ATTACHMENT I: APPLICATIONS OUTLINE

OUTLINE OF DISCRETIONARY OR INTERLOCUTORY APPLICATION PROCESS

File the application in the Court of Appeals. (See Form 2) Note the strict deadlines in OCGA §§ 5-6-34 & 5-6-35 and Court of Appeals Rules 30 and 31.

A discretionary application is granted only if:

    (1) Reversible error appears to exist;
    (2) The Court wants to establish precedent for this kind of case;
    (3) Further development of the common law, particularly in divorce cases, is desirable; or
    (4) The application is for leave to appeal a judgment and decree of divorce that is final under OCGA § 5-6-34 (a) (1), is timely under OCGA § 5-6-35 (d), and has possible merit.
        See OCGA § 5-6-35; Rule 31 (b).

An interlocutory application is granted only if:

    (1) The issue to be decided would probably end the case;
    (2) The order that would be considered on appeal appears to be wrong and will probably cause a substantial error at trial or will adversely affect the rights of the appealing party until entry of final judgment, in which case the appeal will be expedited; or
    (3) The Court wants to establish precedent for this kind of case.
        See OCGA § 5-6-34 (b); Rule 30 (b).

If the Court grants the application, then the Applicant must file a **notice of appeal in the trial court within 10 days of the order** granting the application.

If the Court denies the application, then the Applicant may file a **motion for reconsideration within 10 days** (Rule 37; see Form 6).

    a. If the Court grants the motion, the Applicant does not have to do anything else until the Court rules on the application.
    b. If the Court denies the motion, the Applicant may file a notice of its intention to petition the Georgia Supreme Court for a writ of certiorari within ten days. A petition for a writ of certiorari in the Supreme Court is governed by the rules of that Court. The Applicant must provide notice to the Court of Appeals on the same day that the petition is filed with the Supreme Court (Rule 38; see Forms 10 & 11).