Judicial Council of Georgia
Administrative Office of the Courts

CITIZENS GUIDE TO THE PETITION FOR REVIEW PROCESS

WHAT IS A PETITION FOR REVIEW?

Starting on July 1, 2023, a "petition for review" is the new procedure for appealing any final judgment of a "lower judicatory" to a superior court or state court. OCGA §§ 5-3-1 to 5-3-21.

Judicatory means any court, official, board, tribunal, commission, municipal or county authority, council, or similar body exercising judicial or quasi-judicial powers. OCGA § 5-3-3 (5).

Lower judicatory means any "judicatory" inferior in authority to the superior and state courts and subject to the appellate jurisdiction of the superior or state courts as provided by law and the Georgia Constitution. OCGA § 5-3-3 (6).

WHO ARE THE PARTIES?

Petitioner: A "petitioner" is a person who files a petition for review in superior or state court.

Respondent: The "respondent" is a person who is adverse to the petitioner and was a party to the dispute subject to the final judgment of the lower judicatory. OCGA § 5-3-3 (11).

Not a party: A judge, official, or member of the lower judicatory who made the final judgment under review is not a party just because they made the final judgment appealed. A "respondent" must have been adverse to the petitioner and a party in the case in the lower judicatory. OCGA § 5-3-3 (11).

WHAT DOES A PETITION FOR REVIEW LOOK LIKE?

A Model Petition for Review is attached that you can fill in, revise if needed, and adapt to the unique circumstances of your case.

See the next page for Filing and Service Deadlines

WHEN ARE THE FILING DEADLINES?

- Unless an exception applies, a petitioner must file a petition for review with the clerk of the reviewing court within 30 days after:
  - ***If the lower judicatory has a clerk:*** The date the final judgment in the lower judicatory is filed or recorded, whatever comes first; or
  - ***If the lower judicatory does not have a clerk:*** The date the final judgment in the lower judicatory is signed and notice of the final judgment has been provided to all parties. OCGA § 5-3-7 (b).
- ***Shorter timeline for landlord/tenant dispossessory proceedings:*** A copy of the petition for review filed in the reviewing superior or state court must be filed in the trial court that rendered the decision appealed (e.g., the magistrate court) within seven days after the date the appealed judgment was entered in the trial court. OCGA § 44-7-56 (b) (1).
- A demand for a jury trial in a petition for review must be filed in the reviewing court within 30 days after filing a petition for review. OCGA § 5-3-5 (c).
- The reviewing court is only allowed to grant one filing deadline extension not to exceed 30 days for the filing of a petition for review. OCGA § 5-3-11 (b).
- However, the reviewing court is allowed to grant additional filing deadline extensions for other documents if necessary to permit a just and expeditious review. OCGA § 5-3-11 (b).

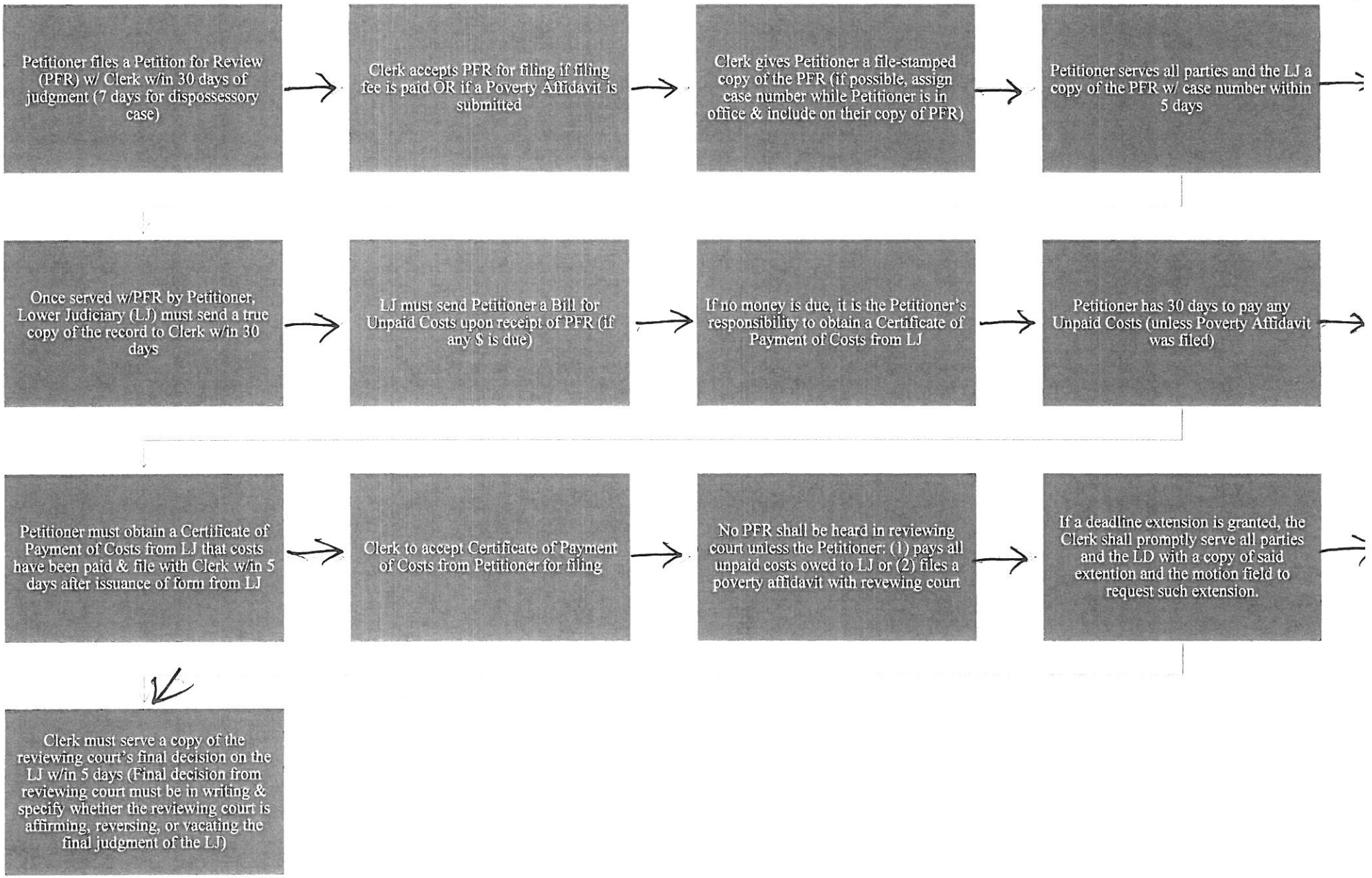
QUESTIONS?
Visit jcaoc.georgiacourts.gov/hb916/ for more information, including a training video explaining the new petition for review procedure in detail.

WHEN ARE THE SERVICE DEADLINES?

- ***Within five days:*** The petitioner must serve a copy of his or her petition for review on all the parties and the lower judicatory that made the final judgment appealed within five days after filing the petition for review in the reviewing court. Serve the lower judicatory's clerk if they have one. OCGA § 5-3-7 (g)-(h).
- ***Reviewing court's case number:*** The copy of the petition for review served on the lower judicatory by the petitioner must include the reviewing court's case number, as provided in the attached Model Petition for Review. OCGA § 5-3-7 (h).
- ***Within 30 days:*** The respondent must file his or her response to a petition for review with the reviewing court within 30 days after being served with a copy of the petition for review. If you have any, include any counterclaims, cross appeals, defenses, or third-party claims. OCGA § 5-3-8 (a).
- ***Within 30 days:*** A petitioner's reply (if any) to a (respondent's) response must be filed by the petitioner within 30 days after being served with a copy of the (respondent's) response. Include counterclaims, cross appeals, defenses, or third-party claims if you have any. OCGA § 5-3-8 (c).

MANNER OF SERVICE OF PROCESS

- Service of a petition for review or other document shall be made in person, by mail, or electronically (if consent to electronic service is given). OCGA § 5-3-10 (a) (2).
- If service is made by mail, it shall be deemed perfected on the day it was deposited in the mail. If service is perfected by mail, three days shall be added to any deadline for mailing time. OCGA § 5-3-10 (a) (5). "Perfected" means to take all legal steps needed to complete service of process. OCGA § 5-3-3 (7).


Petitioner files a Petition for Review (PFR) w/ Clerk w/in 30 days of judgment (7 days for dispossessory case)
Clerk accepts PFR for filing if filing fee is paid OR if a Poverty Affidavit is submitted
Clerk gives Petitioner a file-stamped copy of the PFR (if possible, assign case number while Petitioner is in office & include on their copy of PFR)
Petitioner serves all parties and the LJ a copy of the PFR w/ case number within 5 days
Once served w/PFR by Petitioner, Lower Judiciary (LJ) must send a true copy of the record to Clerk w/in 30 days
LJ must send Petitioner a Bill for Unpaid Costs upon receipt of PFR (if any $ is due)
If no money is due, it is the Petitioner's responsibility to obtain a Certificate of Payment of Costs from LJ
Petitioner has 30 days to pay any Unpaid Costs (unless Poverty Affidavit was filed)
Petitioner must obtain a Certificate of Payment of Costs from LJ that costs have been paid & file with Clerk w/in 5 days after issuance of form from LJ
Clerk to accept Certificate of Payment of Costs from Petitioner for filing
No PFR shall be heard in reviewing court unless the Petitioner: (1) pays all unpaid costs owed to LJ or (2) files a poverty affidavit with revewing court
If a deadline extension is granted, the Clerk shall promptly serve all parties and the LD with a copy of said extention and the motion field to request such extension.
Clerk must serve a copy of the reviewing court's final decision on the LJ w/in 5 days (Final decision from reviewing court must be in writing & specify whether the reviewing court is affirming, reversing, or vacating the final judgment of the LJ)

Model Petition for Review (OCGA § 5-3-7 (e))

IN THE [SUPERIOR/STATE] COURT OF _____ COUNTY

STATE OF GEORGIA

_____,	)	
	)	
Petitioner,	)	
	)	Reviewing Court Case No.:
v.	)	_____
	)	
_____,	)	
	)	
Respondent.	)	

PETITION FOR REVIEW TO [SUPERIOR/STATE] COURT

_____, the Petitioner named above, petitions the [Superior/State] Court of _____ County for review of the final judgment rendered by the [insert official name of lower judicatory] on [insert date] with the following case number designated by the lower judicatory: _____.

Concise Statement of the Final Judgment Appealed
OCGA § 5-3-7 (e) (3) (B)

The final judgment being appealed is as follows: _____
_____
_____
_____
_____.

Record in the Lower Judicatory
OCGA § 5-3-7 (e) (3) (C)

The following describes any existing recording, transcript, or other record of evidence in the lower judicatory (check one):

☐ NO official transcript or recording exists of the proceedings in the lower judicatory.

☐ NO official transcript exists of the proceedings in the lower judicatory, but the proceedings were recorded by: [insert who recorded the proceedings and whether audio or video].

☐ An official transcript exists of the proceedings in the lower judicatory.

☐ Other: [describe other record of evidence in the lower judicatory].

Model Petition for Review (OCGA § 5-3-7 (e))

Notice of Petitioner's Confinement or Incarceration
OCGA § 5-3-7 (e) (3) (D)

☐ This is a criminal case and the Petitioner named above [is not confined in jail or otherwise incarcerated / is currently confined or incarcerated at (location)]. The offense[s] and the sentence prescribed by the lower judicatory in this case are as follows:

_____

_____.

Applicable Standard of Review
(Check one)

☐ A limited review on the record is the default standard of review in a petition for review and a de novo (new) trial is not specified in the OCGA as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks judicial review for clearly erroneous findings of fact and credibility, abuse of discretion, sufficiency of evidence, and de novo review of questions of law. OCGA § 5-3-5 (a). Additional details regarding the issues for review are attached.

☐ A de novo proceeding is specified in OCGA § _____ as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks a de novo (new) trial of all the issues raised in the lower judicatory with NO REMAND. OCGA § 5-3-5 (b).

This ____ day of _____, 20___.

Signature: _____

I am the (check one):
☐ Petitioner ☐ Attorney for Petitioner

Printed Name: _____

Mailing Address:

_____

_____

_____

Telephone Number: _____

E-mail Address: _____