



## SUPREME COURT OF GEORGIA

Atlanta December 8, 2016

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is hereby ordered that the Rules of the Supreme Court of Georgia be amended by revising Rule 3 (terms of court) to reflect the new terms of this Court, in light of the amendments to OCGA § 15-2-4; and by amending Rule 34 (standard for granting discretionary appeals) to reword paragraph (3) and to delete paragraph (4) and amending Rule 54 (time for oral argument) to delete the reference to Rule 34 (4), in light of the transfer to the Court of Appeals of appellate jurisdiction over all divorce and alimony cases pursuant to OCGA § 15-3-3.1 (a) (5).

It is further ordered that Rule 12 (requests for extension of time for filings), Rule 20 (requests for expansion of page limitations), and Rule 51 (requests for oral argument) be reworded to clarify that such requests should be filed as are other filings in a matter (i.e., using the electronic filing system where that system applies to a matter).

It is further ordered that Rule 67 (records and transcripts) and Rule 69 (sequence of the record) be amended to delete the provisions allowing a record appendix as an alternate means of submitting the appellate record to the Court and to add a reference to the transmittal of the trial court record by electronic means.

These amendments shall take effect on January 1, 2017, except that the term of court that began on the first Monday of September 2016 under former OCGA § 15-2-4 shall end on December 16, 2016, and the term of court that began on the first Monday of December 2016 under the amended OCGA § 15-2-4 shall begin on December 5, 2016, and any application for discretionary appeal in a divorce or alimony case filed before January 1, 2017 shall be handled under the pre-amendment versions of Rules 34 and 54.

After amendment, the rules shall read as follows:

## I. GENERAL

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**Rule 3. TERMS OF COURT.** The Supreme Court has three terms each year as follows:

- (1) December term beginning the first Monday in December;
- (2) April term beginning the first Monday in April; and
- (3) August term beginning the first Monday in August.

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## II. FILINGS

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**Rule 12. EXTENSION OF TIME.** Extensions of time for filing petitions for certiorari, applications, and motions for reconsideration will be granted only in unusual circumstances and only if the request is filed before the time for filing the pleading has expired.

Requests for extension of time for filing briefs should be filed sufficiently in advance of the due date so that if the request is denied the briefs can still be filed within the time fixed by these rules.

Requests not showing service on the opposing party will not be honored.

A copy of the order granting the extension must be included as an exhibit to the document for which the extension was granted.

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**Rule 20. BRIEFS: 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 filed in 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 filed in 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.

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#### IV. DISCRETIONARY APPEALS

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**Rule 34. STANDARD FOR GRANTING.** An application for leave to appeal a final judgment in cases subject to appeal under OCGA § 5-6-35 shall be granted when:

- (1) Reversible error appears to exist;
- (2) The establishment of a precedent is desirable; or
- (3) Further development of the common law is desirable.

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#### X. ORAL ARGUMENT

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**Rule 51. REQUESTS.** A request for oral argument shall be filed and shall certify that the opposing parties or their attorneys have been notified of the intention to argue the case orally and that inquiry has been made whether they intend also to argue orally. The request shall further certify that the opponents do or do not desire to argue orally, and shall show service upon such opponents.

A request for oral argument must be renewed upon transfer of an appeal to this Court from the Court of Appeals.

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**Rule 54. TIME.** Unless otherwise provided by the Court, oral argument is limited to 20 minutes for each side except in direct appeals of judgments imposing the death penalty, which are limited to 30 minutes for each side. Appeals, cross-appeals, and companion cases shall be considered to be one case for the purpose of oral argument. Parties must divide the allotted time by agreement among themselves. The yellow podium light indicates 5 minutes of argument time remain; the red podium light indicates that time has expired.

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### XIII. RECORDS AND TRANSCRIPTS

**Rule 67. RECORDS AND TRANSCRIPTS.** 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 record shall be through the Supreme Court electronic record access system at <http://trial.gasupreme.us/>, or 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.

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**Rule 69. SEQUENCE.** The clerk-certified record with pages numbered at the bottom and a manuscript cover shall be arranged as follows:

- (1) Index (including page references and dates of filing);
- (2) Notice of appeal;
- (3) Other items in chronological order; and
- (4) Clerk's certificate.

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

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