

SUPREME COURT OF GEORGIA

Poppell v. Gault, 278 Ga. 437

603 S.E.2d 271 (2004) · No. S04A1330 · Decided September 27, 2004

SUMMARY

The Supreme Court of Georgia held that a county governing authority may pay an elected chief magistrate according to the part-time salary schedule when the magistrate is not regularly exercising judicial powers for at least 40 hours per week. The court affirmed denial of mandamus relief, concluding that the magistrate lacked a clear legal right to full-time compensation, and declined to consider a constitutional challenge that had not been ruled on by the trial court.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice
JURISDICTION	Georgia
DECIDED	September 27, 2004
DOCKET	S04A1330
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition for writ of mandamus and injunctive relief.
STANDARD OF REVIEW	The court reviewed whether mandamus was available based on a clear legal right and whether the trial court erred in denying the petition. Constitutional challenges to statutes are not considered on appeal unless raised and ruled on in the trial court.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Georgia.
PARTIES	Ralph Poppell v. Board of Commissioners of McIntosh County

TOPICS

- municipal law
- statutory interpretation
- remedies
- separation of powers
- constitutional law

PRACTICE AREAS

- municipal law
- constitutional law
- mandamus
- judicial compensation

QUESTIONS PRESENTED

1. Whether the county governing authority unlawfully reduced Poppell's salary, allowances, and supplements during his term by paying him under the part-time chief-magistrate provision.
2. Whether Poppell had a clear legal right to mandamus compelling payment of the full-time chief-magistrate compensation.
3. Whether OCGA § 15-10-23(a)(3), to the extent it permits the county governing authority to require an elected chief magistrate to certify actual hours worked, violates the Georgia Constitution's separation-of-powers provision.

HOLDINGS

1. A chief magistrate who is not regularly exercising magistrate powers at least 40 hours per workweek is not entitled to the full-time chief-magistrate salary, and reducing compensation to the amount actually due under the applicable statutory classification is not an unlawful midterm salary reduction.
2. The court declined to address the constitutional challenge because the trial court had not ruled on the issue.

KEY QUOTATIONS

"The statutory distinction between working in a full-time capacity and a part-time capacity is determined solely by the number of hours served by the chief magistrate in fulfilling the responsibilities of the judicial office." (272)

"Inasmuch as 'the extraordinary writ of mandamus will not lie unless the petitioner seeking it has a clear legal right to have the act performed [cit.],'" (273)

FACTUAL BACKGROUND

Ralph Poppell was elected chief magistrate of McIntosh County for a four-year term beginning January 1, 2000, and initially received the statutory full-time chief-magistrate salary. After learning that Poppell worked in the office two days per week, the county Board of Commissioners asked him to certify the actual hours he worked. When he declined, the Board directed that he be paid under the part-time salary provision of OCGA § 15-10-23(a)(3). Poppell contended that the change unlawfully reduced his compensation during his term of office.

PROCEDURAL HISTORY

Ralph Poppell, the elected chief magistrate of McIntosh County, petitioned for mandamus after the county governing authority began paying him under the part-time chief-magistrate salary provision. The trial court denied mandamus and injunctive relief on March 11, 2004. Poppell timely appealed to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Jennings v. McIntosh County, 276 Ga. 842, 583 S.E.2d 839 (2003)
- Dudley v. Rowland, 271 Ga. 176, 177, 517 S.E.2d 326 (1999)
- Lee v. Peach County Board of Commissioners, 269 Ga. 380, 497 S.E.2d 562 (1998)
- Maddox v. Hayes, 278 Ga. 141, 598 S.E.2d 505 (2004)
- Jennings v. McIntosh County Board of Commissioners, 276 Ga. 842(1), 583 S.E.2d 839 (2003)
- Lucas v. Lucas, 273 Ga. 240(3), 539 S.E.2d 807 (2000)

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