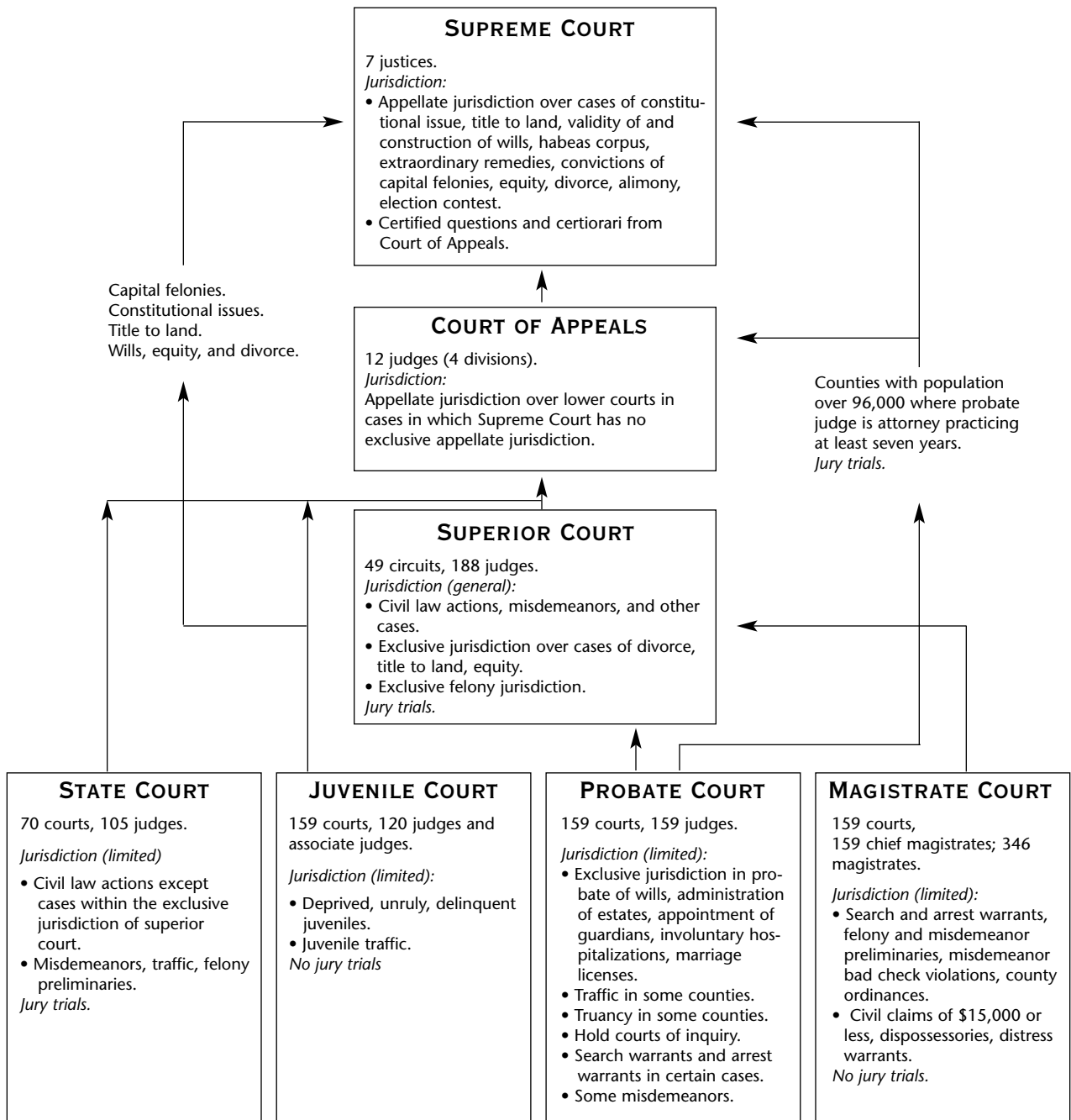
**Special and municipal courts.** Approximately 400 local courts are also part of the Georgia court system. These special courts and courts serving incorporated municipalities operate under various names with varying jurisdictions.

Courts of incorporated municipalities try municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and may have concurrent jurisdiction over shoplifting cases and cases involving possession of one ounce or less of marijuana.

Qualifications of judges and terms of office in municipal courts are set by local legislation.

## THE GEORGIA COURT SYSTEM

(showing appellate routes)



As of July 2002.