



SUPREME COURT OF GEORGIA

September 9, 2019

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 4 (Requirements for Attorneys Practicing Before the Supreme Court) to reserve paragraph (4) (i); Rule 10 (Briefs of the Parties: Time of Filing), Rule 20 (Briefs: Page Limitations), Rule 23 (Amicus Briefs), and Rule 24 (Supplemental Briefs) to amend the briefing schedules; Rule 50 (Oral Argument) and Rule 51 (Requests for Oral Argument) to provide that oral argument requests must include details about why argument is necessary and to discourage divided argument; and to add new Rule 96 (Appearance and Argument before the Georgia Supreme Court) to provide that under certain conditions law students may participate in oral argument.

Amended Rules 4 and 96 shall be effective September 9, 2019, and amended Rules 10, 20, 23, 24, 50, and 51 shall be effective as to cases that docket on or after December 2, 2019. The amended Rules shall read as follows:

I. GENERAL

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Rule 4. REQUIREMENTS FOR ATTORNEYS PRACTICING BEFORE THE SUPREME COURT.

An attorney must be in good standing and admitted to the bar of the Supreme Court in order to make an appearance. An attorney who is

not admitted to practice in Georgia but who is admitted and authorized to practice law in the highest court in another state, the District of Columbia, or a territory of the United States may appear pro hac vice in a particular case with permission of the Court as provided in paragraph (h) below. A law student or a law school graduate authorized to practice under the Student Practice Rules or the Law School Graduate Rules may appear in a particular case with the permission of the Court as provided in Rule 96.

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i. Reserved.

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II. FILINGS

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Rule 10. BRIEFS OF THE PARTIES: TIME OF FILING.

(1) **Principal brief.** The appellant shall file a principal brief within 20 days after the appeal is docketed.

(2) **Response brief.** The appellee shall file a response brief within 40 days after the appeal is docketed or 20 days after the filing of the principal brief of the appellant, whichever is later.

(3) **Reply brief.** The appellant may file a reply brief within 50 days after the appeal is docketed or within 10 days after the filing of the response brief of the appellee, whichever is later.

(4) **Cross-appeals.** The cross-appellant shall file a principal brief within 20 days after the cross-appeal is docketed. The cross-appellee shall file a response brief within 40 days after the cross-appeal is docketed or 20 days after the filing of the principal brief of the cross-appellant, whichever is later. The cross-appellant may file a reply brief within 50 days after the cross-appeal is docketed or within 10 days after the filing of the response brief of the cross-appellee, whichever is later. Appeals and cross-appeals may be argued in one

brief, but this shall not extend the time for filing or the page limits except by leave of the Court.

(5) **Failure to file briefs.** A failure to comply with an order of the Court directing a party to file a brief may cause the filing to be rejected, and the appeal to be dismissed, and may subject a party and its counsel to sanctions under Rule 7.

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Rule 20. BRIEFS: PAGE LIMITATIONS.

(1) **Civil cases.** In civil cases, principal briefs, petitions for certiorari, applications for appeal, motions, and responses are limited to 30 pages, and reply briefs are limited to 15 pages, except by leave of the Court.

(2) **Criminal cases generally.** Other than cases in which the State is seeking the death penalty or in which the death penalty has been imposed, principal briefs, petitions for certiorari, applications for appeal, motions, and responses in criminal cases are limited to 50 pages, and reply briefs in criminal cases are limited to 25 pages, except by leave of the Court.

(3) **Death penalty cases.** Principal briefs, response briefs, and reply briefs in cases in which the State is seeking the death penalty or in which the death penalty has been imposed are not subject to a page limitation.

(4) **Amicus curiae briefs.** Amicus curiae briefs are limited to 30 pages.

(5) **Exclusions from page limitations.** Tables of contents, tables of citations, appendices, and certificates of service shall not be counted toward the applicable page limitation.

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Rule 23. AMICUS BRIEFS.

(1) Amicus curiae briefs in support of any party may be filed without leave of the Court within 10 days after that party's initial brief, petition, or application is due.

(2) Amicus curiae briefs in support of neither party may be filed without leave of the Court within 10 days after the response or reply brief is due.

(3) Amicus curiae briefs may be filed thereafter only with leave of the Court. An application for leave to file an amicus curiae brief shall be filed in the form of a motion and shall attach the proposed brief as Exhibit 1.

(4) Amicus curiae briefs shall disclose the identity and interest of the persons on whose behalf the brief is filed. The Court may strike or deny leave to file an amicus curiae brief that would result in the disqualification of a Justice.

(5) Amici do not have standing to file motions for reconsideration, but may submit briefs in support of a motion made by a party.

Rule 24. SUPPLEMENTAL BRIEFS.

Supplemental briefs may be filed only with leave of the Court. Any communication with the Court regarding recent authority which comes to the attention of a party subsequent to the filing of the party's brief or after oral argument, but before decision, must be filed in compliance with this rule as a supplemental brief. Any response shall be made promptly and in accordance with this rule.

An application for leave to file a supplemental brief shall be filed in the form of a motion and shall attach the proposed brief as Exhibit 1.

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X. ORAL ARGUMENT

Rule 50. ORAL ARGUMENT.

(1) **Mandatory argument.** Unless the Court enters a summary disposition, oral argument is mandatory in the following cases, which will be placed automatically upon the oral argument calendar:

(a) A granted writ of certiorari

(b) A direct appeal from a judgment imposing a sentence of death;

(c) An appeal following the grant of interim review under Rule 37;

(d) An appeal following the grant of an application for a certificate of probable cause to appeal in a habeas corpus case in which a sentence of death is under review;

(e) An appeal by the warden in a habeas corpus case in which a sentence of death has been vacated in the lower court; and

(f) Questions certified to this Court by the Supreme Court of the United States, any District Court or Circuit Court of Appeals of the United States, or any state appellate court under Rules 46-48.

(2) **Permissive argument.** Oral argument may be permitted in all other cases if either party timely files a request for oral argument that complies fully with Rule 51. Requests that do not fully comply with Rule 51 ordinarily will be denied.

(3) Orders requiring, refusing, expanding, or limiting argument. In any case, the Court may require, refuse, expand, or limit oral argument as it deems appropriate.

Rule 51. REQUESTS FOR ORAL ARGUMENT.

(1) Time for filing. A request for oral argument by the appellant must be filed within 20 days after the appeal is docketed. A request by the appellee must be filed within 10 days after the appellant's brief is filed. Requests must not exceed 10 pages and must be made in a separate filing and self-contained; they must not incorporate by reference briefs or portions of the record. No extensions of the time for filing a request for oral argument will be allowed.

(2) Statement of reasons for requesting oral argument. A request for oral argument shall state with particularity why oral argument is needed. Reasons for which oral argument may be needed may include, but are not limited to, that the record on appeal is unusually complex, that the appeal presents an important question of first impression for this Court, that the decisions of this Court or the Court of Appeals at issue in the appeal are inconsistent or otherwise warrant reconsideration, or that the appeal otherwise presents important questions of unusual complexity. The statement should identify with particularity the issue or issues on which the party intends to focus during argument. Conclusory assertions do not comply with this rule.

(3) Notice to opposing parties. Prior to filing a request for oral argument, a party shall notify the opposing parties or their counsel of the intention to request oral argument and inquire whether those opposing parties also desire oral argument. A request shall certify that such notification and inquiry has been made, and a request shall further state whether the opposing parties do or do not desire oral argument.

(4) **Transferred cases.** A request for oral argument must be renewed upon transfer of an appeal to this Court from the Court of Appeals.

(5) **Number of persons arguing.** Leave of the Court must be obtained before more than one attorney will be permitted to argue for the appellant or the appellee, even when multiple parties appear as appellant or appellee in the same case or cases consolidated for oral argument. The Court discourages argument by more than one attorney for the appellant or the appellee. Leave will be granted for more than two attorneys to argue for the appellant or the appellee only in exceptional circumstances. An application for leave to divide argument time must be filed in the form of a motion explaining with particularity why such division is necessary.

XV. STUDENT PRACTICE RULE

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Rule 96. Appearance and Argument before the Georgia Supreme Court.

Law students authorized to practice under the Student Practice Rules, see Rules 91-96, or the Law School Graduate Rules, see Rules 97-103, may co-author briefs, indicating their status on the signature line. A law student participating in a clinical program at a Georgia law school may be authorized to make oral argument if the supervising attorney of the program files a motion to authorize the law student to argue and includes in the motion the name of the student seeking to argue, the extent of the attorney supervision to prepare the student for argument, and a statement that the supervising attorney will be personally present and prepared to supplement any oral statement made by the student. The Court must give specific approval for the law student's participation in the argument. Law students and recent law school graduates are not

eligible to present oral argument based on their participation in legal training programs organized in the offices of governments and non-profit organizations.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I 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