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Georgia's Law On My Mind

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Georgia's Law On My Mind*

*With apologies to Stuart Gorrell and Hoagy Carmichael

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Georgia’s Law On My Mind

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Georgia's Law On My Mind

The fundamentals of conducting research on the law and practice of Georgia—and who doesn't need the occasional refreshing reminder?—are lucky to have available a new book by law librarians at Georgia State University (although some have since moved to new positions). *GEORGIA LEGAL RESEARCH* (Carolina Academic Press, 2007), by Nancy P. Johnson, Elizabeth G. Adelman, and Nancy J. Adams, offers any researcher a solid foundation from which to begin their work, especially when moving into unfamiliar territories. The chapter on online legal researching (Chapter 9) speaks in broad principles, and can be read as a general background to this paper, which focuses on specific current resources.

WHERE TO BEGIN: As you become familiar with the sites of particular usefulness to you, you will gradually accumulate a set of bookmarks and shortcuts that will take you directly to your favorite resources. When looking for something new, most resources can be accessed by following trails that begin in either of two spots:

www.georgia.gov: A catch-all, omnibus portal to all things Georgia.

<http://www.law.uga.edu/library/research/internet/georgia.html>: The UGA Law Library has created a page collecting many of links to primary legal materials for the state of Georgia.

Beginning at either of these webpages is sure to put you on the right path to finding whatever it is that you are looking for.

PRIMARY LEGISLATIVE MATERIALS

1. Georgia Code (Unannotated)

<http://w3.lexis-nexis.com/hottopics/gacode/>

Very often all that is needed is the current statutory language. LexisNexis (who also publishes the print version of the OCGA), makes available a searchable database of the OCGA. The link given here is overdue to change (i.e., it has existed for over a year and is no longer a “hot topic”), but you should always be able to navigate to the free code via “Georgia Code” link on the General Assembly homepage (http://www.legis.ga.gov/legis/2007_08/).

2. Bills

http://www.legis.ga.gov/legis/2007_08/

When looking for materials that have not yet made it into the OCGA, you will need to find the bills. Bills for the current session (2007-2008) can be found at the homepage of the General Assembly. Earlier legislation from 1995 can be accessed by clicking on the “Previous Sessions” link. A commercial service (i.e., for pay) is available for those who wish to track current Georgia legislation on an ongoing and immediate basis (<http://www.gatrack.com/>).

An historical collection of session laws can be accessed via GALILEO’s Digital Initiative (<http://www.galileo.usg.edu/express?link=zlg&rkey=leg>). Coverage spans the 18th Century through 1999.

3. Legislative History

Access to the statutory language is sometimes not enough to meet your information needs. Knowing the background of that text can help you to anticipate what it will mean to a court. Finding legislative history can be problematic, but a few leads are possible. A useful directory of each state's resources for compiling legislative histories has been made available by the Indiana University School of Law Library (http://www.law.indiana.edu/library/services/sta_leg.shtml). While searching through these sites may turn up some useful information, the general conclusion remains that legislative history in Georgia is extremely thin.

A. Peach Pages

<http://law.gsu.edu/lawreview/peachsheets.htm>

Like many states, Georgia does not have particularly rich material for legislative histories. The primary resource remains the *Peach Pages* published as part of the Georgia State University Law Review, which are freely available for the years 2000-2004. [And yes: these pages of the law review are really printed on peach-colored paper!] Casemaker, available to Georgia Bar members (www.gabar.org/casemaker), indicates that the GSU Law Review, including its *Peach Pages*, will be added to its collection of materials.

B. Floor Debates (current legislation only)

<http://tinyurl.com/55f5b>

Georgia Technology Authority (GTA) offers live gavel-to-gavel coverage of the Georgia General Assembly Legislative Session. This utility can be used to learn the background of new legislation, but is not archived. Sessions usually convene at 10:00 AM each day. Broadcasts from each day of the session can be replayed and will be available on the 4th business day following the session. The live and archived Internet audio/video broadcasts are delivered by Georgia Public Broadcasting.

C. House of Representatives

http://www.legis.ga.gov/legis/2007_08/house/index.htm

Some useful information about legislative intent can perhaps be gleaned through the archives of prior sessions—available beginning with 1995-1996 (be forewarned that many of the earliest links return a 404 error message, indicating that the legislature is not being conscientious about maintaining the availability of prior information). Schedules of committee meetings, for example, can at least let you know when something happened that you would like to follow up with a phone call to any persons involved.

Among the resources this page makes available are an assortment of mailing addresses—home, capital, and chamber seat—and are prepared for printing on Avery 5162 labels in Word, Access, and Excel formats (http://www.legis.ga.gov/legis/2007_08/house/downloads/downloads.htm), an assortment of “fun facts” about state history

(http://www.legis.state.ga.us/legis/2005_06/house/kids/elemen/funfactsindex.htm), and various budget-related documents and explanatory aids (http://www.legis.ga.gov/legis/2007_08/house/budget/budgetIndex.htm).

D. Senate

http://www.legis.ga.gov/legis/2007_08/senate/index.htm

Materials on the homepage for the state senate include: committee reports (http://www.legis.ga.gov/legis/2007_08/senate/committeereports.htm), links to access the radio broadcasts of senate proceedings (http://www.legis.ga.gov/legis/2007_08/senate/senateradio.htm), and preformatted mailing labels for sending items to senators (http://www.legis.ga.gov/legis/2007_08/senate/maillinglabels.htm).

4. Local Ordinances

http://www.municode.com/Resources/code_list.asp?stateID=10

Sometimes the legal materials needed are not state statutes, but local codes. Municipal ordinances for over 100 Georgia communities (including Athens-Clarke County and Fulton County) can be accessed through Municode.com. An aggregator of counties and towns with a web presence can be found at <http://www.govengine.com/localgov/georgia.html>.

EXECUTIVE AND ADMINISTRATIVE DOCUMENTS

Every lawyer knows that legal requirements do not end with legislative pronouncements. Access to relevant executive and administrative rules and regulations are also necessary before being full-informed on an issue. These links guide the user to sites that can fill this gap.

5. Governor's Office

<http://www.gov.state.ga.us/>

The executive branch begins, of course, with the governor's office. Governor Perdue's official webpage makes available Executive Orders and Proclamations from 2003 to the present. EOs from 1994 to present can be found on GALILEO at <http://www.tinyurl.com/yqxj7j>.

6. Attorney General

<http://www.state.ga.us/ago/>

The official site offers AG Opinions from 1994-present, searchable by keyword or number

(http://law.ga.gov/oo/channel_title/0,2094,87670814_87670957,00.html).

7. Georgia State Agencies

A complete list of Georgia state agencies can be found at Georgia.gov (<http://tinyurl.com/gwg2x>), which allows searching by acronym as well as by agency title.

The site for the **Secretary of State** is particularly rich in resources, from a database that allows you to verify an individual's professional license (<https://secure.sos.state.ga.us/myverification/>) while <http://corp.sos.state.ga.us/corp/soskb/CSearch.asp> offers a searchable list of all individuals and corporations licensed for business in Georgia.

The **Department of Corrections** permits the user to search for information about incarcerated inmates (<http://www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp>).

The salaries of public employees can be found at the **Department of Audit's** <https://www.audits.state.ga.us/esa/confirm.aud>.

A. Regulations

<http://rules.sos.state.ga.us>

This page, hosted by the Georgia Department of State, offers over 15049 links to state regulations. The pages themselves are in PDF format. Unknown is the currency of the pages, and the status of the site as a source with legal authority, or whether it is an administrative convenience only.

B. Forms

<http://Forms.georgia.gov>

A daunting challenge is to find the correct form for a specific purpose. The list available from the link above is helpful, but not exhaustive. Agency pages will often contain additional materials that could prove useful.

Securities and Business Regulation Forms:

<http://www.sos.state.ga.us/securities/forms.htm>

Professional Licensure Application Forms:

<http://www.sos.state.ga.us/plb/forms.htm>

Voter Registration Forms:

http://www.sos.state.ga.us/elections/voter_registration/voter_reg_app.htm

Articles of Incorporation Online Filing Forms:

<http://corp.sos.state.ga.us/business/>

Business Taxation Forms:

http://www.etax.dor.ga.gov/inctax/small_business.aspx

Individual Taxation Forms:

http://www.etax.dor.ga.gov/inctax/individual_income_tax_forms.aspx

Request Pardon or Restoration of Civil/Political Rights:

<http://www.pap.state.ga.us/PardonApplication1006.PDF>.

State Ethics Forms:

<http://www.ethics.ga.gov/EthicsWeb/references/publications.aspx>

JUDICIAL MATERIALS

The central website for the Georgia judiciary is <http://www.georgiacourts.org/>, where annual reports, court newsletters, and caseload statistical analysis are available.

8. Georgia Supreme Court

<http://www.gasupreme.us>

The Georgia Supreme Court site (http://www.gasupreme.us/sc_op_index.php) offers access to only the most recent of its decisions (currently 2006, 2007, and 2008). The last five years of decisions can be searched for free through LexisOne (<http://www.lexisone.com/lx1/caselaw/freecaselaw>). Earlier decisions from 1939 are available to Georgia Bar members through Casemaker (www.gabar.org/casemaker). The GASC homepage also offers the user a means to search dockets and view the list of granted petitions.

9. Court of Appeals

<http://www.gaappeals.us/>

The last five years of state appeal court decisions can be searched for free through LexisOne (<http://www.lexisone.com/lx1/caselaw/freecaselaw>). The *Docket/Case Database* (<http://www.gaappeals.us/docket/>) contains information about cases from 2003. Earlier decisions from 1939 are available to Georgia Bar members through Casemaker (www.gabar.org/casemaker). The court offers *Standards of Review* (http://www.gaappeals.us/rules2/standards_of_review.php), a ready resource to state the required standard for each appealable issue, “a threshold

question as to how much deference will be accorded to the decision of the trial court.”

10. Superior Courts

<http://www.cscj.org/>

Not all circuits of the superior court are equally accessible via the web. Information about those that are, however, can be accessed through this aggregator. The Superior Court Clerks’ Cooperative Authority (<http://www.gsccca.org/>) offers a surprisingly rich assortment of related forms and data, including searchable databases for notaries, liens, real estate, and UCC documents (<http://www.gsccca.org/Search/>).

11. State Courts

<http://www.georgiacourts.org/councils/state/index.html>

“The state court was established by a 1970 legislative act that designated certain existing countywide courts of limited jurisdiction as state courts. State courts may exercise jurisdiction over all misdemeanor violations, including traffic cases, and all civil actions, regardless of the amount claimed, unless the superior court has exclusive jurisdiction.

“State courts are authorized to hold hearings on applications for an issuance of search and arrest warrants and to hold preliminary hearings. The Georgia Constitution grants state courts authority to review lower court decisions as provided by statute.”

12. Juvenile Courts

<http://www.georgiacourts.org/councils/cjcj/index.htm>

Available publications include the Juvenile Court Benchbook (http://www.georgiacourts.org/councils/cjcj/benchbook_toc.htm) and Model Deprivation Orders (http://www.georgiacourts.org/councils/cjcj/deprivation_forms.htm).

13. Probate Courts

<http://www.gaprobate.org/>

In addition to some standard forms, this site offers a variety of guides intended to help a lay audience navigate the complex legal issues dealt with in this court (guardianship, wills, estate-planning, marriage and firearm licenses).

14. Magistrate Courts

<http://www.georgiacourts.org/magistrate.html>

“Magistrate court jurisdiction includes: civil claims of \$15,000 or less; certain minor criminal offenses; distress warrants and dispossessory writs; county ordinance violations; deposit account fraud (bad checks); preliminary hearings; and summonses, arrest and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of Georgia’s 159 magistrate courts.

“Magistrates may grant bail in cases where the setting of bail is not exclusively reserved to a judge of another court. No jury trials are held in magistrate court. If a defendant submits a written request for a jury trial, cases may be removed to superior or state court.”

Short videos are available on topics such as “What Kinds of Cases are not Allowed in Magistrate Court?” and “Filing a Claim in Magistrate Court.” The Benchbook is available only by password.

15. Court Rules

<http://www.georgiacourts.org/rules.html>

American Sources Online offers links to a wide variety of Georgia materials, including court rules (<http://www.lawsources.com/also/usa.cgi?ga>). See also:

Court of Appeals Rules: <http://www.gaappeals.us/rules2/index.php>

Uniform Rules of the Superior Courts:
http://www.georgiacourts.org/courts/superior/uniform_rules.html

Supreme Court Rules: <http://www.gasupreme.us/scrules01.php>

16. Court Forms

<http://uscourtforms.com>

Uscourtforms.com allows access to many Georgia forms without cost after registration (<http://tinyurl.com/yu5wdn>); premium services are also available. Those which are offered by the various court sites themselves include:

Probate: <http://www.gaprobate.org/forms.php>

Juvenile:
<http://www.georgiacourts.org/councils/cjcj/publications.htm#forms>

Inmate: <http://www.georgiacourts.org/forms.html#inmate>

Protective Order: <http://www.georgiacourts.org/forms.html#pof>

UCC: <http://www.gsccca.org/filesandforms/uccforms.asp>