

COURT OF APPEALS OF GEORGIA

Weinstock v. Small

A25A2061 (Ga. Ct. App. Jan. 23, 2026) · No. A25A2061 · Decided January 23, 2026

SUMMARY

The Georgia Court of Appeals dismissed Karen Weinstock’s appeal from orders dismissing her pro se motion for new trial and awarding attorney fees. The court held that her pro se notice of appeal was a legal nullity because she remained represented by counsel in this civil matter, and concluded that the criminal-context rule recognized in *Johnson v. State* did not alter the controlling civil precedent.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Doyle, P. J.; Markle, J.; Padgett, J.
JURISDICTION	Court of Appeals of Georgia
DECIDED	January 23, 2026
DOCKET	A25A2061
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the trial court's orders dismissing Weinstock's pro se motion for new trial as a legal nullity and awarding Small attorney fees.
STANDARD OF REVIEW	The Court of Appeals independently examines its own jurisdiction.
PRECEDENTIAL VALUE	Published and binding Georgia Court of Appeals precedent
PARTIES	Karen Weinstock v. Noam Small

TOPICS

- appellate jurisdiction
- family law procedure
- appellate procedure
- civil procedure

PRACTICE AREAS

- Family law
- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction over a pro se notice of appeal filed by a party who remained represented by counsel in a civil case.
2. Whether *Johnson v. State* permits an appellate court to recognize a pro se filing by a represented party in a civil matter.

HOLDINGS

1. A pro se notice of appeal filed by a party who remains represented by counsel in a civil case is a legal nullity and does not confer appellate jurisdiction when no order permitting counsel's withdrawal has been entered.
2. *Johnson v. State*, which permits discretion to recognize certain pro se filings by counseled criminal defendants, does not extend that discretion to pro se filings by represented parties in civil cases and did not overrule the civil nullity rule.

KEY QUOTATIONS

“a pro se filing, including a pro se notice of appeal filed by a represented party in a civil case, is a legal nullity and does not confer appellate jurisdiction to this Court.” (3)

“Because Weinstock’s pro se notice of appeal was filed when she was still a represented party in a civil matter, it is a legal nullity insufficient to confer appellate jurisdiction.” (5)

FACTUAL BACKGROUND

Weinstock and Small divorced in 2017, and Weinstock received primary physical custody of their daughter. In November 2023, Weinstock sought modification of the parenting plan's visitation schedule, but the trial court entered a January 2, 2025 final order concluding that no change in custody or visitation was warranted. While represented by multiple attorneys, Weinstock filed a pro se motion for new trial and later a pro se notice of appeal before any order formally permitting counsel's withdrawal appeared in the record.

PROCEDURAL HISTORY

After the trial court entered a January 2, 2025 final order denying modification of the parenting plan's visitation schedule, Weinstock filed a pro se motion for new trial while still represented by counsel. The trial court dismissed that motion as a nullity and alternatively declined to consider it, then separately awarded Small \$12,735 in attorney fees under OCGA § 9-15-14. Weinstock filed a pro se notice of appeal, and the Court of Appeals dismissed the appeal for lack of appellate jurisdiction because she remained represented when the notice was filed.

DISPOSITION

dismissed

CASES CITED

- *Romich v. All Secure, Inc.*, 361 Ga. App. 505, 863 S.E.2d 179 (2021)

- Johnson v. State, 315 Ga. 876, 885 S.E.2d 725 (2023)
- In the Interest of N. C., 358 Ga. App. 379, 855 S.E.2d 379 (2021)
- Barnes v. Barnes, 361 Ga. App. 279, 864 S.E.2d 119 (2021)
- Muhammad v. Clayton County, A25A2167, slip op. at 10 (Ga. Ct. App. Jan. 15, 2026)
- In the Interest of W. C. N., A24A1421, slip op. at 10-13(1) (Ga. Ct. App. Feb. 7, 2025) (unpublished)

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