

JUDGE BRENDAN F. MURPHY

CHIEF MAGISTRATE OF COBB COUNTY



MAGISTRATE COURT OF COBB COUNTY
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July 14, 2020

Greetings:

I hope this finds you well. During this difficult time of pandemic and economic disruption, I'm proud to report that the Magistrate Court of Cobb County has remained open and working twenty-four (24) hours/day, every day. Because of the dedication and innovation of our own essential workers, the doors of the People's Court never closed to our community. As the weeks and months have passed, we've handled an increasing daily caseload via videoconference and at the courthouse following all public health guidance.

Landlord/Tenant cases are among the most critical matters handled by the Magistrate Court. The Court recognizes the important private property and public health interests that are at stake when deciding how to proceed with eviction hearings during the course of this pandemic and attendant statewide judicial emergency.

The Magistrate Court of Cobb County has not heard any eviction matters nor released any writs of possession since Georgia Supreme Court Chief Justice Harold D. Melton's initial Order Declaring Statewide Judicial Emergency on March 14, 2020. While handling thousands of other essential cases, the Court has used this time to carefully plan for safely resuming this serious legal duty:

We have developed detailed protocols for in-person proceedings including setting limited, staggered dispossessionary calendars throughout the day in lieu of large calendar calls, requiring social distancing in the courtroom and opening additional waiting areas, mandating face coverings, making hand sanitizer available, and establishing temperature screening. We hosted multiple courthouse walk-through sessions with stakeholders on all sides of the eviction process. We have coordinated with Star-C, the Cobb County Board of Commissioners' selected non-profit administrator of the \$1.5 million CARES Act rental assistance grant. We hosted and recorded an in-person/virtual public information session that continues to be available for viewing online and on Channel 23. We have sent out supplemental notices clearly explaining responsibilities, courthouse COVID-19 protocols, rental assistance opportunities, and legal representation options. For clarity, the Court used its emergency authority to enter individual orders establishing specific response deadlines for litigants served in March before the initial judicial emergency.

With the latest statewide Judicial Emergency Order reimposing deadlines on litigants as of today, we initially noticed Landlord/Tenant and small claims hearings to resume this week, starting with cases that were already scheduled for trial before the first Judicial Emergency Order went into effect. However, since that decision was made, the COVID-19 situation in our County has significantly changed:

On July 1, Cobb & Douglas Public Health issued a public health alert due to a substantial rise in daily confirmed positive COVID-19 cases, stating that "there is evidence of increased transmission throughout our community, outside of additional testing access, as supported by positivity rates at our testing sites that have surpassed 10%."

On July 9, the Magistrate Court of Cobb County had our first staff member test positive for COVID-19. All employees that had contact were sent home for isolation and testing, the Accounting Division was temporarily closed for deep cleaning, and the public was notified.

On July 10, Cobb Circuit Chief Superior Court Judge Reuben M. Green released a Notice informing the public that nine (9) total staff members had tested positive across the Cobb County Courthouses. Importantly, this Notice stated that "given the increase in positive test results in Cobb County, the Cobb Superior Court and Probate Court will shift back to a general presumption that all cases should be handled virtually via videoconference."

On July 11, the Georgia Administrative Office of the Courts shared the Harvard Global Health Institute's COVID Risk Level map as a resource for local courts. Currently, Cobb County is classified as COVID Risk Level Orange: Accelerated Spread (24.3), on the cusp of the highest Level Red: Tipping Point. Risk levels are calculated based on the seven (7) day rolling average of new COVID-19 cases, with 25 per 100,000 being the highest threshold.

While we have worked diligently to significantly upgrade and enhance courtroom technology during the judicial emergency and continue to do so, the Magistrate Court is not currently equipped to conduct Landlord/Tenant cases by video conference. Our limited equipment is fully used for essential functions including first appearance hearings, criminal pleas, probable cause and bond/bond revocation hearings, and domestic violence/stalking Temporary Protective Order (TPO) hearings.

Accordingly, **the Landlord/Tenant and small claims calendars scheduled for the month of July have been cancelled**. Please note, the cancellation of scheduled hearings does NOT affect service or answer deadlines as the Chief Justice's latest Judicial Emergency Order reinstates litigant deadlines as of today.

In order to begin to address the most pressing of the more than 1,000 pending Landlord/Tenant cases, the Court will conduct a case-by-case review and consider any "Extraordinary Motion for Dispossessory Trial during the Judicial Emergency" filed. Grounds may include but are not limited to: allegations of destruction of property, unsafe living environment, and tenant(s) holding over. Such motions must be provided to the opposing party who will have an opportunity to respond. As the federal CARES Act precludes evictions on many covered properties until August 25, 2020, any Extraordinary Motion should include the CARES Act affidavit required by Uniform Magistrate Court Rule 46, if not previously filed. A form motion and response will be available on our website. After review, the Court will consider setting trials that present extraordinary circumstances. Additional cases will be set when the public health situation and/or increased technology allow.

As we have all along, we remain committed to keeping you informed as we adapt and adjust to the rapidly changing public health situation. Please know that you, your case, and everyone's good health matter to the staff and judges of the Magistrate Court of Cobb County.

Sincerely,



Judge Brendan F. Murphy
Chief Magistrate of Cobb County