

Serving the Courts

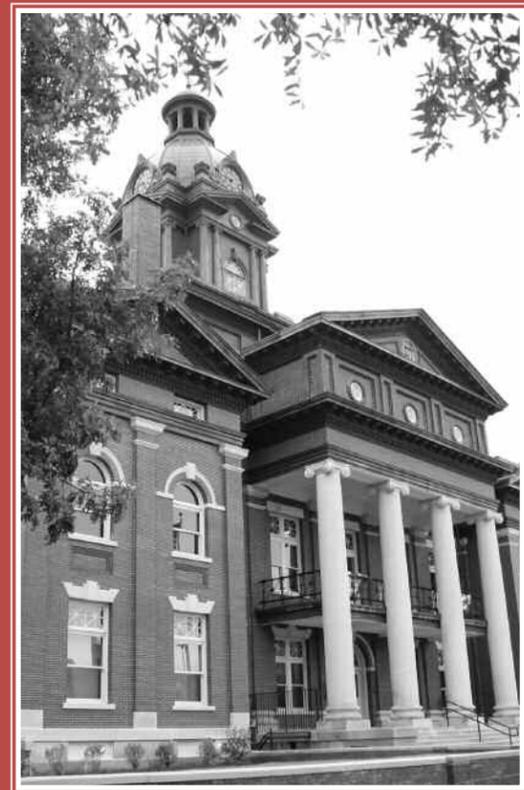
The **Judicial Council/Administrative Office of the Courts** was established in 1973 to provide support services to the courts of Georgia. The agency oversees the annual workload assessment study for the superior courts, procures grants for local drug courts and other pilot projects, sponsors court technology and automation efforts, coordinates activities of court councils, and produces publications such as the *Georgia Courts Journal* and the annual *Georgia Courts Directory*. In addition the AOC serves as the fiscal officer for a variety of judicial branch commissions and councils.

As an administrative arm of the Supreme Court of Georgia, the AOC operates under the guidance of the Judicial Council, a policy-making body chaired by the Chief Justice of the Supreme Court of Georgia. Membership of the Judicial Council consists of twenty-four judges representing the appellate and trial courts of the state. The Council meets at least three times each year to consider judgeships, budgetary matters, and other judicial branch programs.



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Your Guide to the GEORGIA COURTS

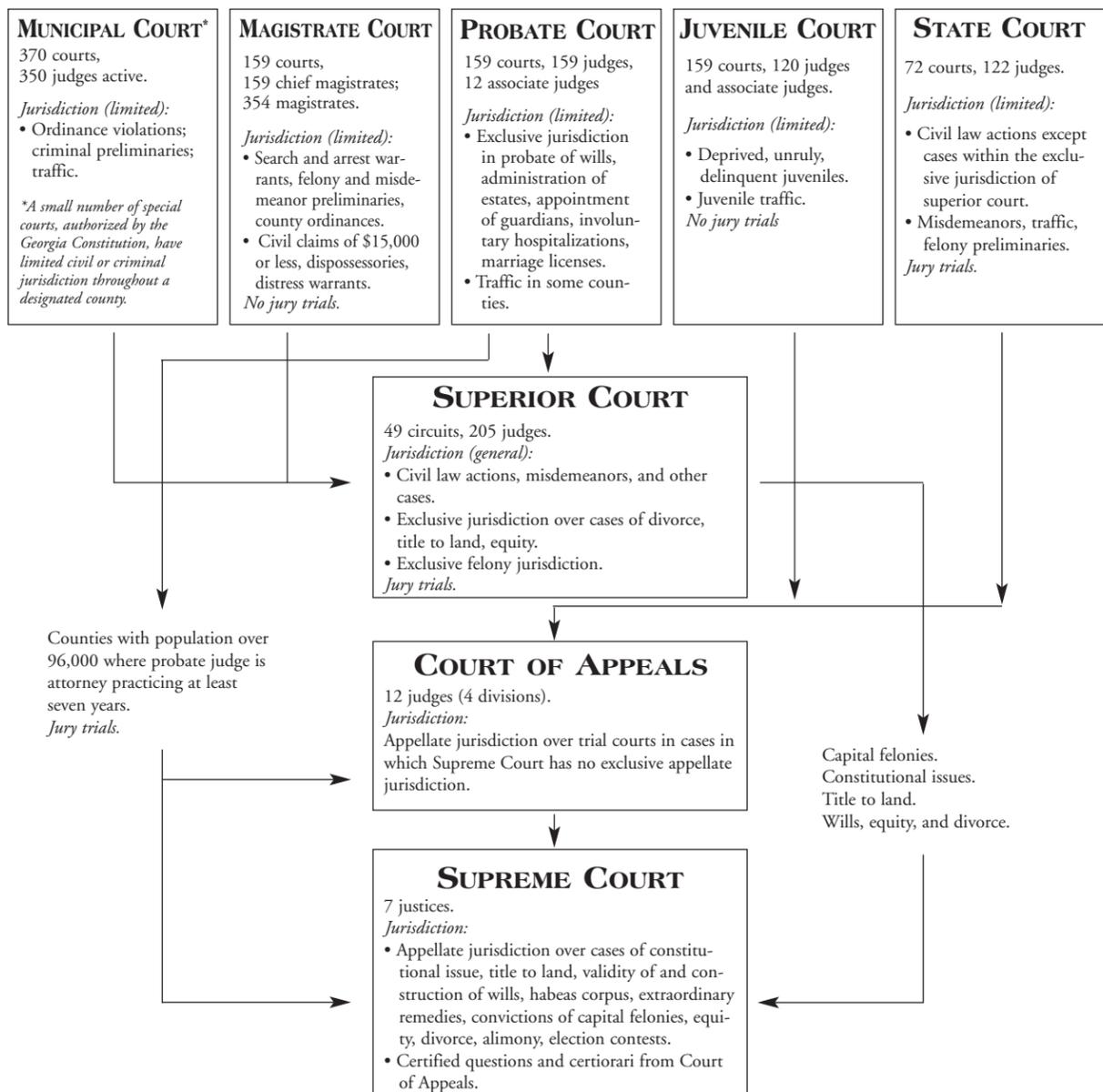
At the Courthouse

Our courts have authority over specific types of cases as set forth in the Constitution of the State of Georgia. Limited jurisdiction courts — municipal, magistrate, probate, juvenile and state — hear traffic and criminal misdemeanor cases and civil cases involving lesser amounts of money. Superior court jurisdiction is more extensive including felony offenses, divorce cases and civil matters involving corporations etc. The appellate courts review records of cases tried in limited and general jurisdiction courts to determine if procedural errors or errors of law that could have altered the outcome of the case were made at trial.

Most citizens who come to court are involved in matters that are settled in limited jurisdiction courts. Only a small percentage of cases disposed by the trial courts are appealed to a higher court.

Managing today's court operations requires the expertise of many professionals other than judges. Court administrators, court clerks, prosecutors, jury managers, and court reporters are only a few of the staff members who are essential to keeping our trial and appellate courts working smoothly. Issues and decisions regarding automation technology, courthouse design and security, preservation and safekeeping of records make the business of court administrators and other courthouse personnel both complex and indispensable.

The Georgia Court System (showing appellate routes)



As of May 2011.

Georgia Court System

The Georgia court system has five classes of trial-level courts: the magistrate, probate, juvenile, state, and superior courts. In addition, there are approximately 350 municipal courts operating locally. There are two appellate-level courts: the Supreme Court and Court of Appeals.

Trial Courts of Limited Jurisdiction



Courts of Review

Magistrate Court

Magistrate courts are county courts that issue warrants, hear minor criminal offenses and civil claims involving amounts of \$15,000 or less. A chief magistrate is either elected or appointed in each county as determined by local legislation; other magistrates may be appointed by the chief magistrate.

Magistrate court is the court of first resort for many civil disputes including: county ordinance violations, dispossessories, landlord/tenant cases, and bad checks. In criminal matters magistrates hold preliminary hearings; issue search warrants to law enforcement and also warrants for the arrest of a particular person. In some criminal matters magistrates are authorized to set bail for defendants.

No jury trials are held in magistrate court; civil cases are often argued by the parties themselves, rather than by attorneys.

Probate Court

Original jurisdiction in the probate of wills and administration of decedents' estates is designated to the probate court of each county. Probate judges are also authorized to order involuntary hospitalization of an incapacitated adult or other individual, and to appoint a legal guardian to handle the affairs of certain specified individuals. Probate courts issue marriage licenses and licenses to carry firearms.

In counties where no state court exists, probate judges may hear traffic violations, certain misdemeanors, and citations involving the state game and fish laws. Many probate judges are authorized to serve as the county elections supervisor; they also administer oaths of office and make appointments to certain local public offices. In counties where the total population exceeds 96,000, the probate judge must be a licensed attorney who has practiced law for seven years.

Juvenile Court

Juvenile courts handle all cases involving deprived and neglected children under 18 years of age; delinquent and unruly offenses committed by children under 17 years of age; and traffic violations committed by juveniles. The juvenile courts also hear cases involving consent to marriage for minors, enlistment of minors in the military, and procedures for return of a runaway child who is taken into custody in another state.

Juvenile courts have concurrent jurisdiction with superior courts in child custody and child support matters arising from divorces cases, and in proceedings to terminate parental rights. Original jurisdiction over juveniles who commit certain serious violent felonies resides in the superior courts.

Juvenile court judges are appointed by agreement of the superior court judges of the circuit to four-year terms of office.

State Court

State courts exercise limited jurisdiction within one county. These judges hear misdemeanors including traffic violations, issue search and arrest warrants, hold preliminary hearings in criminal cases, and try civil matters not reserved exclusively for the superior courts. A state court is established by local legislation introduced in the General Assembly.

State court judges are elected to four-year terms in county-wide nonpartisan elections. Certain vacancies in state court are filled by appointment of the Governor.

Municipal Court

Cities and towns in Georgia establish municipal courts to handle traffic offenses, local ordinance violations, conduct preliminary hearings, issue warrants, and in some instances hear misdemeanor shoplifting and possession of marijuana cases. Municipal court judges are often appointed by the mayor, some are elected. There are more than 350 municipal courts operating in Georgia.

Trial Courts of General Jurisdiction

Superior Court

The superior court exercises broad civil and criminal jurisdiction. Superior court judges preside over all felony trials, have exclusive jurisdiction over divorces and may correct errors made by limited jurisdiction courts. The forty-nine superior court circuits in Georgia are made up of one or more counties; each circuit has a chief superior court judge and other judges as authorized by the General Assembly.

Superior court judges are constitutional officers who are elected to four-year terms in circuit-wide nonpartisan elections. Certain vacancies that occur in superior court are filled by appointment of the Governor. A candidate for superior court judge must be at least 30 years of age, a lawyer who has practiced for seven years, and a resident of the state for three years.

Jury Service

Jury trials are a hallmark of the American legal system. Each day around the state, our trial courts require hundreds of ordinary citizens to report to the courthouse for jury duty. Both a right and responsibility, service as a juror places the individual citizen in a central role in the justice system.

Court of Appeals of Georgia

The Court of Appeals is the court of first review for many civil and criminal cases decided in the trial courts. The purpose of such a review is to correct legal errors or errors of law made at the trial level, not to alter jury verdicts or the outcome of bench trials.

The Court of Appeals has twelve judges who are assigned to one of four panels made up of three judges each. Once a case is assigned to a panel, the judges review the trial transcript, relevant portions of the record, and briefs submitted by the attorneys for the parties. Panels also hear oral arguments in a small number of cases. Panel decisions are final unless one judge dissents. If necessary, a case may be reviewed by the full court.

Supreme Court of Georgia

The Supreme Court, the state's highest court, reviews decisions made by other courts in civil and criminal cases. This court alone rules on questions involving the constitutionality of state statutes, all criminal cases involving a sentence of death, and petitions from decisions of the Court of Appeals. No trials are held at the appellate level; oral arguments are heard by the entire court.

Each case accepted for review by the Supreme Court is assigned to one of the seven justices for preparation of a preliminary opinion (decision) for circulation to all other justices. The justices review trial transcripts, case records and the accompanying legal briefs prepared by attorneys. An opinion is adopted or rejected by the Court after thorough discussion by all the justices in conference.

The Chief Justice and the Presiding Justice serve as officers of the court for two-year terms. The Chief Justice presides at official sessions of the Supreme Court and conferences of the justices. The Supreme Court is assigned oversight of the legal profession and the judiciary, as well as other designated duties.



Court Funding

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