

# Georgia's Court System

The Georgia court system has seven classes of trial-level courts: the superior, state-wide business, state, juvenile, probate, magistrate, and municipal courts. There are two appellate-level courts: the Supreme Court and Court of Appeals.

## 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 fifty 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.

## Trial Courts of Limited Jurisdiction

### *State-wide Business Court*

The State-wide Business Court has jurisdiction over 17 statutorily-defined subject matters, including those arising under the Limited Liability Company Act, the Limited Liability Partnership Act, the Uniform Commercial Code, and the Georgia Business Corporation Code, among others. Such claims must either arise under the court's equity jurisdiction or plead an amount-in-controversy of \$500,000 or more (except for commercial real estate, which is limited to claims greater than \$1 million).

### *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.

### *Juvenile Court*

Jurisdiction of the juvenile courts extends to individuals under the age of 18 alleged to be dependent, alleged to be a child in need of services (CHINS), or alleged to have committed a juvenile traffic offense. Jurisdiction also extends to individuals alleged to have committed a delinquent act who are under the age of 17. Individuals up to the age of 23 may also be subject to juvenile court jurisdiction under certain circumstances.

Juvenile courts also have exclusive original jurisdiction over so-called special proceedings including proceedings for obtaining judicial consent to the marriage, employment, or enlistment in the armed services of any child if such consent is required by law; for permanent guardianship brought pursuant

to provisions of the juvenile code; for the termination of parental rights when brought pursuant to provisions of the juvenile code; for emancipation; and for obtaining a waiver of the requirement of parental notice of abortion.

Juvenile courts have concurrent jurisdiction with superior courts in certain matters involving legitimation; child custody and support; temporary guardianship when properly transferred from probate court; and any criminal case properly transferred from superior court for the purpose of facilitating a parent's participation in a family treatment court division program.

Juvenile court judges are appointed by the superior court judges of the circuit, unless local law provides for elections.

### *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 90,000, the probate judge must be a licensed attorney who has practiced law for seven years.

### *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 usually elected in each county; other magistrates may be appointed by the chief magistrate, though some also run for election.

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.

### *Municipal Court*

Cities in Georgia establish municipal courts to adjudicate traffic offenses; local ordinance/violation cases (involving building code matters that include illegal dumping, excessive noise, zoning, animal control, and similar cases); conduct preliminary criminal hearings; issue warrants; abate nuisances; and in some cities hear misdemeanor shoplifting, criminal trespass, and possession of marijuana cases.

Municipal court judges are often appointed by the mayor or city council; some are elected.

## Courts of Review

### *Supreme Court of Georgia*

The Supreme Court of Georgia, 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.

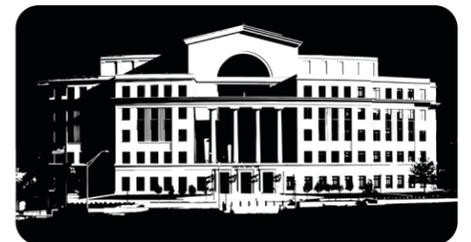
Each case accepted for review by the Supreme Court is assigned to one of the nine justices for preparation of a preliminary opinion (decision) for circulation to all other justices. The justices review trial transcripts, case records, and the accompanying legal briefs prepared by attorneys. An opinion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

The Chief Justice and Presiding Justice serve as officers of the court for four-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 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 made at the trial level, not to alter jury verdicts or the outcome of bench trials.

The Court of Appeals has fifteen judges who are assigned to one of five 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. If necessary, a case may be reviewed by the full court.



### *Court Funding*

At the appellate level, salaries and operation expenses are funded 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.

# Your Guide to the GEORGIA COURTS



Judicial Council/Administrative Office of the Courts  
244 Washington Street, SW, Suite 300  
Atlanta, GA 30334

## 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 caseload reporting for all classes of courts, staffs Judicial Council Committees and several justice-related commissions, sponsors court technology and automation efforts, and produces media content about the Georgia courts for distribution in a variety of formats. In addition, the JC / AOC serves as the fiscal officer for a variety of judicial branch commissions and councils.

As an administrative arm of the Judicial Council 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-eight judges representing the appellate and trial courts of the state and the President of the State Bar. The Council meets several times a year to consider judgeships, budgetary matters, and other judicial branch programs.



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## At the Courthouse

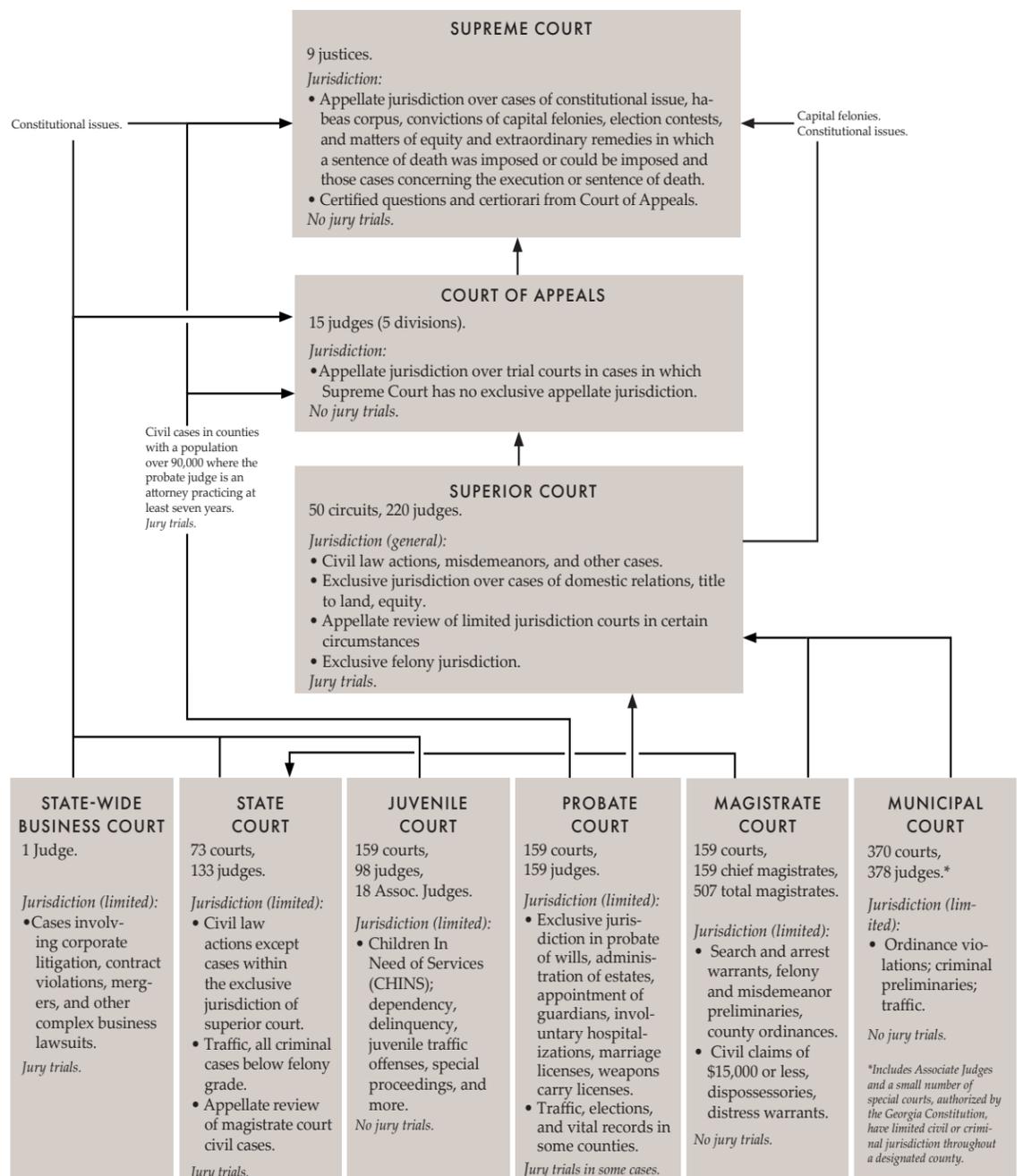
Georgia courts have authority over specific types of cases as set forth in the Constitution of the State of Georgia. Limited jurisdiction courts — municipal, magistrate, probate, juvenile, state, and state-wide business — hear traffic and criminal misdemeanor cases and civil cases. Superior court jurisdiction is more extensive, including felony offenses, domestic relations cases, civil matters, 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, 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, and 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)



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