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RESEARCHING GEORGIA LAW

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Nancy Adams Deel^{††}

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§ 1.0 INTRODUCTION

This Article is a reference source for attorneys, paralegals, and students interested in improving their research skills in using Georgia legal materials. Legal researchers must have efficient legal research skills. In fact, attorneys have a legal duty to perform reasonable and efficient research.¹ Today, proficient research includes both manual and computer-assisted legal research. As law librarians and legal research instructors, we respond to a myriad of questions from both the academic community and from the practicing bar. In this Article, we hope to impart our knowledge of Georgia legal materials and research techniques to our readers. There may not be a best source or a right method, but there are definitely a variety of sources and systematic methods of performing research.²

§ 2.0 CONSTITUTIONAL LAW

Georgia's present constitution, adopted November 1982 and effective July 1983, is the latest of eleven constitutions, the first one having been written in 1777. The 1983 version is a new constitution, entirely superseding and repealing previous constitutions, and was drafted under the supervision of the Select Committee on Constitutional Revision.³ The 1983 constitution is more concise than the 1976 constitution, and it is better organized and uses simple modern English in place of archaic and cumbersome terminology.⁴

To locate the text of the current constitution, including annotations to decisions, opinions of the attorney general, citations to law review articles, and citations to comparable 1976 provisions, use Volume 2 of the *Official Code of Georgia Annotated (O.C.G.A.)* and Title 2 (Books 1A and 1B) of the *Code*

1. See, e.g., *Smith v. Lewis*, 530 P.2d 589 (Cal. 1975); *People v. Yoakum*, 552 P.2d 291 (Colo. 1976); *Nebraska State Bar Ass'n v. Holscher*, 230 N.W.2d 75 (Neb. 1975).

2. See generally LEAH CHANIN & SUZANNE L. CASSIDY, *GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY* (1990); MORRIS L. COHEN ET AL., *HOW TO FIND THE LAW* (9th ed. 1989); J. MYRON JACOBSTEIN & ROY M. MERSKY, *FUNDAMENTALS OF LEGAL RESEARCH* (5th ed. 1990); CHRISTINA L. KUNZ ET AL., *THE PROCESS OF LEGAL RESEARCH* (3d ed. 1992) (providing in-depth information on legal research).

3. See generally STATE OF GEORGIA, SELECT COMMITTEE ON CONSTITUTIONAL REVISION, *THE TRANSCRIPT OF MEETINGS, 1977-1981* (discussing background information on the 1983 Constitution).

4. See George D. Busbee, *An Overview of the New Georgia Constitution*, 35 MERCER L. REV. 1 (1984).

of *Georgia Annotated* (*Ga. Code Ann.*). These sources also include historical notes referring to the presence or absence of similar provisions in earlier documents that may be useful for research purposes. Tables comparing each provision of the earlier constitutions (1877, 1945, and 1976) to the 1983 constitution and the reverse are published in Volume 41 of *O.C.G.A.* and in Books 1A and 1B of *Ga. Code Ann.* The Georgia Constitution is also available on LEXIS in the CONST file of the Georgia library and on WESTLAW in the GA-ST and GA-ST-ANN databases.

Article X of the Georgia Constitution stipulates the amendment procedures.⁵ You can find resolutions of the General Assembly proposing amendments to the Georgia Constitution in the session laws, *Georgia Laws*. Once the amendments are approved, the text is incorporated into the body of the constitution.

Some legal research projects may require reviewing the earlier constitutions. Chanin's *Guide to Georgia Legal Research and Legal History* describes the prior constitutions in extensive detail.⁶

As with federal constitutional research, judicial interpretation of the Georgia Constitution is voluminous. Notes of decisions, paragraphs of court decisions, and attorney general opinions interpreting the Georgia Constitutions of 1945, 1976, and 1983 are available in the *O.C.G.A.* and the *Ga. Code Ann.* You can locate Georgia and federal cases citing the constitution under the article and section in *Shepard's Georgia Citations*. You also can use WESTLAW and LEXIS as a citator by entering the citation of the constitution or the key terms. Additionally, cases are abstracted under the topic "Constitutional Law" in the *Georgia Digest*, and secondary material can be located in the *Encyclopedia of Georgia Law* under "Constitutional Law."

Although it would be more convenient to cite the constitution by a code reference to *O.C.G.A.* or *Ga. Code Ann.*, rather than by "article, section, paragraph," it is, nonetheless, necessary to cite in a cumbersome fashion since the Constitution of 1983 has

5. GA. CONST. art. X, § 1 (paragraph 2 provides for the publication of amendments).

6. LEAH F. CHANIN & SUZANNE L. CASSIDY, *GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY* 7-24 (1990) (for example, the text of the early constitutions can be located in several sources in larger law libraries, with the unannotated version of the 1877 Georgia Constitution found in the *Ga. Code Ann.*).

never been officially codified.⁷ Therefore, the correct citation format for the current Georgia Constitution is, for example, Ga. Const. art. I, § 9, ¶ 20.

§ 3.0 STATUTORY LAW

Finding a statute in Georgia is a simple task. Georgia has two annotated codes, the *O.C.G.A.*, published by the Michie Company, and the *Ga. Code Ann.*, published by the Harrison Company. You will most likely have access to the *O.C.G.A.* since it is the code sanctioned legislatively as official.⁸

Until the early 1980s, Harrison published the only code, *Ga. Code Ann.* (commonly referred to as the Code of 1933). However, in 1976 the Code Revision Study Committee recommended a complete revision of the code.⁹ In 1977, the General Assembly created a Code Revision Committee to initiate work on a new code for Georgia.¹⁰ The legislature contracted with the Michie Company to work with the state in preparing a new official code. During a special session in 1981, the General Assembly adopted the results of this effort, the *O.C.G.A.*¹¹ The code became effective November 1, 1982.

Still today, Georgia has two codes, the *O.C.G.A.* and the unofficial *Ga. Code Ann.*¹² The two codes use different numbering systems and attorneys are cautioned to cite to the official code (*O.C.G.A.*).¹³

§ 3.1 *The Official Code of Georgia Annotated*

The *O.C.G.A.*, often referred to as the Code of 1981, is divided into major subject areas called titles. The titles are further subdivided into component chapters that, in turn, are further divided into sections. It is the section that contains the actual

7. See *Wiggins v. State*, 290 S.E.2d 427, 428 (Ga. 1982).

8. *O.C.G.A.* § 1-1-1 (1990).

9. See 1976 Ga. Laws 739.

10. See 1977 Ga. Laws 922, as amended by 1978 Ga. Laws 230.

11. See 1981 Ga. Laws, Extraordinary Sess. 8.

12. See generally *Harrison Co. v. Code Revision Comm'n*, 260 S.E.2d 30 (Ga. 1979) (unsuccessful effort to halt the publication of the code by the Michie Company, the Harrison Company brought action against the code commission).

13. See *State v. Harrison*, 548 F. Supp. 110, 114-15 (N.D. Ga. 1982), *vacated*, 559 F. Supp. 37 (N.D. Ga. 1983).

language of the law. The proper citation format would read, for example, O.C.G.A. § 20-2-16 (date).¹⁴

Local and special acts are not codified and appear only in the session laws, *Georgia Laws*; however, the local and special acts are indexed in volume 42 of O.C.G.A. Therefore, O.C.G.A. includes only laws of general applicability. Following each section in the O.C.G.A. you will find notes on the history and source of the law. A history line traces the section back to its origin. The history may include a citation to a prior code or a separate act. If a related law would prove useful, the code will cross reference the law to correlated Georgia or federal law. The code contains annotations or brief summaries of Georgia and federal cases construing Georgia law. Each note concludes with the name of the case and parallel citations. Additionally, the code includes various editorial enhancements, including annotations to the opinions of the Georgia attorney general, references to Georgia's law reviews and bar journal, references to the legal encyclopedias, *American Jurisprudence* (*Am. Jur.*) and *Corpus Juris Secundum* (*C.J.S.*), references to *Uniform Laws Annotated* (*U.L.A.*), and citations to *American Law Reports* (*A.L.R.*).¹⁵

There are several ways to locate a relevant code section. If you are looking for a law and know the subject matter, use the two-volume softbound annual index titled General Index or the index at the end of each title. Each provision of the code must be cited in at least two general index entries.¹⁶ A very slim Short Title Index located in the General Index contains popular or common names of acts. An additional index, titled Local and Special Laws Index, lists such laws enacted since 1730. If you are already familiar with the contents of the code, you may prefer to bypass all indexes and go directly to a particular title and use the list of sections. O.C.G.A. is also available on LEXIS in the Georgia library CODE file and on WESTLAW in the GA-ST-ANN database (annotated statutes) and the GA-ST database (unannotated statutes).

14. O.C.G.A. § 1-1-1 (1990). The citation format required by the courts as stated in O.C.G.A. differs from the citation format required in THE BLUEBOOK, A UNIFORM SYSTEM OF CITATION 179 (15th ed. 1991).

15. See, e.g., Terry A. McKenzie, *The Making of a New Code*, 18 GA. ST. B.J. 102 (1982).

16. *Id.* at 104.

When you have a citation to the *Ga. Code Ann.* (easily recognized by two numbers separated by a hyphen) and your library has only the *O.C.G.A.*, you can convert the citation by using the tables volume in *O.C.G.A.* The Tables volume (volume 41) includes conversion charts from *Ga. Code Ann.* (labeled 1933 Code) to *O.C.G.A.* (labeled 1981 Code) and the reverse. Another table allows you to translate a session law citation in *Georgia Laws* to the appropriate *O.C.G.A.* cite. The Tables are especially helpful when you want to do a WESTLAW or LEXIS search to retrieve older cases using the code numbers. To retrieve Georgia cases with a citation before 1982 use the cite to the *Ga. Code Ann.*

Updating your code citation is a very straightforward proposition. Each volume of *O.C.G.A.* has an annual pocket part updating statutory provisions. However, since the pocket parts are issued during the summer and the legislative session extends from January to March, there will be a few months when a new law or amendment is not yet included. To fill the gap between the annual pocket part and the recently enacted laws, use either the *Georgia Laws*,¹⁷ the GA-LEGIS database on WESTLAW, or the Advance Legislative Service (ALS) file in the Georgia library on LEXIS. These online services contain laws passed during the current or most recent session.

To locate new references to interpreting cases, use the *Advance Annotation Service*. These cumulative pamphlets, published by Michie, supplement the annual pocket parts of *O.C.G.A.* with new notes to judicial decisions, opinions of the attorney general, and other research references. This service does not carry the text of the new laws, just new annotations. Of course, consult the online services for the most recent interpretive decisions for statutes.

§ 3.2 *The Georgia Code Annotated*

The unofficial *Ga. Code Ann.*, published by the Harrison Company, consists of 114 titles and is often titled "Code of 1933" in various indexes and publications. It uses a unique numbering system of two numbers separated by a hyphen, for example, *Ga. Code Ann.* § 43-3323 (Harrison 1986). The *Ga. Code Ann.* includes both statutory and nonstatutory materials. Possibly the

17. See § 3.3 for a description of *Georgia Laws*.

most widely used nonstatutory materials are the Georgia State Bar materials, including the Code of Professional Responsibility, located in the Appendix to Title 9 (Book 4). Additionally, some lawyers prefer the annotations in the *Ga. Code Ann.* since they are comprehensive and include additional references to Harrison's treatises.

You can update the information in *Ga. Code Ann.* by using the annual pocket parts. To update the pocket parts, use the *Advance Codification Service*. This pamphlet publication, published by Harrison, includes the statutes as passed in the current session of the General Assembly in a codified arrangement. Included in this service is a helpful cumulative table of *Ga. Code Ann.* sections affected by current legislation. Another publication, the *Advance Annotation Service*, also published by Harrison, includes a digest of the latest Georgia appellate court decisions and the opinions of the attorney general arranged under the *Ga. Code Ann.* citation.

§ 3.3 Session Laws

Occasionally, your research will require the statutory language as it was originally legislated by the General Assembly.¹⁸ Or you may need a repealed law that has been deleted from the code. You also may want a law shortly after enactment. In Georgia, most acts approved during the legislative session from January through mid-March become effective on the first day of July, unless a different effective date is specified in the act.¹⁹ Current laws and resolutions, exactly as enacted by the General Assembly, are first published by the Secretary of State in red, softbound advance sheets titled *Georgia Laws*.²⁰

In addition to the printed format, current session laws are also available on WESTLAW and LEXIS. WESTLAW includes a

18. See *Stewart v. State*, 268 S.E.2d 906, 909 (Ga. 1980) ("The constitutionality of an act of the General Assembly must be determined by examination of its act (as it existed at the time of the alleged offense), not by examination of an isolated section of the annotated code.").

19. See O.C.G.A. § 1-3-4 (1990).

20. Contact the Secretary of State's Administrative Division (404/656-2899) for advance sheets. Copies of recently enacted statutes can be requested without charge from either the House Clerk's Office (404/656-5015) or from the Secretary of the Senate (404/656-5040), or, for a photocopying fee, from the Secretary of State's Election Division (404/656-2871).

current legislative service in its GA-LEGIS database and on LEXIS in the ALS file of the Georgia library.

These laws, in addition to their texts, include the number of the Senate or House bill. As enacted, acts contain a preamble to the act that serves as a "Purpose" clause that can be useful in determining the legislature's intent.²¹ The bills themselves may prove useful in research, particularly in tracing the language of the amendments.

Eventually, the materials in the advance sheets are consolidated into two annual, bound volumes, also titled *Georgia Laws*. One volume contains general laws, resolutions, and proposed amendments to the Constitution of Georgia, and the second volume includes local laws, special laws, and resolutions.²² In addition to a topical index, a very useful table in *Georgia Laws* allows you to determine whether a statutory section in *O.C.G.A.* has been amended, reversed, renumbered, or repealed during that session. Directly following the text of the statute, you will locate citations to the acts in *Georgia Laws* that created or amended a section of the code.

When interested in the summaries of legislative activity, use the pamphlet titled *Summary of General Statutes Enacted at the 19XX Session of the General Assembly of Georgia*, which summarizes laws during the session that are of statewide application.²³

§ 3.4 Statutory Law on CD-ROM

CD-ROM, an acronym meaning compact disk-read only memory, is available and currently in use in law firms in Georgia. A CD-ROM disk can hold scores of volumes. The following are a few representative CD-ROM products; however, expect to see many more titles in the future. Darby's Georgia CD-ROM product, titled *Georgia Law on CD-ROM*, includes, among other materials, the official code. Michie's Georgia CD-ROM product titled *Georgia Law on Disc* includes the *O.C.G.A.* with case law. Another CD-ROM service, *CaseBase*, published by

21. See *Proo v. State*, 384 S.E.2d 197 (Ga. Ct. App. 1989), *cert. denied*, 493 U.S. 1071 (1990).

22. Purchase hardbound session laws from the Administrative Division of the Secretary of State (404/656-2899).

23. Contact the Office of Legislative Counsel (404/656-5000) for a copy.

Thomson Professional Publishing Co., also offers the official code on compact disk.

§ 3.5 *Uniform Laws*

Georgia has adopted several of the uniform laws promulgated by the National Conference of Commissioners on Uniform State Laws. Interpretations from other state courts that have adopted the uniform law may be valuable as persuasive authority. You can find such information in West's *Uniform Laws Annotated* which includes the text of each uniform law approved by the Commissioners, with each section of the act followed by the Commissioners' comments, notes pointing out textual differences in adopting jurisdictions, citations to secondary sources, and digests of federal and state court decisions that have cited that section. A table is printed immediately preceding the text of each uniform act indicating the states that have adopted the act and the citation to the state law. You can identify the uniform laws by looking under the heading "Uniform Laws" in the indexes of the *O.C.G.A.* and the *Ga. Code Ann.*, or in the Directory of Acts and Tables of Adopting Jurisdictions, a pamphlet published with *U.L.A.*

§ 3.6 *Statutory Citators*

Once you have located statutory language, it is advisable to search for judicial decisions that have interpreted the statute. Possibly, the courts can clarify ambiguous statutory language. In any case, once a court interprets a statute, the interpretation itself becomes an integral part of the statute.²⁴ As discussed earlier, one of the easiest places to locate decisions that have interpreted statutes is in the annotations of the *O.C.G.A.* or the *Ga. Code Ann.* You also can consult *Shepard's Georgia Citations*. The statutory unit of *Shepard's Georgia Citations* shows all instances in which provisions of the *Ga. Code Ann.* (titled Code of Georgia of 1933—Georgia Code Annotated) and the *O.C.G.A.* have been cited by Georgia and federal courts. To be comprehensive in your search for case law, check under both the *O.C.G.A.* and the *Ga. Code Ann.* citation. Cases citing a law that has been repealed can be located in *Shepard's Georgia Citations*

24. See *Jones v. Swett*, 261 S.E.2d 610, 612 (Ga. 1979).

under the citation for the original session law in the Georgia Laws section.

Citations in the statute edition of *Shepard's* are arranged by statutory section or subsection. The first set of citations refers you to amendments or repeals by the General Assembly. Following the history citations are lists of Georgia and federal cases that analyze the code sections as to their constitutionality or validity. Next is a list of cases citing the statute. Finally, there is a section of citations to legal periodicals and texts. Note that *Shepard's* uses its own unique abbreviations. A table of these abbreviations appears at the beginning of every volume of *Shepard's*.

Shepard's statutory citations for Georgia are not yet available on WESTLAW or LEXIS. However, you may use WESTLAW or LEXIS as a citator. Simply enter the section number (with the hyphens) in any of the case files to locate references on how a court might refer to or interpret a statute.

§ 3.7 Bills, Journals, and Other Legislative Documents

A brief review of the legislative process and the documents connected with the process is helpful before we discuss legislative history research.²⁵ The annual legislative session begins the second Monday in January and lasts 40 legislative days, usually adjourning in mid-March. When legislation is proposed in Georgia, its first written form is a bill or resolution. A bill may be introduced in either house of the General Assembly. Bills to raise money or spend money are the exception; by law, they must be introduced in the House.²⁶ Bills considered by the General Assembly are classified as either general, local, or special in their application. According to the Georgia Constitution, general laws have uniform operation throughout the state and no local or special law may pass in subject areas covered by a general law.²⁷ Local acts, which make up a high percentage of the bills passed, apply to a specific city, county, or special district named

25. See generally EDWIN L. JACKSON & MARY E. STAKES, HANDBOOK FOR GEORGIA LEGISLATORS (1988) (discussing laws, procedures, and practices that govern the legislative process in Georgia).

26. See GA. CONST. art. III, § 5, ¶ 2.

27. See GA. CONST. art. III, § 6, ¶ 4(a).

in the act.²⁸ A special law, although rarely enacted, is one that affects a limited area or class.²⁹

After the first reading, the presiding officer assigns a bill to a standing committee. Then, a bill must be read two additional times, each reading on a separate day, before the legislators vote on it.³⁰ After the third reading, all the members of a house may debate it and offer amendments from the floor. Once the House or Senate votes on the bill, it is sent to the other house for the same journey. If there are disagreements over the language, the members of a conference committee work on the bill. After both houses pass the same version of a bill, it is enrolled, and sent to the governor for approval.³¹

The House and Senate Status Sheets consists of the daily compilation of several documents which serve as a fairly comprehensive tracking service. The sheets include a listing of bills introduced the previous day, daily status sheets listing floor and committee action taken the previous day, and the composite status sheets showing the entire history of each bill.³² There are several alternative bill tracking systems available.³³ Through the online *Georgia Alert* you can locate information on committee meetings and agendas, check the status of any bill, track committee actions, and identify legislation.³⁴ You also can order the full text of any bill from this online system. Additionally, a Georgia bill tracking service is available on WESTLAW in the GA-BILLTRK database and on LEXIS in the GATRCK file of the Georgia library. These databases contain bill summaries and

28. See GA. CONST. art. IX, § 2, ¶ 1.

29. See *Lasseter v. Georgia Pub. Serv. Comm'n*, 319 S.E.2d 824, 827 (Ga. 1984).

30. See GA. CONST. art. III, § 5, ¶ 7.

31. Copies of recent bills are available from the Clerk of the House (404/656-5015) or the Secretary of the Senate (404/656-5040). Older bills are available in microform from the Clerk of the House and the Secretary of the Senate. The Senate files date back to 1969 and the House files begin in 1979. Paper copies are available from the microform. The State Archives (404/656-2393) is the only source for very old bills. Summaries of pending and recently passed bills are on WESTLAW in the GA-BILLTRK database and on LEXIS in the GATRCK file in the Georgia library.

32. Contact the Clerk of the House at 404/656-5015 or the Secretary of the Senate at 404/656-5040 for the Status Sheets.

33. To find the status of legislation, contact the House Public Information Office, 1-800-282-5800 (within Atlanta, 656-5082) and the Senate, 1-800-282-5803 (within Atlanta, 656-0028). For a recorded message of daily events during the session, dial 1-800-282-5801 for the House and 1-800-282-5802 for the Senate.

34. Georgia Alert is available on Access Atlanta, the online service of the Atlanta Journal-Constitution (404/330-2117).

status information concerning pending and recently-passed bills in Georgia, and other files are available for all fifty states.

In Georgia, the *Journals* are the sole official records of the proceedings of each house.³⁵ In each House and Senate *Journal*, you will find the authors of every measure considered by a house, the dates of the readings of the measure, the name and date of committee assignments, and the committee recommendation on each bill or resolution reported out of committee. Unfortunately, the *Journals* do not contain the text of bills and resolutions; however, they do include the committee or floor amendments and substitutes to a measure. The *Journals* report votes on all motions and on the final passage of bills or resolutions.³⁶ Individual floor remarks and debates are not recorded. Though the *Journals* do not include debates, the Georgia courts may review events occurring during the progress of a bill as recorded by the House and Senate *Journals*.³⁷

Hearings are recorded in rare occasions, for example, the Georgia Tax Reform Commission and the Criminal Code Revision Commission. In these infrequent situations, a deposit copy is available at the Department of Archives and History.

§ 3.8 Legislative Histories

The courts in Georgia, similar to several other states, determine the meaning of a statute by referring to its actual language.³⁸ Statutory language stipulates that when construing statutory enactments, the courts must look diligently for the intention of the General Assembly in passing them, "keeping in view, at all times, the old law, the evil, and the remedy."³⁹ The courts have ruled that such intent should come from the language of the statute,⁴⁰ hence, the need for plain and unequivocal language. In Georgia, possibly the most accessible sources of legislative intent are the bills and amendments

35. See GA. CONST. art. III, § 5, ¶ 1.

36. The bound House and Senate Journals are available from the Office of Secretary of State (404/656-2899).

37. See, e.g., *Sharpe v. Lowe*, 106 S.E.2d 28, 32 (Ga. 1958); *Stanley v. Sims*, 195 S.E. 439 (Ga. 1938).

38. See, e.g., *Burham v. Wilkerson*, 124 S.E.2d 389, 391 (Ga. 1962); *Williamson v. Lucas*, 320 S.E.2d 800 (Ga. Ct. App. 1984).

39. O.C.G.A. § 1-3-1(a) (1990).

40. See, e.g., *Lunda Const. Co. v. Clayton County*, 410 S.E.2d 446, 447 (Ga. Ct. App. 1991).

introduced in the General Assembly. The floor debates are not transcribed, nor are written legislative committee reports issued.

If the interpretation of the meaning or the validity of any statute becomes necessary due to ambiguous wording, vagueness, uncertain legislative intent, conflict with other laws, or questionable constitutionality, Georgia law imposes upon the courts sole responsibility for construction of statutes.⁴¹ Events occurring during the progress of a statute's enactment, as disclosed by the *Journals* of the General Assembly, may be reviewed in seeking to find the intent of the legislature.⁴²

Under the enrolled bill rule in Georgia, a duly enrolled act, authenticated by the presiding officer of each house, approved by the Governor, and deposited with the Secretary of State, will be conclusively presumed by the courts to have been enacted according to constitutional requirements.⁴³

If you are attempting to uncover the intent of the legislature, begin your search with the *O.C.G.A.* The code provides citations to the *Georgia Laws* that created or amended the section. The session laws may include statements of purpose that may prove useful in determining intent. The original bill, with its amendments, also may provide insight into the intent of the legislative body.⁴⁴

Notwithstanding all the arguments against investigating the extraneous matters surrounding the statute's passage, there is still substantial interest in legislative history materials. A relatively new yet popular source of legislative history materials is the Review of Selected 19XX Georgia Legislation in the *Georgia State University Law Review*. The review, known as the "Peach Sheets," began in 1985 and presents a well-documented history of a particular piece of legislation. The research includes an analysis of the reasons for the bill's introduction, the pressures on the bill during its course through the legislature, and the public perceptions at the time the bill was being considered. Research is done through personal interviews, analysis of prior statutory and case law, identification of the

41. See *McLeod v. Burroughs*, 9 Ga. 213, 216 (1851).

42. See, e.g., *Sale v. Leachman*, 131 S.E.2d 185, 188 (Ga. 1963); *Sharpe v. Lowe*, 106 S.E.2d 28 (Ga. 1958).

43. See, e.g., *Thompson v. Talmadge*, 41 S.E.2d 883 (Ga. 1947); *Williams v. MacFeeley*, 197 S.E. 225 (Ga. 1938); *Atlantic Coast Line R.R. v. State*, 69 S.E. 725 (Ga. 1910).

44. See § 3.7 for information on locating the text of bills and amendments.

various changes the bill went through during the legislative process, and identification of public perceptions as revealed by newspaper accounts of the legislative activity. You can access the acts in the "Peach Sheets" by the Table of Code Sections Affected and an Index of Bills.

Another possible source of legislative history materials is the "Annual Survey of Georgia Law" in the *Mercer Law Review*. The Survey, published since 1950, covers the standard topic areas and frequently includes special contributions discussing current issues. The articles on legislation include intent discussions and background information on the legislative process.

You may enjoy viewing the legislative session on Georgia Public Television (WGTV). The program, *The Law Makers*, airs in the evenings during the legislative session and includes coverage of the session supplemented by interviews and analyses.

§ 3.9 Ordinances

It is important to understand that in Georgia numerous cities and nearly 160 counties exercise legislative functions. The state grants counties and municipalities some measure of control by home rule. Under the constitution, Georgia has granted to its cities and counties a great degree of self-governing power.⁴⁵

In Georgia there are two types of city and county laws—resolutions and ordinances. The courts have defined a resolution as dealing with matters of special or temporary character,⁴⁶ for example, designating a day to honor a dignitary. An ordinance is legislation that deals with an ongoing situation in the city or county and sets a permanent rule or law,⁴⁷ for example, the licensing of the sale of alcoholic beverages. Most of the highly populated cities and counties have published codifications or compilations of their ordinances. When not codified, you can obtain county and city ordinances directly from the clerk's office. City and county ordinances cited by the Georgia courts can be traced in the statute section of *Shepard's Georgia Citations*. Cases interpreting and applying Georgia ordinances, as well as those of other states, also may be located in the multi-

45. See GA. CONST. art. IX, § 2, ¶¶ 1, 2 (in ¶ 1, the Georgia Constitution gives the county governing authority the power to enact "clearly reasonable" local laws and rulings).

46. See *Allen v. Wise*, 50 S.E.2d 69, 71 (Ga. 1948).

47. *Id.*

volume *Shepard's Ordinance Law Annotations*, a set arranged by subject headings rather than by jurisdiction.

§ 4.0 ADMINISTRATIVE LAW

§ 4.1 Rules and Regulations

The 1964 Georgia Administrative Procedure Act largely prescribes the procedures used by agencies in both rule making and adjudication.⁴⁸ So that researchers may locate an agency's rules, the Act requires the Secretary of State to compile, index, and publish all rules adopted by each agency.⁴⁹ You should be aware that not all agency regulations are published in the compilation. In the Administrative Procedure Act there are express exemptions from the statutory definition of "agency."⁵⁰ Rules and regulations issued by agencies and boards in Georgia are compiled in the multi-volume looseleaf set, *Official Compilation Rules and Regulations of the State of Georgia* (cited, for example, Ga. Comp. R. & Regs. r. 160-4-2 (1990)). In this set, the regulations are arranged alphabetically by agency, with each agency assigned a control number. Each rule is followed by its history, including the filing, amendment, or repeal of each rule.

This compilation is in need of an index. Unfortunately, there is no current index to the rules. The Harrison Company published the *Index to the Official Compilation* in 1985, and a supplement in 1987. Both were compiled by Reynold J. Kosek. This index, however, is no longer published. There is a table of contents in the compilation itself. It is not trustworthy, however, because it has not been revised in several years. If you have a citation to O.C.G.A. or *Ga. Code Ann.* and need a regulation that

48. O.C.G.A. §§ 50-13-1 to -22 (1990).

49. *See id.* § 50-13-7(a).

50. *Id.* § 50-13-2. The act identifies specific offices and entities that are exempt from the coverage of the Administrative Procedure Act: the General Assembly, the judiciary, the Governor, the State Board of Pardons and Paroles, the State Financing and Investment Commission, the State Properties Commission, the Board of Bar Examiners (although its rules are published in Ga. Code Ann.), the Board of Corrections (although its rules are published in the *Official Compilation*), the State Board of Workers' Compensation (although its rules are published in O.C.G.A. and Ga. Code Ann.), all public authorities, the State Personnel Board (Merit System), the Department of Administrative Services, the Department of Revenue in some instances, educational (although the Department of Education procedural rights are codified in the *Official Compilation*), eleemosynary, or charitable institutions, and any agency when its action concerns the military or naval affairs of the state.

implements a law, you may be able to locate the regulation by using the cross-reference tables in the *Rules and Regulations of the State of Georgia* 'Tables' volume compiled in 1988 by Kosek and published by the Harrison Company. Unfortunately, *O.C.G.A.* and *Ga. Code Ann.* do not provide citations to regulations that are promulgated under statutory provisions.

If you cannot locate a regulation in the *Official Compilation of Rules and Regulations*, look in the indexes to the *O.C.G.A.* or the *Ga. Code Ann.* for the text of a few administrative rules published in the codes. For some regulations, the agencies themselves may be the only source of the regulation.⁵¹ An alternate approach is to examine WESTLAW and LEXIS, because these services are continuously adding new state regulations to their databases. The Georgia Regulation Tracking database (GA-REGTRK) on WESTLAW contains summaries and status information on pending regulations and those regulations adopted within the last few years. The LEXIS GARGTR file in the Georgia library includes regulation tracking from 1990.

Currently, there is no way to shepardize a Georgia regulation for cases that have interpreted rules. The most effective way to uncover cases that have construed rules is to search for a specific rule number or key term on WESTLAW or LEXIS.

§ 4.2 Administrative Decisions

In addition to writing rules, agencies issue opinions. The Georgia Administrative Procedure Act requires each agency to render decisions in contested cases, including findings of fact and rulings and to maintain a publicly available file of decisions, final orders, and opinions.⁵²

In reality, except for the opinions of the Georgia Attorney General, few administrative decisions are published. In fact, there are probably fewer than ten agencies that report administrative decisions. However, many state records are available for inspection under the Georgia Open Records Act.⁵³ Under this Act, all public records are open to inspection unless

51. See generally EDWIN L. JACKSON & MARY E. STAKES, *HANDBOOK OF GEORGIA STATE AGENCIES* (2d ed. 1988) (describing state agencies within the executive, legislative, and judicial branches).

52. *O.C.G.A.* §§ 50-13-3, -13 (1990).

53. *Id.* §§ 50-18-70 to -75.

closed by a specific exception.⁵⁴ Likewise, the Open Meetings Act assures public access to information.⁵⁵ To locate an administrative decision, check either the agency itself or the online systems. A brief description follows of those publications and online services that regularly publish Georgia administrative decisions.

Georgia environmental law administrative decisions are on WESTLAW in the GAENV-ADMIN database and on LEXIS in the GAENV file. The Board of Natural Resources releases these decisions dating back to 1983 on WESTLAW and from 1973 on LEXIS. Another agency, the Department of Banking and Finance, publishes a monthly *Bulletin* of its administrative matters. Further, the *Georgia Insurance Department Official Bulletin* and the *Georgia Regulations*, published by the National Insurance Law Service Publishing Company (NILS), includes directives, bulletins, and regulations of the Department of Insurance. Online sources for the Georgia Department of Insurance include LEXIS' INSRLW library and WESTLAW's GA-INSUR database. The Georgia Public Service Commission decisions are published in the *Public Utilities Reports*. WESTLAW's GA-PUR database is an online version of Georgia administrative and court cases published in the *Public Utilities Report*. Additionally, the Secretary of State Commissioner of Securities decisions can be found on LEXIS in the GASEC file of the Georgia library. Finally, the Georgia Board of Tax Appeals' rulings are noted in Commerce Clearing House's *Georgia Tax Reporter*.

§ 4.3 Attorney General Opinions

Under the constitution, the Georgia Attorney General acts as the legal advisor of the executive department, represents the state in the Supreme Court in all capital felonies, and, when required by the Governor, represents the state in all civil and criminal cases.⁵⁶ Upon request of the Governor, the Attorney General issues opinions on "any question of law connected with the interest of the state or with the duties of any of the

54. *Id.* § 50-18-70(b).

55. *Id.* § 50-14-1 (1990).

56. GA. CONST. art. V, § 3, ¶ 4.

departments.”⁵⁷ The Attorney General has stated that his opinions do not have the force and effect of court decisions.⁵⁸ These opinions are binding upon the recipient unless reversed by a conflicting judicial decision or unless legislative action makes them inapplicable. In Georgia courts, opinions of the Georgia Attorney General are persuasive authority, but not binding.

The Attorney General issues both official and unofficial opinions. Opinions rendered to the Governor or to heads of state departments are designated “official” opinions.⁵⁹ The official opinions are serially numbered with the last two digits of the year and then a chronological number, with the citation appearing as 1990 Op. Ga. Att’y Gen. No. 90-2. Unofficial opinions are addressed to other officials on questions involving the general laws of the state. These opinions are informational only and are not binding on the Attorney General or on anyone else.⁶⁰ The unofficial opinion numbers are preceded by the letter U, for example, Op. Ga. Att’y Gen. No. U85-24.

The earliest published opinions of the Georgia Attorney General appeared in 1878, but the decisions have been recorded since 1875.⁶¹ The opinions are bound annually in the set titled *Opinions of the Attorney General*.⁶² You can locate Georgia Attorney General opinions through the multi-year *Tables and Index to the Opinions of the Attorney General* or in the index to each volume of opinions. The official and unofficial opinions are cited where appropriate in the annotated codes. On a monthly basis, the opinions are abstracted in the *Georgia State Bar Journal* in the column “The Attorney General Says.” Further, opinions are available on LEXIS in the AG file of the Georgia library since 1976 and on WESTLAW in the GA-AG database since 1977. Since these databases include the opinions as released by the state, they are far more current than the bound volumes.

57. O.C.G.A. § 45-15-3(1) (1990).

58. See 1978 Op. Ga. Att’y Gen. No. 78-32.

59. See *Foreword* to 1990 Op. Ga. Att’y Gen.

60. See Arthur Bolton, *The Attorney General of Georgia* 6 (1979).

61. See Chanin, *supra* note 6, at 189-192.

62. Request copies of individual opinions from the State Law Library (404/656-3468) and purchase bound volumes from the State Law Department (404/651-9322).

§ 5.0 CASE LAW

§ 5.1 *The Judicial System*

Under the Georgia constitution, there are seven classes of courts. In addition to the supreme court and the court of appeals, judicial power is vested in superior courts, state courts, juvenile courts, probate courts, and magistrate courts.⁶³ The four latter courts are courts of limited jurisdiction. Each of Georgia's 159 counties has at least one superior court, magistrate court, and probate court. Where needed, the county has a state court and a juvenile court.⁶⁴

The highest court of review, the Georgia Supreme Court, exercises exclusive appellate jurisdiction in cases involving the construction of a treaty, the state or federal constitution, the constitutionality of a law or ordinance, and election contests.⁶⁵ The court also exercises general appellate jurisdiction in cases involving title to land, equity, wills, habeas corpus, extraordinary remedies, divorce and alimony, questions certified to it by the court of appeals, and cases in which the death sentence could be imposed.⁶⁶

The Court of Appeals of Georgia was established by a 1906 constitutional amendment as a supplementary appellate court.⁶⁷ A recent study shows that this court has become one of the busiest appellate courts in the United States.⁶⁸ This court exercises appellate and certiorari jurisdiction in all cases not reserved to the supreme court or conferred on other courts.⁶⁹ Such cases include civil claims for damages, child custody cases, cases involving workers' compensation, and criminal cases other than capital felonies. Although the supreme court has certiorari jurisdiction over all decisions of the court of appeals, such jurisdiction is exercised sparingly and used in cases that are of great public importance.⁷⁰

63. See GA. CONST. art. VI, § 1, ¶ 1.

64. See GA. CONST. art. VI, § 1, ¶ 6.

65. See GA. CONST. art. VI, § 6, ¶ 2.

66. See GA. CONST. art. VI, § 6, ¶ 3.

67. See 1906 Ga. Laws 24.

68. See JUDICIAL COUNCIL OF GEORGIA AND THE ADMINISTRATIVE OFFICE OF THE COURTS, Annual Report of the Work of the Georgia Courts 6 (1990-1991).

69. See GA. CONST. art. VI, § 5, ¶ 3.

70. See GA. CONST. art. VI, § 6, ¶ 5.

§ 5.2 Court Rules and Bar Rules

The rule-making authority of the courts is found in their constitutional powers and in their legislative authority. The Supreme Court of Georgia is specifically given authority to establish, amend, and alter its own rules of practice.⁷¹ Likewise, the constitution provides that the court of appeals and the lower courts have uniform rules of practice and procedure.⁷²

There are several sources of court rules in Georgia. *Georgia Court and Bar Rules*, updated quarterly, published by Lex Publishing Company, is the official manual of rules of the supreme court, the court of appeals and uniform rules of the lower courts.⁷³ Additionally, it includes the State Bar Rules, the Bar Admission Rules, and the Code of Judicial Conduct. West Publishing Company prints an annual two-volume paper bound set titled *Georgia Court Rules and Procedure—State and Federal*, which includes practice statutes in addition to court rules. Because of its comprehensive index, this publication is the most useful. Another convenient location for court rules and case notes is the *Georgia Rules of Court Annotated*, published annually by the Michie Company. A similar source titled *Georgia Court Manual Rules and Regulations Annotated*, published by Darby Printing Company in a looseleaf format, includes court rules, with state bar rules, code of judicial conduct, and rules of the judicial qualifications commission. Court rules are also published in the *Ga. Code Ann.* However, they are not included in *O.C.G.A.* Of course, the rules of practice and procedure (Civil Practice Act) are found in Title 9 of *O.C.G.A.* and Title 81A of *Ga. Code Ann.* The WESTLAW database, GA-RULES contains court rules and the database, GA-ORDERS, serves as an electronic update to GA-RULES. Since changes in court rules are the result of court proceeding, the recent changes in court rules can be found in the advance sheets of the *Georgia Reports*, the *South Eastern Reporter* and the *Georgia Cases*. It is possible to Shepardize court rules in the statutes section of *Shepard's Georgia Citations*.

The Code of Professional Responsibility, as adopted and amended by the State Bar of Georgia and by order of the Supreme Court of Georgia, is printed in the sources discussed

71. O.C.G.A. § 15-2-8(5) (1990).

72. GA. CONST. art. VI, § 1, ¶ 5.

73. See O.C.G.A. § 50-18-20(3) (1990).

above in court rules. Further, the provisions of the Code of Professional Responsibility and Standards of Conduct (Rule 4-102) are found in the Appendix to Title 9 of the *Ga. Code Ann.* You can shepardize the provisions of the Code of Professional Responsibility and the Code of Judicial Conduct by using the "Georgia Court Rules" section of *Shepard's Georgia Citations*.

The State Bar of Georgia issues advisory opinions, commonly called "ethics opinions."⁷⁴ The Formal Advisory Opinion Board drafts advisory opinions concerning a proper interpretation of the Canons of Ethics or any of the grounds for disciplinary action. The Board then submits a proposed advisory opinion to the Georgia Supreme Court, which, in turn, reviews it and issues a Formal Advisory Opinion. The board designates proposed opinions by year and request number, for example, Proposed Advisory Op. No. 88-R13 (Ga. Formal Advisory Op. Bd.). Once the court issues the Formal Advisory Opinion, it is renumbered, for example, Ga. S. Ct. Formal Op. No. 90-1 (88-R13) (Oct. 26, 1990). The board publishes proposed advisory opinions in the *Georgia State Bar News*. Although these opinions are adopted by the supreme court and are binding on lawyers, they are not published in any of the reporters. However, a new "Ethics Notebook," published by the Institute of Continuing Legal Education of Georgia and titled the *State Bar of Georgia Handbook*, contains all formal advisory opinions, in addition to rules of the State Bar and their panels and boards. The materials are in a looseleaf notebook format so rule changes and updates may be inserted in the book.

§ 5.3 Case Law Reports

You can locate Georgia Supreme Court and Georgia Court of Appeals decisions in the reprinted *Georgia Cases* or in either the official reporters, which are the *Georgia Reports* and the *Georgia Appeals Reports*, or in the unofficial regional reporter, which is the *South Eastern Reporter*. Additionally, case law from Georgia is on WESTLAW in the GA-CS database and on LEXIS in the GA and APP files in the Georgia library. At present, WESTLAW provides Georgia Supreme Court decisions from 1936 to the present, while LEXIS offers decisions from 1937 to the present.

74. Ga. St. Bar R. 4-403.

Both services provide Georgia Court of Appeals decisions from 1945 to the present.

As already discussed, a CD-ROM diskette can hold hundreds of volumes. For attorneys that do not have an existing library or are experiencing space difficulties, these CD-ROM products are very popular. Darby's Georgia CD-ROM product titled *Georgia Law on CD-ROM* includes *Georgia Reports* and *Georgia Appeals Reports*. Michie's Georgia CD-ROM product titled *Georgia Law on Disc* includes decisions of the Georgia Supreme Court and Georgia Court of Appeals. Another CD-ROM service, *CaseBase*, published by Thomson Professional Publishing Co., offers more than forty years of Georgia Supreme Court and appellate court decisions on compact disc. Since these CD-ROM products are becoming very popular, expect additional products from the various publishers.

§ 5.4 *Georgia Reports and Georgia Appeals Reports*

Since the Georgia General Assembly directs the publication of the court reports, *Georgia Reports* and *Georgia Appeals Reports* are designated the "official" reporters of the state.⁷⁵ All Georgia Supreme Court decisions are published in the *Georgia Reports*. The earliest decisions of the Georgia Supreme Court were reported in 1846 and published in 1847.⁷⁶ Since 1907 most of the court of appeals decisions continue to be published in the *Georgia Appeals Reports*. The Rules of the Court of Appeals of Georgia dictate the publication of opinions for that court.⁷⁷ If the judges vote not to publish a decision, a list of the cases in which opinions were written but not officially reported is printed in the reporter. This list of cases will indicate the author of the opinions and those who concurred. Under the same court rule, no unreported opinion shall be cited as a binding precedent of the court.⁷⁸ However, such opinion shall establish the law of the particular case.⁷⁹

Both the *Georgia Reports* and the *Georgia Appeals Reports* include the texts of the opinions without any synopses or headnotes. Without synopses or headnotes, you are limited to the

75. O.C.G.A. § 50-18-20 (1990).

76. See Chanin, *supra* note 6, at 69.

77. Ga. Ct. App. R. 37(b).

78. *Id.*

79. See O.C.G.A. § 9-11-60(h) (1982).

text of the opinion without editorial assistance. Although there are no headnotes, the legal issues in most cases are numbered within the actual text of the opinion. This numbering scheme is helpful for shepardizing an individual issue in the case.⁸⁰

In the *Georgia Reports* and the *Georgia Appeals Reports*, cases are organized by date of decision. The parallel citation to the *South Eastern Reporter* is provided. Each volume includes a table of case names, a topical index, and a table of code sections cited.

Both sets of the official reports share the same weekly advance sheet service, titled *Georgia Advance Sheets*. The volume and pagination of the advance sheets are identical to the hardbound *Georgia Reports* and *Georgia Appeals Reports*. Certiorari tables, also included in the advance sheets, list the applications to the Georgia Supreme Court for writ of certiorari. The cases are organized by case name under the following categories: denied, abandoned or withdrawn, pending, and granted. Each advance sheet also includes useful research information including indexes, parallel tables, and new court rules. This useful information later appears in the bound volumes.

§ 5.5 West's *South Eastern Reporter*

Since 1887, opinions of the Georgia Supreme Court and the Georgia Court of Appeals are also printed in the *South Eastern Reporter*, published by the West Publishing Company. The reporter included only the Georgia Supreme Court opinions from 1887 to 1907 when, at that point in time, the Georgia Court of Appeals decisions were added. The *South Eastern Reporter*, presently in its second series, is part of West's National Reporter System. The reporters cover the appellate courts of all states and the District of Columbia. Along with the Georgia cases, the *South Eastern Reporter* includes appellate decisions from North Carolina, South Carolina, Virginia, and West Virginia.

The text of opinions reported officially and those reported unofficially are essentially the same. Unlike the Georgia official reporters, the editors at West provide supplementary editorial materials. Each case in the *South Eastern Reporter* includes a synopsis or brief description of the facts of the case, the name and holding of the lower court judge, the holding of the current appellate court, and the name of the judge writing the opinion.

80. See § 5.11 for information on *Shepard's Citations*.

Additionally, the West editors decipher the legal issues from cases and summarize each issue in a headnote. Each headnote is numbered so you can use the headnotes as a table of contents to the case. These headnote numbers appear in brackets in the text of the opinion indicating which portions of the opinion are covered by a particular headnote. The topic and key number in a headnote can be used in the *Georgia Digest*, the *South Eastern Digest*, or in any West digest, to search for additional cases on the same topic. You can also search for the topic and key number on WESTLAW.

Several tables which first appear in the advance sheets of the *South Eastern Reporter* and later in the bound volume, include Statutes Cited, Words and Phrases, and Key Number Digest. The table that you will use most frequently is the Table of Cases Reported, listed by both plaintiff and defendant. The weekly advance sheet service provides new cases, in addition to the useful tables.

§ 5.6 West's Georgia Cases

West's *Georgia Cases* is a compilation of Georgia cases reprinted from the pages of the second edition of the *South Eastern Reporter*. It retains the same volume and pagination as this edition of the *South Eastern Reporter*. For those lawyers who concentrate on Georgia law, the *Georgia Cases* is the most convenient source of case law.

The weekly advance sheets of West's *Georgia Cases* contain certiorari tables listed by the *South Eastern* citation. The status tables indicate the disposition of a case. In a case of petition for writ of certiorari filed to the United States Supreme Court, a citation to West's *Supreme Court Reporter* is given, but there is no indication of whether the writ was granted or denied. You must use *U.S. Law Week*, published by the Bureau of National Affairs, to determine the status of the writ.

§ 5.7 Current Case Law

Although the official and unofficial advance sheets are published weekly, it still takes several weeks, or even months, for an opinion to appear in print. To obtain opinions not yet included in advance sheets, contact the clerk's office of the appropriate court or try WESTLAW or LEXIS. Further, the *Fulton County Daily Report* includes the full text of Georgia

Supreme Court, the court of appeals, and civil jury verdicts throughout Georgia. This daily newspaper is the first printed source of opinions. The daily opinions are compiled on a weekly basis in the Daily Report Opinions Weekly, a supplement to the *Fulton County Daily Report*.

§ 5.8 Trial Level

The trial level cases are not reported in the Georgia reporters. However, since 1988, the *Georgia Trial Reporter* publishes a monthly summary of all available state court, superior court, and U.S. district court civil jury trials in the Atlanta area that result in a verdict. Access to the reporter is by defendant, attorney, and subject matter.

§ 5.9 Parallel Citations

For documents submitted to the Georgia courts, the correct citation form, according to *The Bluebook, A Uniform System of Citation*, includes a cite to the official state reporter and to the regional reporter.⁸¹ A correct citation would read, for example, *Ponder v. Williams*, 80 Ga. App. 145, 55 S.E.2d 668 (1949). If you write a memo or brief for submission to a state court in Georgia and you cite a case from outside of Georgia, such as North Carolina, cite only to the regional reporter with the court identification in parentheses. For example, cite *Woodson v. Bowland*, 407 S.E.2d 222 (N.C. 1991). For case citations in other forms of legal writing (e.g., law review articles, research papers) cite only to the appropriate regional reporter, for example, *Brannon v. Brannon*, 407 S.E.2d 748 (Ga. 1991).

There are several ways to find a parallel citation if you only know one citation. Initially, a case printed in a bound official reporter or in a West's reporter includes the parallel citation. Alternatively, the *Georgia Blue and White Book* and the *National Reporter Blue Book*, both published by West, list conversion tables for parallel citations.

You can also find parallel citations by using *Shepard's Georgia Citations* or *Shepard's South Eastern Citations*, either in print or by using WESTLAW and LEXIS cite checking services. If you know the name of the case, rather than the case citation, check

81. See *The Bluebook, A Uniform System of Citation*, R.10.3.1 & P.3 (15th ed. 1991).

the Table of Cases in the *Georgia Digest* or the *South Eastern Digest* and you will find the parallel citations.

§ 5.10 Finding Case Law

You can locate Georgia cases in several ways: 1) through the West's digests; 2) as references in legal periodicals, treatises, encyclopedias and A.L.R. annotations; 3) in annotations following the text of each statute in *O.C.G.A.* and *Ga. Code Ann.*; 4) on WESTLAW and LEXIS; and 5) on CD-ROM products.

West's *Georgia Digest* is one way of locating a Georgia case by its subject. The first series covers 1792-1941 and the second series covers 1942 to the present. Always begin with the most recent series and then proceed to the earlier sequence. Unless you are performing an exhaustive search, you may not need to use the first series. The *Georgia Digest* presents references to published cases decided by the Georgia Supreme Court, the Georgia Court of Appeals, the United States district courts in Georgia, the United States Court of Appeals for the Eleventh Circuit (Court of Appeals for the Fifth Circuit prior to October 1, 1981), and the United States Supreme Court. West organizes its digests according to the West key number system. The cases in the digests are the headnote paragraphs from the cases in the *South Eastern Reporter* rearranged according to subject. The paragraphs under each key number are arranged by jurisdiction with the federal levels given first, followed by the Georgia Supreme Court, and then the Georgia Court of Appeals. Under each jurisdiction, the cases are listed in reverse chronological order. It is wise to begin your search in any of the West digests with the Descriptive-Word Index (DWI). The DWI is a list of commonplace words that will lead you to the relevant topic and key number. When you are already familiar with the topic, you may want to bypass the DWI and go directly to the "Analysis" of the topic listed in the individual volumes.

When you know the name of the case, but lack the citation, you can look in the Table of Cases in any West digest to locate the appropriate citation. If you only know the defendant's name in a case, check the Defendant-Plaintiff Table in the *Georgia Digest*.

To update your search in the digest, check the pocket parts and supplementary pamphlets. If you are attempting to locate very recent cases, search the key number digest or the case name

index found in each volume and advance sheet of the *South Eastern Reporter* or the *Georgia Cases*. Once you know the topic and key number, you can also update your search on WESTLAW.

If you must expand your search for cases outside of Georgia, you should search the *South Eastern Digest*. One of few regional digests still in existence, the *South Eastern Digest* indexes appellate decisions from Georgia, South Carolina, North Carolina, Virginia, and West Virginia. Similar to the *Georgia Digest*, the *South Eastern Digest* is in two editions. The first edition covers cases decided before 1935, and the second edition from 1935 to the present. Unlike the *Georgia Digest*, the *South Eastern Digest* does not include federal cases, only state cases. If you want all cases from all jurisdictions, use the American Digest System, which consists of the *Decennial Digests* and the *General Digests*. You can use the identical key number from the *Georgia Digest* in the *South Eastern Digest* or in any of the West digests.

§ 5.11 Secondary Sources

In addition to the digests and online sources, secondary materials, including legal periodicals, treatises, encyclopedias, and annotations include numerous citations to primary materials. Of particular interest to Georgia researchers, the *Encyclopedia of Georgia Laws*, published by the Harrison Company, is an excellent starting place for researching Georgia law. In the heavily footnoted articles you can find discussion of topics arranged in alphabetical order, with citations to cases, statutes, law review articles, opinions of the Georgia Attorney General, and other materials. Further, there are several helpful treatises, periodicals, and indexes listed in § 6.0 of this Article.

The *A.L.R.*, published by Lawyers' Cooperative, is often a good lead to finding state and federal cases. Each annotation in *A.L.R.* includes a discussion of a specific area of law and citations to the most notable cases. The most common approach for locating an annotation is through the Index to Annotations. *A.L.R.* is also available on LEXIS in the *A.L.R.* library.

§ 5.12 Case Citators

You must check your research to test the validity of any case. Further, you may need to check how later courts or other authorities have cited your case. To determine the history and subsequent treatment of a Georgia case, consult either *Shepard's*

Georgia Citations or *Shepard's Southeastern Citations*. While both citators include Georgia law, you will obtain different information depending on which *Shepard's Citations* you use. Basically, you will obtain federal citations, A.L.R. citations, and selected legal treatises in either Shepard's citators. The *Shepard's Southeastern Citations* lists both in-state and out-of-state cases, but no law reviews. On the other hand, the *Shepard's Georgia Citations* lists Georgia cases, but no out-of state cases, and selected law reviews. The *Shepard's Georgia Citations* includes status information on certiorari to the Georgia and federal courts. To be comprehensive, you should Shepardize by both the official and the regional citation.

In either the Georgia or Southeastern Shepard's, the citations are organized similarly. The first cites listed in parentheses are the parallel citations to the cited case. The parallel citation is given the first time the case appears in Shepard's. Following the parallel citation, there will be "history" citations. The history of the case is its direct procedural history. Next, is a section of "treatment" cites, or how other cases have treated it. A final section provides cites to numerous cases and secondary sources that have cited your case.

Some citations will have a numerical superscript to the left of the page number. The superscript numerals refer to the headnote number in the cited case. This feature will save considerable time if you are interested in a specific legal issue. Therefore, after reading the headnotes in the *South Eastern Reporter* or the numbered paragraphs in the text of the official reporters, you can focus on cases that deal with a specific issue. To use the headnote numbers correctly, you must shepardize with the citation that corresponds to the reporter volume. In other words, to shepardize a headnote from the *South Eastern Reporter*, use the *Southeastern Shepard's Citations*; to shepardize an issue from the official reporters, use the *Georgia Shepard's Citations*. If the citing source has no superscript numerals, the cite is to the case as a whole.

When using *Shepard's Citations*, you must note that the volumes are not cumulative, so all applicable bound volumes and paper bound supplements must be checked. However, *Shepard's* on WESTLAW and LEXIS is cumulative. Although it is much easier to shepardize online, these services are not more current than the hardcopy Shepard's. There are several methods to update your Shepard's search. One newly printed publication,

Shepard's Georgia Express Citations, supplements the regular citator service. Both WESTLAW and LEXIS have several services that are more current than Shepard's.

§ 6.0 TOPICAL PRACTICE BOOKS

The bench and bar of Georgia are indeed fortunate to have authors such as Daniel, Eldridge, Pindar, Kaplan, Agnor, McConaughy, and other respected experts who provide valuable reference works. These books are the research starting point for specialists across the state and many have been cited in the Georgia appellate courts as authority on the subject. Though there have been prior bibliographies of Georgia practice material,⁸² this is the first annotated bibliography. It has been written primarily with practicing attorneys in mind. This research guide may also be used as a selection guide for a public or private library.

This bibliography is selective, primarily because an exhaustive listing of Georgia practice materials would render the bibliography impractical. The purpose of this bibliography is to highlight the practice materials in Georgia which are well-organized, indexed, and updated. These works can be relied on for quick answers or for starting a research project. Program materials from the Institute of Continuing Legal Education, from Georgia State University's Center for Continuing Legal Education, and from the Professional Education Systems of Eau Claire, Wisconsin are not included. Handbooks written for court, county, and state officials, and books which are reprints of parts of the Georgia Code are not included.

This bibliography is arranged alphabetically by topic. Each entry contains the bibliographical information for the source and a brief annotation. As an indication of currency, the bibliographic information includes the availability of annual pocket part supplements. The information in the annotations is derived primarily from the prefaces, introductions, and tables of contents of the books which suggests the scope and coverage of the work.

82. One such bibliography can be found in Appendix VI of LEAH F. CHANIN & SUZANNE L. CASSIDY, *GUIDE TO GEORGIA LEGAL RESEARCH AND LEGAL HISTORY* 203-08 (1990). This appendix is a listing of forms, texts, and treatises arranged alphabetically by author. Another is part of a selective bibliography of state practice materials in the 50 states: FRANCIS R. DOYLE, *SEARCHING THE LAW: THE STATES* 96-113 (1989 & Supp. 1990). This bibliography is arranged by subject headings.

Many of the annotations also include references to previous editions of the title which may be of value for historical research.

The most prolific publisher of legal treatises in Georgia is the Harrison Company of Norcross, Georgia. In the late 1970s, Harrison began publishing a series of practice books sub-titled "The Law In Georgia." Many of the books from that series have been expanded and/or updated to become valuable treatises for current research purposes. The prior editions of this series are often of historical value and may be located at large Georgia law libraries.

A word about the Institute of Continuing Legal Education (ICLE) is necessary. ICLE, based in Athens, Georgia, is the educational service of the State Bar of Georgia and a consortium of the bar and the law schools of the University of Georgia, Emory, Mercer, and Georgia State. It publishes *Index to Publications* which contains order information and several useful indexes. This index is recommended for the legal researcher who is looking for material on a subject not covered in this bibliography.

ADMINISTRATIVE LAW

Kleckley, D. Daniel, and Edward W. McCrimmon, *Georgia Administrative Practice Forms: With Decisional Digest*, Norcross, Ga.: Harrison, 1992.

This formbook provides assistance to attorneys and others involved in administrative law cases. The first section of the book includes forms for administrative practice, contested cases initiated by the agency, and contested cases initiated by aggrieved parties. Procedures and forms for state examining boards, the Department of Labor, and the Insurance Department are provided separately. The decisional digest is compiled primarily from Georgia appellate cases, but also includes agency hearings and Georgia Attorney General opinions. The 1992 edition is a revision and expansion of the 1978 "Law in Georgia" series book.

COLLECTIONS

Adams, John O., *Cooperman's Georgia Collection of Accounts*, Norcross, Ga.: Harrison, 1990 (annual pocket part).

Adams' book is "designed as a step-by-step manual for law offices handling collection cases in Georgia." It is used by lawyers, paralegals, and legal secretaries as a practical guide to procedures and forms for handling typical creditor collection accounts. The original edition of this work by Cooperman is dated 1980.

Finestone, Stuart, *Georgia Post-judgment Collection: With Forms*, 2d ed., Norcross, Ga.: Harrison, 1992.

Finestone's work covers prejudgment planning, drafting pleadings, attorneys fees and costs of collection, postjudgment discovery, levy, garnishment, bankruptcy, receiverships, fraudulent conveyances, and liability for corporate debt. Forms are included throughout the text. This book is a revision of *Post-judgment Collection—The Law in Georgia* (1978) and *Finestone & Cardon's Georgia Post-judgment Collection* (1986).

COMMERCIAL LAW

Dobb's *Georgia Enforcement of Security Interests in Personal Property: The Law in Georgia*, Norcross, Ga.: Harrison, 1990 (annual pocket part).

Dobb's treatise, dated 1979, has been updated by the editorial staff at Harrison. The work is a practical guide to the enforcement of security interests. The chapters are arranged in a sequence that follows the chronology of events that occurs when enforcement becomes necessary.

Kock, Gerald L., *Sales: The Law in Georgia*, Norcross, Ga.: Harrison, 1978 (pocket part supplement).

The sale of goods under the UCC is explored in this work. It includes contract of sale and breach. The appendix contains forms arranged by UCC section numbers.

Shortridge, Wayne, Daniel H. Neely, and Robert C. Lewinson,
Georgia Commercial Financing Forms, Salem, NH:
 Butterworths, 1992- .

A highly regarded formbook, this is a two volume looseleaf. The purpose is to provide "a broad-based source of forms that can be used to evidence, secure, and guarantee commercial financing transactions in Georgia." The forms are drafted from the lender's perspective. The chapters contain an introduction to the topic, explanatory notes for specific forms, and the forms. Chapter one contains various checklists. The title was originally published by Aspen in 1991.

CORPORATIONS

Goldstein, Elliott, *Georgia Corporation Law and Practice*,
 Englewood Cliffs, N.J.: Prentice Hall Law & Business, 1992- .

Goldstein is a practicing attorney with a major law firm in Atlanta and a respected expert on Georgia corporation law. His one volume looseleaf on the Georgia Business Corporation Code of 1988 is used as a desk reference by corporate attorneys and general practitioners. Some of the topics covered are shares and distributions, shareholders meetings, close corporations, foreign corporations, blue sky law and shareholder liability. Forms are included throughout the book.

Kaplan, Jerome L. et al., *Kaplan's Nadler Georgia Corporations and Limited Partnerships: With Forms*,
 Norcross, Ga.: Harrison, 1992.

A major treatise on corporation law in Georgia, it was originally written by Charles Nadler in 1949 and revised by Kaplan in 1971. This two volume paperback is now revised annually. More than a practice and procedure book, the book serves as a comprehensive manual of corporation law. Chapters include: types of corporations, formation, organization, directors and officers, shareholders, reorganization, nonprofit corporations, cooperative corporations, limited partnerships, and actions by and against corporations. A collection of forms are found in Volume Two. The Secretary of State's Rules, Directives, and other relevant information are included in the appendix.

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Speer, G. William, Ronald D. Stallings, and Walter G. Moeling, *Georgia Corporate Forms*, Salem, N.H.: Butterworths, 1992- .

The purpose of this treatise is to provide "source material for the Georgia practitioner in implementing the planning and compliance aspects of corporate and partnership practice." The scope was expanded from a forms reference work to include explanatory text. It is a two volume looseleaf set originally published by Aspen in 1988. The arrangement of material within each section is practical considerations, explanatory notes, and forms.

CRIMINAL LAW

Council of Superior Court Judges of Georgia, Benchbook Committee, *Criminal Benchbook Georgia Superior Courts*, Athens, Ga.: Institute of Government, University of Georgia, 1981.

The benchbook was written for judges and is published in a notebook. It contains "check lists, guidelines, comments and ready references, which are intended to aid and assist the judge in the course of criminal trials and hearings." Though it was updated in 1985, it still uses citations to *Ga. Code Ann.* rather than *O.C.G.A.* Colorful tabs separate the 29 sections on such topics as arrest, trial, verdict, sentence, and appeal.

Daniel, William W., *Georgia Criminal Trial Practice*, Norcross, Ga.: Harrison, 1992.

Judge Daniel's works on criminal law are highly regarded among practitioners in Georgia. Originally published in 1977, this title is now an annual paperback covering the law of criminal procedure in Georgia. After a brief introduction, the book is divided into five parts: arrest and criminal investigative procedures, client-counsel relationship and proceedings prior to commitment hearing, pre-trial judicial proceedings, the trial, and post-trial remedies and probation revocation. Forms are found in the companion volume, *Georgia Criminal Trial Practice Forms*. Reference should also be made to *Georgia Handbook on Criminal Evidence*.

Daniel, William W., *Georgia Criminal Trial Practice Forms*, 3d ed. Norcross, Ga.: Harrison, 1992 (annual pocket part).

This formbook consists of forms largely supplied by other lawyers which Judge Daniel has edited, revised, and organized. The book is divided into the same chapters as the companion volume *Georgia Criminal Trial Practice*. After a brief introduction, forms are presented with little commentary. The first edition of this treatise is dated 1979.

Daniel, William W., *Georgia Handbook on Criminal Evidence*, Norcross, Ga.: Harrison, 1986 (annual pocket part).

The material on witnesses and evidence formerly published in *Georgia Criminal Trial Practice* has been placed in this handbook. The chapters are: 1) presenting the State's case and attacks thereon and 2) presenting the defendant's case and attacks thereon. The text is extensively annotated with case law. Forms are published separately in *Georgia Criminal Trial Practice Forms*.

Cleary, Robert E., *Kurtz Criminal Offenses and Defenses in Georgia*, 3d ed. Norcross, Ga.: Harrison, 1991 (annual pocket part).

A dictionary format is used for crimes and defenses treated under topic headings in alphabetical order. The "Quick Index" to subject headings and cross-referencing provide many access points. According to the introduction "all crimes and defenses are outlined and the relevant case law interpreting them is presented." References to other legal literature is provided in addition to case law. A national context is given for some provisions of Georgia law. The first edition of this book was written by Paul Kurtz in 1980.

Cleary, Robert E., *Molnar Georgia Criminal Law: Crimes and Punishments*, 4th ed. Norcross, Ga.: Harrison, 1990 (annual pocket part).

Since its first edition in 1970, this book has become a standard source for criminal attorneys in Georgia. A comprehensive work, it contains references to every section of the Georgia Criminal Code and all important case decisions. Each section includes: the text of the Code section, explanation of changes made to the Code in 1981, the text of related statutes, annotations to important

cases, edited text of Committee Notes (1968 Criminal Code) which provide the history and evolution of the section, and references to decisions prior to 1968 Criminal Code of historical value. Chapters reference specific crimes and are arranged alphabetically.

DAMAGES

Wilburn, William R., *Cobb and Eldridge Georgia Law of Damages: With Forms*, 3d ed. Norcross, Ga.: Harrison, 1989 (annual pocket part).

The most comprehensive and well-respected treatment of the law of damages in Georgia, this work was originally published in 1979 as part of the "Law in Georgia" series. It has been expanded into two volumes for the third edition. The book is divided into three parts covering damages generally, damages relating to particular subject areas, and jury instructions, tables, indexes and checklists. Forms are included in Volume Two.

DEBTOR AND CREDITOR

Borsuk, Lynne Y., *Wilkinson's Georgia Rights of Unsecured Creditors*, Norcross, Ga.: Harrison, 1988 (pocket part supplement).

The 1979 "Law in Georgia" book by Wilkinson has been revised by Borsuk. Topics discussed are debtor/creditor relationships, third party liability, suit and judgment, execution and levy, garnishment, attachment, costs of collection, fraudulent conveyances, corporations and liability of others for corporate debts, receivers and injunctions, bulk sales and transfers, and claims against estates.

James, Trisha Z., *Georgia Creditors' Rights Manual*, Clearwater, Fla.: Butterworths/D & S Publishers, 1987- .

This manual is a three volume looseleaf. Volume One contains attachment, garnishment, foreclosure, self-help repossession, and execution and levy. Volume Two contains judicial sales, fraudulent conveyances, homestead and exemptions, creditor's claims in probate, receivers and injunctions, and state remedies and bankruptcy. Volume Three contains pleading and practice

forms and the text of statutes (Code of Georgia, Title 18, Debtor and Creditor and Title 9, Civil Practice).

EMINENT DOMAIN

Pursley, Charles N., *Georgia Eminent Domain*, Norcross, Ga.: Harrison, 1982 (pocket part supplement).

Pursley's research guide is the only major treatment on this area of Georgia law. Some of the topics discussed are condemnation procedures, taking or damaging of property, measure of compensation, evidence, and remedies.

EMPLOYMENT

Wimberly, James W., *Georgia Employment Law*, 2d ed. Norcross, Ga.: Harrison, 1993.

This major treatise on employment in Georgia updates and expands the first edition by Charles Edwards published in 1983. Chapters include traditional topics of employment law such as contracts, compensation and benefits, organization of employees, unemployment compensation, discrimination, and dispute resolution. A new chapter on common law torts associated with employment explores topics related to employee privacy and other torts.

EVIDENCE

See also: Daniel, CRIMINAL LAW

Agnor, William H., *Agnor's Georgia Evidence*, 2d ed. Norcross, Ga.: Harrison, 1986 (annual pocket part).

Professor Agnor's highly respected treatise has been cited by the Georgia appellate courts in over 125 cases. The first edition was written in 1976, based on the "Evidence" and "Witness" material from the *Encyclopedia of Georgia Law*. Along with the treatise by Green, this book is a basic reference for trial lawyers. References to McCormick on Evidence and Weinstein's Evidence are made throughout the book for more complete discussions. Selected topics covered are competency and examination of witnesses, general and constitutional privileges, admission and exclusion, opinion evidence and expert witnesses, relevancy, hearsay, documentary evidence, demonstrative evidence, burdens

and presumptions, weight and sufficiency. The Federal Rules of Evidence are included in the appendix.

Green, Thomas, *Georgia Law of Evidence*, 3d ed. Norcross, Ga.: Harrison, 1988 (annual pocket part).

Thomas Green's original edition was written in 1957 for practicing lawyers, judges, and law students. Since then, his work has been cited in over 200 cases in Georgia. This distinguished treatise is now updated by the editorial staff at Harrison. Discussion includes burden of proof, presumptions, relevancy, authentication, best evidence rule, opinion evidence, witnesses, husband and wife issues, attorney and client, parol evidence rule, hearsay, admissions of party-opponent, dying declarations and declarations against interest, and *res gestae*.

Langham, Don A., *Langham's Agnor Georgia Civil Discovery*, Norcross, Ga.: Harrison, 1991 (annual pocket part).

The revision of Agnor's *Use of Discovery under the Georgia Civil Practice Act* by Judge Langham is "intended as a manual for the practitioner to be used in the day-to-day problems of the discovery process." Some of the topics included are privileges and confidential information, discovery of trial preparation materials, discovery from expert witnesses, depositions, interrogatories, requests for admission, compelling discovery and seeking sanctions. Checklists and forms are provided. The Federal Rules of Civil Procedure relating to discovery are included in the appendix.

McLaughlin, Michael E., *Herman and McLaughlin Admissibility of Evidence in Civil Cases: A Manual for Georgia Trial Lawyers*, 2d ed. Norcross, Ga.: Harrison, 1989 (annual pocket part).

A guide to the use of evidence in the courtroom, this work offers assistance in presenting or contesting the admission of evidence. The material is arranged in a digest format, alphabetically by subject headings. A "Quick Index" at the front of the book provides ready access to the subject headings. Though the primary focus is civil cases, as the title implies, numerous cites to criminal cases have been included.

Salo, Sonja L., *Georgia Trial Evidence*. Santa Ana, Calif.: James Publishing Group, 1992.

Salo has compiled practical information on each of the rules of evidence found in Title 24 O.C.G.A., Chapters 1-9 in a looseleaf notebook. The text of the Code section is reprinted followed by Elements, Comments, Illustration, Tactics, and Cases. The 1992 rules on DNA analysis (O.C.G.A. sections 24-4-60 through 24-4-65) are not included.

FAMILY AND JUVENILE LAW

Bates, Edward E., *Georgia Domestic Relations Forms*, Salem, N.H.: Butterworth, 1992- .

Bates' one volume looseleaf is heavily used as a source for dependable family law forms. Sections of this formbook are arranged into three parts. Part One provides references to statutes, rules, and cases. Part Two includes an explanatory note for each form, and in Part Three are the forms. The forms are for pleadings, discovery, settlement agreements, requests to charge, and other forms for a divorce case. Other forms involve child support and custody, alimony, contempt and enforcement, change of name, and adoption. Office forms for client interviews and a checklist for a divorce are provided. This title was formerly published by Aspen beginning in 1988.

Butler, Anita M., *Georgia Family Law Manual*, Clearwater, Fla.: Butterworth/D & S Publishers, 1985- .

A deskbook for the family law practitioners, the work is a two volume looseleaf. Selected topics discussed in Volume One are initial interview, initiating the action, discovery, custody of minor children, child support, alimony, division of property, final judgment, and enforcement. Volume Two contains the domestic relations statutes, the Uniform Superior Court Rules, and selected Uniform State Court Rules.

Callner, Bruce W., and Kathy L. Portnoy. *Georgia Domestic Relations Case Finder*, Charlottesville, Va.: Michie, 1990 (annual pocket part).

This research guide is a digest of cases from the Georgia appellate courts. Selected digest topics are jurisdictional considerations, separate maintenance proceedings, distribution of

property, attorney fees, grounds for divorce, defenses to divorce, temporary and permanent alimony, child support, child custody, enforcement, pleading and procedure, annulment, and paternity/legitimacy/adoption.

Jeffries, Leslie A., *Guess and Ellis' Georgia Guardian and Ward*, Norcross, Ga.: Harrison, 1987 (annual pocket part).

Jeffries' revision of *Guardian and Ward: The Law in Georgia* (1980) is the best book on the subject of guardian and ward law in Georgia. Some of the topics covered in the book are appointment of guardians, guardians ad litem, administrative and fiduciary duties of the guardian, powers and compensation of guardians, rights of adult wards, and guardian's termination and settlement. Forms are provided throughout the book.

Jeffries, Leslie A., *McGough's Georgia Juvenile Practice and Procedure*, Norcross, Ga.: Harrison, 1987 (annual pocket part).

A handy practice book for the juvenile court system in Georgia, this title is a revision of *Juvenile Practice and Procedure: The Law in Georgia* (1980). Discussion includes jurisdiction, procedure, evidence, deprivation proceedings, termination of parental rights proceedings, delinquency proceedings, unruliness proceedings, and interstate procedures. One chapter is devoted entirely to forms.

McConaughy, Dan E., *Georgia Divorce, Alimony, and Child Custody*, Norcross, Ga.: Harrison, 1992.

McConaughy has written the most comprehensive and well respected treatise on this area of Georgia law. The first edition was written in 1975 and after the third edition it became an annual paperback volume. It is divided into four broad parts: annulment and separation, divorce alimony and support, custody, and taxation. Forms are included the fifth part. A section on legal ethics was added in the 1989 edition to encourage professionalism among family law practitioners in Georgia.

McGough, Barry B., *Georgia Divorce*, Rochester, N.Y.: Lawyers' Cooperative Publishing, 1981- .

A "how-to-do-it" approach is used in this one volume looseleaf. Organized to follow the progression of a typical divorce action,

the book contains textual discussion of the applicable law, a "Data Packet" for collecting necessary information, step-by-step procedures, and forms.

FORM BOOKS

See also: Bates, FAMILY LAW

See also: Brown, PRACTICE AND PROCEDURE

See also: Daniel, CRIMINAL LAW

See also: Grove, REAL ESTATE

See also: Jenkins, PRACTICE & PROCEDURE

See also: Levy, PROBATE & ADMINISTRATION OF ESTATES

See also: Shortridge, UNIFORM COMMERCIAL CODE

See also: Sparber, GENERAL

See also: Speer, BUSINESS ORGANIZATIONS

Brown Georgia Pleading, Practice and Legal Forms Annotated, 2d ed. Norcross, Ga.: Harrison, 1989 (annual pocket part).

As described on the title page, this eleven-volume set is "a comprehensive compilation of forms of pleadings in actions at law and equity, special statutory proceedings, extraordinary writs, appeals, probate and administration proceedings, guardianships, criminal procedure, and legal and business forms in general . . . classified and arranged in the order of the Official Code of Georgia Annotated." The set originally compiled in 1960, includes comments, caution notes, and annotations.

Harrison's Civil Pleading and Practice Forms for Use with the Georgia Code of 1981, 2d ed. Norcross, Ga.: Harrison, 1990- .

Suggested forms compiled by the editorial staff at Harrison are arranged in section number order of the *O.C.G.A.* Brief comment notes are included. The three looseleaf volumes are supplemented with an insert filed in the front of the books.

FUTURE INTERESTS

Agnor, William H., *Future Interests: The Law in Georgia*, Norcross, Ga.: Harrison, 1979 (pocket part supplement).

Professor Agnor's book is based on his articles in the *Encyclopedia of Georgia Law* on future interests, the Rule

against Perpetuities, and powers of appointment. Intended as a desk book for lawyers, the Preface gives reference to other more comprehensive treatments of the subject. Works by Redfearn and Pindar, and earlier works of Professors Leach and Simes are cited.

Chaffin, Verner F., *The Rule Against Perpetuities in Georgia*, Charlottesville, Va.: Michie, 1984.

Professor Chaffin's book, the most comprehensive one on this topic, is written for law students and attorneys dealing with the issue of future interests. The Rule is examined through discussion of class gifts, duration of private trusts, charitable trusts, commercial transactions, and other types of interests. Consequences of and professional liability for violation of the Rule are also included.

Chaffin, Verner F., *Studies in the Georgia Law of Decedents' Estates and Future Interests*, Charlottesville, Va.: Michie, 1978.

Articles written by Professor Chaffin for law reviews and bar journals have been updated and published in this collection on the law of decedents' estates and future interests. The outlines of the chapters in the table of contents and the index are helpful in using the book.

GENERAL

Encyclopedia of Georgia Law, Norcross, Ga.: Harrison, 1960- (annual pocket part).

As indicated on the title page, this 50 volume set is "a complete, narrative, and encyclopedic statement of the living law of Georgia." The articles which make up the encyclopedia were written by Georgia attorneys and law professors. References to primary and secondary source material, including the opinions of the Attorney General of Georgia, the *Georgia Digest*, law review articles, and treatises, are provided.

Quirk, Joseph P., and Martin G. Quirk, *Georgia Practice: Methods of Practice*, St. Paul, Minn.: West, 1989 (annual pocket part).

A group of Georgia practice experts, including law professors and practitioners, collaborated on this three volume treatise. Intended to be procedural rather than substantive, it includes check lists, forms, and practical how-to-do-it suggestions. Selected subjects included are civil practice and procedure, personal injury, domestic relations, business organizations, commercial transactions, workers' compensation, debtor and creditor, juvenile law and procedure, real estate transactions, and probate and estate planning.

Sparber, Byron L., Carl H. Cofer, and Thomas A. Ritchie, eds., *Southeast Transaction Guide: Florida, Georgia, Alabama*, New York: Matthew Bender, 1992- .

This 20 volume looseleaf service is an encyclopedia of forms on many topics for use in the three state region. It was first published in 1976 and is updated annually. Each chapter contains scope and use of the chapter, research guide, legal background, drafting guide, and forms. The forms section includes comments on the use of the form. The broad topics included in this set are: business entities, estate planning, commercial (business contracts, financing, and consumer relations), real estate, and personal (personal affairs, minors, and marital settlements). Volume 19 contains table of statutes and table of cases. Volume 20 is the subject index.

INSURANCE

Georgia Bulletins: Containing Bulletins and Directives of the Georgia Insurance Department, Chatsworth, Calif.: NILS Publishing, 1991- .

Text of departmental bulletins and directives are reprinted in this one volume looseleaf. It is updated as bulletins and directives are issued. Chapters are labeled by type of document and include agents licenses, enforcement, executive, industrial loans, life, accident and sickness, property-casualty, and regulatory services. Refer also to the *Georgia Regulations*.

Georgia Regulations: Containing Insurance Department Rules and Regulations, and Selected Attorney General's Opinions, Chatsworth, Calif.: NILS Publishing, 1990- .

Because the Insurance Department has not always submitted regulations for publication in the *Official Compilation of Rules and Regulations*, this looseleaf service of insurance regulations continues to be very popular in Georgia. The NILS book includes all older rules which have been incorporated "by reference" in the *Official Compilation*. The automatic updating and indexing of this work are also advantages over the *Official Compilation*. In addition, NILS publishes the looseleaf services: *Georgia Insurance Code* and *Georgia Related Laws to the Insurance Code*. Refer also to the *Georgia Bulletins*.

Jenkins, Frank E., and Wallace Miller, *Georgia Automobile Insurance Law, Including Tort Law*, Norcross, Ga.: Harrison, 1992.

Now published in paperback, the original edition of this title was written by Jenkins in 1980. Chapters include insurance contract, insurance agent, liability coverage, no-fault personal injury protection, medical payments coverage, uninsured motorist coverage, Georgia Insurers Insolvency Pool Act, and torts. Two auto policies are attached in the appendix.

JURY INSTRUCTIONS

Council of Superior Court Judges of Georgia, *Suggested Pattern Jury Instructions*, Athens, Ga.: Institute of Government, University of Georgia, 1991.

An extremely popular set of notebooks, this work contains pattern charges prepared to assist the trial judge in instructing the jury. The charges are annotated with cites to case law and O.C.G.A. Volume 1 is Civil Cases, Third edition and includes topics arranged alphabetically. Volume 2 is Criminal Cases, Second edition. It is divided into five parts including preliminary instructions, suggested general charges required in all criminal cases, special charges, and selected criminal statutes and related matters.

Ridley, John H., *Georgia Requests to Charge: Civil and Criminal Cases*, 2d ed. Norcross, Ga.: Harrison, 1991 (annual pocket part).

Used regularly by litigators, this work brings together two titles from the "Law in Georgia" series (in previous editions civil and criminal charges were in separate books). The book contains requests to charge, with case reference, listed under subject headings arranged alphabetically. A "Quick Index" to the subject headings is provided and cross-references are also given in the text.

LANDLORD-TENANT LAW

Dawkins, William J., *Georgia Landlord and Tenant: Breach and Remedies, with Forms*, 2d ed. Norcross, Ga.: Harrison, 1990 (annual pocket part).

Dawkins is the leading expert on landlord/tenant law in Georgia. The book is divided into three parts: tenant remedies, landlord remedies, and landlord/tenant action forms. The first edition of this treatise was written by Dawkins in 1979.

Dawkins, William J., *Georgia Landlord and Tenant: Lease Forms and Clauses*, Norcross, Ga.: Harrison, 1990 (annual pocket part).

Dawkins' lease formbook contains 22 various types of lease agreements with no commentary. The Table of Contents is used to locate a lease form. The Index refers to the clauses within the forms and may be used to locate an alternative version of a type of clause. This work evolved from the "Law in Georgia" series and is a revision of the 1979 edition.

LEGAL RESEARCH

Chanin, Leah F., and Suzanne L. Cassidy, *Guide to Georgia Legal Research and Legal History*, Norcross, Ga.: Harrison, 1990 (pocket part supplement).

The only comprehensive research guide for Georgia legal bibliography offers a description of tools and sources and provides suggestions for effective research. References are made to materials available online. Chapters include descriptions of primary source material (constitutions, statutes, case law,

administrative law, etc.), historical sources, citators and finding aids, and sources of federal law. Court rules, bar rules, and court-related organizations are discussed. Appendices include checklists of legal material, a citation guide, and a bibliography of forms, texts, and treatises.

Georgia Code Research Guide, Rochester, N.Y.: Lawyers Cooperative Publishing, 1988 (annual pocket part).

This research guide provides references to Lawyers Cooperative publications including the *American Law Reports* and the *American Jurisprudence* library of reference material. The guide refers to the state constitution, *O.C.G.A.*, and the court rules.

LOCAL AND STATE GOVERNMENT

McVay, Kipling Louise, and Robert S. Stubbs, *Governmental Ethics and Conflicts of Interest in Georgia*, Charlottesville, Va.: Michie Co., 1980 (pocket part supplement).

Although dated, this book is a useful starting point for the subject. Some of the topics included are campaign financing and disclosure, honesty in government, simultaneous employment, open records, and open meetings. The text of the substantial Attorney General's opinion on conflicts of interest of public officers, employees, and agents is included.

Sentell, R. Perry, *Additional Studies in Georgia Local Government Law*, Charlottesville, Va.: Michie, 1983.

This book supplements *Studies in Georgia Local Government Law* 3d ed. (See below.)

Sentell, R. Perry, *Studies in Georgia Local Government Law*, 3d ed. Charlottesville, Va.: Michie, 1977.

Professor Sentell is the leading authority in this field of Georgia law. The first edition of this work was published in 1969. The book is a collection of essays on topics including reapportionment, unconstitutionality, special laws, notice requirement of local legislation, legislative process, "home rule," municipal annexation, binding contracts, purchasing, discretion, delegation, and municipal tort liability. This treatise is

supplemented with the separately published *Additional Studies* (see above).

Sentell, R. Perry, *The Law of Municipal Tort Liability in Georgia*, 4th ed. Athens, Ga.: Institute of Government, University of Georgia, 1988.

The first edition of this title was written in 1964. Topics covered in the fourth edition include municipal tort liability and non-liability, notice of claims against the municipality, and moderating movements against municipal tort immunity.

Stubbs, Robert S., *Powers and Limits of State Government Under Georgia Laws*, Athens, Ga.: Institute of Government, University of Georgia, 1980.

As the title implies, this notebook is a collection of readings in Georgia state government. It is written for government officials and attorneys to provide ready access to materials on the operation of the state. It includes organization of the government, the business of the state, the budget, defending the state in litigation, ethics in government, and intergovernmental relations.

MEDICAL MALPRACTICE

Bennett, Thomas W., *Georgia Medical Torts—Physicians*, Norcross, Ga.: Harrison, 1981.

This quick reference tool for the trial practitioner handling a medical tort case has not been updated, so it should be used with caution. Selected topics included are standard of care and skill, consent, abandonment, assault and battery, actions, pleadings, evidence, causation, damages, defenses, and arbitration.

Royal, C. Ashley, and Thomas C. Alexander, *Handbook on Georgia Medical Malpractice Law*, Norcross, Ga.: Harrison, 1991 (annual pocket part).

Royal and Alexander's new book has become the prominent treatise on medical malpractice law in Georgia, filling a previous void in Georgia practice material. It focuses on the common problems of this field of practice, including the issues of expert testimony, standard of care, and causes of action. Trial practice is discussed and forms are provided as examples.

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MOTOR VEHICLE LAW

See also: Jenkins, INSURANCE

Georgia Traffic Court Manual: An Operational Manual for Trying Traffic Cases, Atlanta: State of Georgia, 1982.

Developed by the Judicial Council of Georgia and the Administrative Office of the Courts, this notebook is used by judges and attorneys trying traffic cases. Some of the topics included are: judicial system, facilities, personnel, administration and records, common problems in the traffic courts, and rights of accused in traffic cases.

Wilburn, William R., *Georgia Practice Manual DUI Defense with Forms*, Norcross, Ga.: Harrison, 1990 (annual pocket part).

A comprehensive treatise on DUI, this practice manual is used by attorneys involved in both prosecution and defense of DUI cases. The book is divided into two parts: DUI law and representing the DUI defendant. The latter part contains a sizeable chapter of forms.

PRACTICE AND PROCEDURE

See also: EVIDENCE and JURY INSTRUCTIONS

Brown, Rupert A., *Davis' Forms for Pleading Under the Georgia Civil Practice Act, O.C.G.A. Title 9, Chapter 11*, Norcross, Ga.: Harrison, 1989 (annual pocket part).

These forms, originally compiled by Windle Davis in 1975, are used frequently. The 1989 paperback edition is included in the set of Brown's forms (see FORMS) and is also available for purchase separately from the set. The forms are classified and arranged in the order of the O.C.G.A. Each section includes the text of the code section, comments, annotations to case law, and the forms.

Clark, H. Sol, and Fred S. Clark, *Georgia Settlements Law and Strategies*, Norcross, Ga.: Harrison, 1989 (annual pocket part).

A respected treatise on settlements law, this book is a revision of a "Law in Georgia" title dated 1981. Selected topics covered are negotiating techniques, personal injury settlement formulas,

settlement for minors, release and covenant not to sue, accord and satisfaction, indemnity, structured settlements, statutory provisions, and workers' compensation agreements. Forms are included throughout the text.

Colson, Bill, Sidney O. Smith, and Manning G. Warren, eds., *Southeast Litigation Guide: Florida, Georgia, Alabama, New York*: Matthew Bender, 1981- .

The practical advice and forms of this 12 volume looseleaf set are heavily used by litigators. The first six volumes are devoted to the broad topic of civil trial procedures. The other volumes deal with litigation in the areas of personal injury, commercial, business, real estate, and family law. Each section includes legal background of the issue, a practice guide, the forms, and a research guide.

Council of Superior Court Judges of Georgia, Benchbook Committee, *Civil Benchbook Georgia Superior Courts*, Athens, Ga.: Institute of Government, University of Georgia, 1984.

Written for judges, this one volume notebook has not been updated. It is used as a ready reference tool for the trial judge while hearing civil matters. Colorful tabs separate material arranged chronologically in the order it is apt to be used in trial. Topics include pretrial practice, trial practice, post trial practice, and special procedures.

Falanga, Robert A., *Laying Foundations and Making Objections in Georgia*, Norcross, Ga.: Harrison, 1988 (annual pocket part).

This quick reference tool for the trial attorney provides assistance in formulating an objection or in laying foundations for the introduction of evidence. Selected topics include jury selection and opening statement, witnesses, privileged communications, hearsay, demonstrative evidence, order of proof, local ordinance and foreign laws, and jury instructions. Many forms are included within the book.

Gregory, Hardy, *Georgia Civil Procedure*, Charlottesville, Va.: Michie, 1990 (annual pocket part).

A scholarly book on Georgia civil procedure, Gregory's treatise discusses rules of the Civil Practice Act, courts and their

jurisdiction, the subject of judicial power in Georgia, and venue of actions. The relevant Uniform Superior Court Rules are incorporated in the discussion of CPA rules. The text of the CPA (Code of 1981, sections 9-11-1 et seq.) and the Uniform Superior Court Rules are provided in the appendices.

Walsh, W. Terence et al., eds., *Handbook on Appellate Procedure in the Georgia Supreme Court and the Georgia Court of Appeals*, 2d ed. Athens, Ga.: Institute of Continuing Legal Education in Georgia, 1991.

The practical advice provided in this handbook is used extensively by Georgia litigators. Chapters include an appeal timetable, post-trial motions, commencing the appeal, stays and injunctions, settlements conference, briefs, oral argument, extraordinary writs, internal procedures, subsequent proceedings, criminal appeals, and forms. This one volume notebook was prepared by the litigation department of Alston & Bird, a major firm in Atlanta, as part of the ABA's Joint Project of Appellate Handbooks.

Harris, Stanley E., *Georgia Handbook on Cross-examination*, Norcross, Ga.: Harrison, 1991.

Harris' handbook is oriented towards civil litigation and offers valuable suggestions for practitioners. Selected topics include organizing and conducting the deposition and trial examination, impeachment, adversary's cross-examination, possible adverse witness, and expert witness. Forms are included in the appendix. This book is an expansion of *Cross Examination—Legal and Practical Aspects—the law in Georgia*, published in 1982.

Jenkins, A. Felton, and Ralph A. Pitts, *Georgia Civil Procedure Forms*, Salem, N.H.: Butterworths, 1992- .

A very popular formbook, this two volume looseleaf set was originally published by Aspen in 1988. The forms are arranged by sections of the Civil Practice Act (O.C.G.A. § 9-11-1 et seq.). The text of the Code is also included. Brief commentary provides limited caselaw interpretation of the statutes. According to the preface, the "forms use fictitious names and hypothetical factual circumstances to provide guidelines as to the type of factual presentation and degree of specificity which the authors believe to be appropriate."

Kleiner, Jack, *Trial Handbook for Georgia Lawyers*, Rochester, N.Y.: Lawyers' Cooperative Publishing, 1973 (annual pocket part).

As the title indicates, this is a substantial hardbound handbook for the courtroom. It covers civil and criminal procedure. Selected topics included are motions, jury selection, burden of proof, witnesses, evidence, damages, and jury instructions.

Purdum, Wayne M. ed., *Georgia Magistrate Court Handbook: With Forms*, 2d ed., Norcross, Ga.: Harrison, 1992.

Judge Purdom's procedural handbook for Georgia magistrates is also practical for the attorney trying a case in this court. The second edition is a substantial revision of the 1984 edition by Judge Johnny Warren. Selected topics covered in the treatise are civil jurisdiction, filing and answering civil claims, application of the Civil Practice Act, conduct of trial, criminal proceedings, judicial review, and internal administration of magistrate courts. The text of uniform court rules are reprinted in the appendices and forms are included throughout the book.

Purdum, Wayne M., ed., *Georgia Magistrate Courts Benchbook*. Atlanta: Council of Magistrate Court Judges, 1992.

The Benchbook provides "a practical aid in handling a calendar" and a quick reference for common situations. To increase functionality of the notebook the material is presented in outline format, in checklists, and in "dialogues." The main text is in outline format in which proceedings are presented chronologically. Checklists provide a quick reminder of considerations for certain proceedings. The dialog format is used to suggest set speeches for handling particular situations. Forms are also included.

Ruskell, Richard C., *Davis and Shulman's Georgia Practice and Procedure*, 6th ed. Norcross, Ga.: Harrison, 1991 (annual pocket part).

Davis and Shulman's highly respected treatise, now in its sixth edition, was originally published in 1948. It "outlines the rules and precedents adopted by the legislature and courts." Some of the topics discussed in this comprehensive treatise are the court

system, venue, jurisdiction, complaints, service of process, motion practice, answers, counter-claims, third-party practice, amendments, orders, depositions, discovery, trials and arguments, the jury, verdicts, judgments, and limitations of actions. Handy time tables and checklists are included.

Sheppard, Charles R., *Davis' Handbook on Georgia Practice, with Forms*, 3d ed. Norcross, Ga.: Harrison, 1992.

Windle Davis originally compiled this paperback in 1978. It focuses on the practice and procedure of the superior and state courts. Cites to applicable statutes and rules are included as well as limited cites to case law. Some of the topics discussed are jurisdiction and venue, process and service of process, rules of pleadings, complaint and answer, motions, amendments, rules of discovery, dismissals, evidence, subpoenas, witnesses, juries, verdict and judgment, executions, and attorneys. A myriad of forms are included throughout the text.

PRACTICE OF LAW

Owens, Davies, *Attorney's Fees and Costs: The Law in Georgia*, Norcross, Ga.: Harrison, 1983 (pocket part supplement).

The only book on this topic, this treatise attempts to bring together law relating to the "compensation of the practicing attorney for his services rendered and the expenses incurred." Some topics included are fees by contract, the basic written contract, statutory fees, fees by instruments, and setting, securing, and collecting the fee. Some suggested forms for fee contracts are provided.

Yarn, Douglas H., *Alternative Dispute Resolution: Practice and Procedure in Georgia*, Norcross, Ga.: Harrison Co., 1992.

Yarn's major treatise fills a previous void in this area of Georgia law. The chapter on arbitration discusses the arbitration system, prehearing issues, the hearing, the award, and applications. Other topics included are understanding conflict and conflict resolution, counseling for ADR, issues and strategies for mediators and arbitrators, court-annexed processes,

administrative ADR, ADR drafting considerations, and professionalism and ethics in ADR. Chapter 15 contains forms. The appendices include the full-text of statutes and several documents from the American Arbitration Association.

PROBATE AND ADMINISTRATION OF ESTATES

See also: FUTURE INTERESTS

Hapner, Elizabeth, *Georgia Probate Law Manual*, Clearwater, Fla.: Butterworths/D & S Publishers, 1985- .

A deskbook for probate attorneys, this is a two volume looseleaf. Some of the topics covered in Volume One are capacity and competency, distribution of estates, probate procedure, discharging the estate, investments, sales and conveyances, missing persons and simultaneous death, tax considerations, and trusts. Forms are included in each chapter. Volume Two contains sample probate forms, Uniform Probate Court Rules, and the text of statutes.

Jeffries, Leslie A., *Guess and Ellis' Georgia Probate and Administration, with Forms*, Norcross, Ga.: Harrison, 1989 (annual pocket part).

A practical "how-to" guide to probate and administration laws in Georgia is provided. Chapters include testate and intestate procedures, procedure for probate of a will, caveat to probate, procedure for administration of an estate, duties and powers of personal representatives, sales, distribution of estate, estate checklists, and tax returns. This is a revision of *Probate and Administration with Forms: The Law in Georgia* (1981).

Levy, Bertram L., and Benjamin T. White, *Georgia Estate Planning, Will Drafting, and Estate Administration Forms*, Salem, N.H.: Butterworths, 1992- .

This prominent formbook provides the estate practitioner with a series of forms which may be tailored to his or her own practice; indeed, the Foreward warns that significant modification of forms may be required. The book includes necessary textual material to remind the attorney of the tax, estate, and trust law environment. This two volume looseleaf was originally published by Aspen in 1987.

Love, Sarajane, *Redfearn Wills and Administration in Georgia: Including Estate Planning, Guardian and Ward, Trusts, and Forms*, 5th ed. Norcross, Ga.: Harrison, 1988 (annual pocket part).

Since the first edition was published in 1923, D.H. Redfearn's highly regarded treatise has been cited by the Georgia courts in over 100 cases. The fifth edition is published in four volumes. Selected topics include the history and general principles of wills, construction and execution of wills, gifts, executors and administrators, management and sale of estates, descent and distribution, accounting and settlement, estate planning, and taxation. Volume Four is devoted to forms and also includes the text of the Uniform Probate Court Rules and an extensive index.

PROCESS AND SERVICE

Weltner, Charles L., and Susan M. Weltner, *Process and Service: The Law in Georgia*, Norcross, Ga.: Harrison, 1982 (pocket part supplement).

This handbook discusses waiver of service, procedure for service, modes of service, defective service, return of service, service on corporations, and service in garnishment. The last chapter is devoted to forms. The 1982 edition is a revision of Philip Weltner's 1929 book.

PRODUCTS LIABILITY

McIntosh, Jean M., *Eldridge's Georgia Products Liability*, Norcross, Ga.: Harrison, 1987 (annual pocket part).

Judge Eldridge's "Law in Georgia" treatise (1976) has been revised by McIntosh. Selected topics include liability under theories of negligence, bailment, lease or rental, sale of improved realty, warranties of products, strict liability, and successor corporate liability.

REAL ESTATE

See also: FUTURE INTERESTS

Alexander, Frank S., *Georgia Real Estate Foreclosure Law, with Forms*. Norcross, Ga.: Harrison, 1990 (annual pocket part).

This major work on foreclosure law in Georgia is a revision of Aiken and Ward, *Foreclosures and Confirmation of Sales: The Law in Georgia* (1979). Selected topics covered in this handbook include postdefault and preforeclosure rights and remedies, judicial foreclosure, power of sale foreclosure, confirmation proceedings and deficiency actions, and impact of foreclosure on third parties. Forms are included at the end of the book.

Cradle, Farris W., *Georgia Land Surveying History and Law*, Athens, Ga.: University of Georgia Press, 1991.

A scholarly treatise on land surveying in Georgia, this book was written primarily for title lawyers. Part One is a history of the surveying of the public domain of Georgia. Part Two is a discussion of Georgia land surveying law. Including more than 4000 cites, the book examines every Georgia case and statute dealing with boundaries.

Davis, M. Windle, *Georgia Real Estate Title Examinations and Closings: Including Drafting of Sales Contracts, with Forms*, Norcross, Ga.: Harrison, 1989 (annual pocket part).

An important handbook, this work includes discussion on real estate sales contracts, legal descriptions, title examinations, closings, and miscellaneous considerations. Valuable forms are included throughout the book. This book is a revision and combination of two previous works from the "Law in Georgia" series: *Real Estate Title Examinations* (1980) and *Real Estate Closings* (1981).

Grove, Russell S., and Deborah E. Glass, *Georgia Real Estate Forms*, Salem, N.H.: Butterworths, 1992- .

Grove and Glass have written a valuable and heavily used formbook. The book "provides forms for the documentation of a variety of transactions encountered in the Georgia real property and finance practice." The chapters give brief explanations and practice considerations. Some of the forms included are

agreements relating to transfer of real property, deeds, leases, other instruments of conveyance, and financing of real property. This two volume looseleaf was originally published by Aspen in 1987.

Hinkel, Daniel F., *Georgia Construction Mechanics' and Materialmen's Liens*, Norcross, Ga.: Harrison, 1988 (annual pocket part).

Hinkel's book reflects the reform of the mechanics' lien laws effective 1983 and court interpretations of the lien statutes. The book is used by real estate attorneys and others who work in the field of real estate construction. A chapter on damages as it relates to construction activity is included. Some forms are provided throughout the book. This book is a revision and enlargement of the same title from the "Law in Georgia" series dated 1978.

Pindar, George A., *Georgia Real Estate Law and Procedure with Forms*, 3d ed. Norcross, Ga.: Harrison, 1986 (annual pocket part).

Pindar's treatise has been referred to as the "scripture" for real estate attorneys in Georgia. Now in two volumes, the first edition was published in 1971. This highly respected treatise has been cited by the Georgia courts in nearly 100 case opinions. The work is divided into five parts: real property and public law, estates and interests in land, title of decedents, title by contract, and title practice. Volume Two contains a large section of forms. The State Bar of Georgia Title Standards are included in the appendix.

Pindar, George A., *Abraham Georgia Real Estate Sales Contracts*, 3d ed. Norcross, Ga.: Harrison, 1987 (annual pocket part).

The third edition of Joseph Abraham's 1972 book continues to "aid the contract draftsman and to point out the pitfalls and protective clauses." Intended to be more than a how-to-do-it manual, this book explains the basic principles of the law involved. Forms are included at the end of the text. The text of the Georgia Land Sales Act of 1982 is provided in the appendix.

SECURITIES

Carney, William J., *Securities Practice: The Law in Georgia*, Norcross, Ga.: Harrison, 1980 (pocket part supplement).

Written for the attorney who does not deal with securities law regularly, this work helps him or her avoid common pitfalls of the practice. It supplements federal securities material by providing guidance on state securities laws. Selected topics include the definition of a security, registration process, exemptions from registration, regulation of dealers, salesmen and investment advisors, and liabilities for violation of securities laws. Forms and checklists, most of which have been reduced to a very small typeset, are included.

TAXATION

Georgia Tax Reporter, Chicago: Commerce Clearing House, 1985- .

A trusted source of state tax information, this looseleaf service from CCH is in two volumes. Volume One includes finding aids and text on franchise, corporate income, personal income, property, intangibles, sales and use, and license and excise taxes. Volume Two contains the text of tax provisions of federal and state constitutions and codes, summaries of legislation, and new matters.

Georgia State and Local Tax Service, New York: Research Institute of America, 1991- .

Previously a Prentice-Hall title, this one volume looseleaf is preferred by many tax attorneys. Some of the sections included are tax chart, initial taxes, corporation income tax and net worth tax, sales and use taxes, property taxes, intangibles tax, recordation taxes, license, occupation and excise taxes, personal income tax, and special city and county taxes.

TORTS

See also: Bennett, **MEDICAL MALPRACTICE**

See also: Jenkins, **INSURANCE**

Adams, Charles R., and Cynthia T. Adams, *Georgia Law of Torts*, Norcross, Ga.: Harrison, 1989 (annual pocket part).

The most comprehensive source on tort law in Georgia, the treatise examines the elements of tort claims and the defenses thereto. The book is written for the general practitioner who encounters a broad range of torts issues, the specialist who needs basic knowledge of tort law, and the torts practitioner who requires a ready reference for locating pertinent statutes and case law.

Eldridge, Frank M., *Personal Injury and Property Damage: The Law in Georgia*, Norcross, Ga.: Harrison, 1978 (pocket part supplement).

Eldridge's quick handbooks from the "Law in Georgia" series provide a short treatment of the topics as follows indicated by the titles: 1) Causation and Parties; 2) Defenses and Immunities; 3) Damages; 4) Preparation for Trial; and 5) Pleadings and Motions under the CPA. The subject matter is negligence and torts but they are far from being exhaustive. Several of these books are not being updated, so they should be used with caution.

Maleski, David J., *Proof of Causation in Private Tort Actions in Georgia*, Norcross, Ga.: Harrison, 1986 (annual pocket part).

Written for the personal injury lawyer, the focus of this book is the prima facie element of causation. It examines the problem of proving the defendant caused the damage to the plaintiff. It is divided into two parts: factual cause and proximate cause.

WATER LAW

Kates, Robert C., *Georgia Water Law*, Athens, Ga.: Institute of Government, University of Georgia, 1969.

Although this book has not been updated, it is the only treatise on water law in Georgia. Selected topics discussed are doctrine of riparian water rights, procedures, remedies, administrative structure of water use and water courses regulation.

WORKERS' COMPENSATION

Hiers, James B., and Robert R. Potter, *Georgia Workers' Compensation: Law and Practice*, 2d ed. Norcross, Ga.: Harrison, 1988 (annual pocket part).

A revision of the 1981 publication from the "Law in Georgia" series, this basic handbook is for lawyers who handle only an occasional workers' compensation case. It is used heavily by general practitioners, along with the Quillian treatise (see below). Selected topics include contractors, injuries and illnesses, remedies, notice of accident, hearings, disability and death benefits, payment of compensation, attorney's fees, medical treatment, insurance, and settlements.

Hood, Jack B., *Quillian's Georgia Workers' Compensation Claims: With Forms*, Norcross, Ga.: Harrison, 1990 (annual pocket part).

One of two excellent books on this area of Georgia law (see also: Hiers and Potter), this handbook provides an outline of the basic principles of workers' compensation laws and includes federal law. Used primarily by the general practitioner, the book is divided into two parts: 1) coverage, benefits and organization and 2) practice and procedure. Forms are included throughout the book.

WRONGFUL DEATH

Cleary, Robert E., *Eldridge's Georgia Wrongful Death Actions: With Forms*, 2d ed., Norcross, Ga.: Harrison, 1992 (annual pocket part).

As the title indicates, this leading book on wrongful death actions is a revision of Frank Eldridge's 1976 edition. It was also updated by the editorial staff of the publisher in 197. Selected topics include conduct creating cause of action, parties to action, defenses and other matters in bar, admissible and inadmissible evidence, damages, disposition of recovery, conflict of laws, and effect of workers compensation on wrongful death actions. One chapter is devoted to forms.

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§ 7.0 PERIODICALS AND INDEXES PUBLISHED ABOUT OR IN GEORGIA

Atlanta Bar Association Newsletter. Atlanta: Atlanta Bar Association, 1985- . Published on the third Monday of the month.

* *Atlanta Business Chronicle*. Atlanta: Scripps Howard Business Publications, 1978- . Weekly tabloid of Georgia business news.

The Atlanta Lawyer. Atlanta: Atlanta Bar Association, 1956- . Quarterly magazine which includes good articles.

* # *Bankruptcy Developments Journal*. Atlanta: Emory University School of Law, 1984- . Published three times per year.

* *Business Atlanta*. Atlanta: Communication Channels, Inc., 1971- . Monthly magazine on business, former titles: *Real Estate and Business Atlanta* and *Real Estate Atlanta*.

BusInfo. Atlanta: Emory University, General Libraries, 1985- . Compiled by David L. Vidor, the index covers *Business Atlanta*, *Atlanta Business Chronicle*, and *Georgia Trend*.

Criminal Justice Review. Atlanta: Georgia State University, School of Urban Life, 1976- .

* # *Emory Law Journal*. Atlanta: Emory University School of Law, 1974- . Quarterly journal continues: *Journal of Public Law* (1952-1974).

Family Law Section Newsletter. Atlanta: State Bar of Georgia, Family Law Section, 1981- . Irregular newsletter includes summaries of recent federal and state decisions, articles, and forms.

Fulton County Daily Report. Atlanta: Daily Report Co., 1890- . The official legal organ of Fulton County. The Friday issue contains *Daily Report Opinions Weekly*, the first publication of full text opinions from the Georgia appellate courts.

Georgia County Government. Atlanta: Association County Commissioners of Georgia, 1979- . Official publication of the Association of County Commissioners of Georgia.

Georgia Courts Journal. Atlanta: Judicial Council of Georgia, Administrative Office of the Courts, 1972- . Quarterly.

Georgia Employment Law Letter. Nashville, Tn.: M. Lee Smith Publishers, 1988- . Monthly summary of court opinions concerning Georgia employment law issues.

Georgia Environmental Law Letter. Nashville, Tn.: M. Lee Smith Publishers, 1989- . Monthly review of Georgia environmental law developments.

* # *Georgia Journal of International & Comparative Law*. Athens, Ga.: University of Georgia School of Law, 1970- . Published three times per year.

The Georgia Journal of Southern Legal History. Atlanta: Georgia Legal History Foundation, 1991- . Published semiannually.

* # *Georgia Law Review*. Athens, Ga.: University of Georgia School of Law, 1966- . Quarterly.

Georgia Legal Index. Marietta, Ga.: Library Specialists, Inc. 1992- . A monthly index to articles in the *Fulton County Daily Report* and Georgia's law reviews and bar journals.

Georgia Real Estate Law Letter. Nashville, Tn.: M. Lee Smith Publishers, 1989- . Monthly review of Georgia real estate law developments in state appellate courts and federal courts.

Georgia State Bar Journal. Atlanta: State Bar of Georgia, 1964- . Quarterly journal continues the *Georgia Bar Journal* (1938-1964).

Georgia State Bar News. Atlanta: State Bar of Georgia, 1975- . Bimonthly newspaper from the Bar includes: *Bread 'N Butter: A Legal Economics Publication of the State Bar of Georgia* (since 1983).

Georgia State University Law Review. Atlanta: Georgia State University, College of Law, 1984- . Published four times per year, the first issue in each volume contains a review of selected Georgia legislation for the most recent session of the General Assembly.

* *Georgia Trend*. Atlanta: Trend Magazines, Inc., 1985- . Monthly magazine covering Georgia business and finance.

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* # *Mercer Law Review*. Macon, Ga: Mercer University, Walter F. George School of Law, 1949- . Quarterly issues include “Annual Survey of Georgia Law” (Fall) and “Annual Eleventh Circuit Survey” (Summer).

State and Local Government Review. Athens, Ga.: Institute of Government, University of Georgia, 1976- . A journal of research and viewpoints on state and local government published three times per year.

Indexed in *Current Law Index* and *Index to Legal Periodicals*.

* Full-text available on WESTLAW and/or LEXIS/NEXIS.

§ 8.0 LIST OF PUBLISHERS

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