



## Supreme Court of Georgia

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### COURT AMENDS RULES

**Atlanta, June 2, 2010** – The Supreme Court of Georgia today unanimously adopted a change in its rules to ensure that those seeking to appeal a lower court’s ruling will be able to afford to do so.

Under the rule change, which amends Rules 67 and 69 of the “Rules of the Supreme Court of the State of Georgia,” the parties on both sides of an appeal will together certify and provide the case record to the high court. Before this change, court clerk’s offices prepared, copied and certified the record.

“This is an interim solution to the problems created by the passage of House Bill 1055,” said Chief Justice Carol Hunstein. “I have been in communication with members of the legislature and the executive branch, as well as with the association of county commissioners, and I don’t think anyone involved in this legislation understood what the impact would be.”

House Bill 1055, passed in the last two weeks of the legislature, raised the cost of sending a case record from the trial court to the appeals court from \$1.50 a page to \$10.00 a page. Court records include everything filed in a case, including motions, court orders, depositions and attorneys’ briefs. For a record of 500 pages or more, the cost to appeal under House Bill 1055 would rise from \$750 to \$5,000 – more than a 500 percent increase.

“The whole purpose of this is to make sure the people of Georgia continue to have access to their appellate courts,” the Chief Justice said. “It is a stopgap measure until the legislature reconvenes next year.”



## SUPREME COURT OF GEORGIA

Atlanta June 2, 2010

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

It is ordered that effective June 2, 2010, Rules 67 and 69 of the Rules of the Supreme Court of Georgia be hereby amended by changing the caption of Rule 67 and by adding a provision for an alternate means of submitting the appellate record to the Court, so that amended Rules 67 and 69 shall read as follows:

### **XIII. RECORDS AND TRANSCRIPTS**

#### **Rule 67. RECORDS, RECORD APPENDIX, AND TRANSCRIPTS.**

(1) 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. In habeas corpus appeals after criminal convictions, the original record in its entirety shall be certified and transmitted. Transmittal of a trial clerk's certified record shall be by the clerk or deputy personally or by United States mail or express mail, or by a commercial delivery company, charges prepaid. Transmittal by a party or attorney is prohibited.

(2) In lieu of an appellate record transmitted by the trial court clerk, the parties may submit to the Clerk of this Court a record appendix. The notice of appeal shall be designated for inclusion in the appellate record, but otherwise the appellant may direct the clerk of the trial court to omit everything else. The record appendix shall consist of:

- (a) The relevant portions of the pleadings, charge, findings, or opinion;
- (b) The judgment, order, or decision in question; and
- (c) Other parts of the record to which the parties wish to direct the Court's attention.

(3) Transmittal of the original of any transcript is governed by Rule 70.

(4) The appellant must serve on the appellee a designation of the parts of the record the appellant intends to include in the record appendix at the time of serving the notice of appeal. The appellee may, within 15 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the Court's attention. The appendix shall be transmitted to the Clerk of this Court within 5 days after the date of filing of the transcript of evidence and proceedings by the appellant or appellee. Where no transcript of evidence and proceedings is to be sent up, the record appendix shall be transmitted to this Court within 30 days after the date of filing of the notice of appeal. The parties must not engage in unnecessary

designation of parts of the record. Disputes as to the correctness of the record appendix shall be submitted to the trial court as provided in OCGA § 5-6-41 (f).

(5) Where a party has been granted pauper status in the trial court and the record so reflects, the party may elect to proceed in accordance with OCGA § 5-6-30 et seq.

**Rule 69. SEQUENCE.**

(1) The clerk-certified record with pages numbered at the bottom and a manuscript cover shall be arranged as follows:

- (a) Index (including page references and dates of filing);
- (b) Notice of appeal;
- (c) Other items in chronological order; and
- (d) Clerk's certificate.

Voluminous records may be bound in separate parts but each part shall be certified separately.

(2) The record appendix with pages numbered at the bottom and a manuscript cover shall be arranged as follows:

- (a) Index (including page references and dates of filing);
  - (b) Copy of notice of appeal;
  - (c) Other items in chronological order; and
  - (d) Statement of correctness
- (1.) Attorney Statement:

I, the undersigned attorney of record in the above-styled case, a member of the State Bar of Georgia and the Supreme Court of Georgia in good standing, do make this certificate as required by the Rules of the Supreme Court of Georgia. I hereby certify that I am familiar with the trial court record in this case, and that this appendix contains only parts of the record on file in the trial court.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(signature and Bar number)

(2.) Pro Se Statement: A record appendix submitted by a pro se party who is not an attorney shall contain that party's sworn verification, as specified in OCGA § 9-10-113, as to the correctness of the record appendix.

Voluminous records may be bound in separate parts but each part must include the Attorney or Pro Se Statement.

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.

 Clerk