

# Court of Appeals of the State of Georgia

ATLANTA, March 30, 2020

*The Court of Appeals hereby passes the following order:*

The Georgia Court of Appeals approved changes to Rules 33.2 Judgment as Precedent. New Rule 33.2 is as follows:

## **Rule 33.2. Judgment as Precedent.**

### **(a) Effective Dates.**

(1) Effective August 1, 2020: If an appeal is decided by a division of this Court or by the Court sitting en banc, a published opinion in which a majority of the judges fully concur in the rationale and judgment of the decision is binding precedent.

(2) Prior to August 1, 2020: If an appeal was decided by a division of this Court, a published opinion in which all three panel judges fully concur is binding precedent. An opinion is physical precedent only (citable as persuasive, but not binding, authority), however, with respect to any portion of the published opinion in which any of the panel judges concur in the judgment only, concur specially without a statement of agreement with all that is said in the majority opinion, or dissent.

(3) Prior to August 1, 2020: If an appeal was decided by this Court sitting en banc, an opinion, or portion of an opinion, in which a majority of participating judges fully concur is binding precedent. An opinion is physical precedent only (citable as persuasive, but not binding, authority), however, with respect to any portion of the published opinion in which concurrences in the judgment only, special concurrences without a statement of agreement with all that is said, or dissents result in a full concurrence by fewer than a majority of the participating judges in that portion of the opinion.

The opinion of a case that is physical precedent shall be marked as such when it is cited.

### **(b) Unreported Decision.**

A decision that is not officially reported is neither physical nor binding precedent, but shall be binding in all subsequent proceedings in that case as provided by OCGA § 9-11-60 (h).

### **(c) Per Curiam Decision.**

Deleted May 16, 2018.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, March 30, 2020*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Stephen E. Castle*

\_\_\_\_\_, Clerk.