

IN THE MAGISTRATE COURT OF COBB
COUNTY STATE OF GEORGIA

In Re:
Essential Functions to
Proceed In-person

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FILED IN COBB	UN-rd MAGISTRATE COURT
THIS DAY OF	
AT	
2:44	AM (PM)
<i>me David Gordon</i>	
CLERK OF COURT	
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ORDER DEFINING THE ESSENTIAL FUNCTIONS OF THE MAGISTRATE COURT
OF COBB COUNTY WHICH MAY PROCEED IN-PERSON

On December 22, 2020, Chief Superior Court Judge Robert D. Leonard, II of the Cobb Judicial Circuit issued an Order Amending Courthouse Safety Guidelines for all Classes of Courts and Suspending the Plan to Resume Jury Trials in the Cobb Judicial Circuit ("Safety Guidelines Order") due to the fact that "COVID-19 continues to spread in Georgia and Cobb County at unprecedented levels." p. 1. The Safety Guidelines Order requires "that all classes of courts in the Cobb Judicial Circuit scale back in-person proceedings to essential functions of the court only, consistent with the guidance given in the memorandum attached to this Order." p. 2.

The accompanying Memorandum concerning Updated Coronavirus Court Operating Guidelines dated December 22, 2020 ("Memorandum") makes it clear that "the Chief Judges of each class of court in Cobb County are hereby authorized to further define by court order what matters are 'essential' in that court." Memorandum p. 2. In doing so, each Chief Judge is to look to the definition of "essential functions" provided by Georgia Supreme Court Chief Justice Harold D. Melton in the March 14, 2020 Order Declaring Statewide Judicial Emergency:

To the extent feasible, courts should remain open to address essential functions, and in particular courts should give priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions are subject to interpretation; however, some matters that fall into the essential function category are: (1) where an immediate liberty of safety concern is present requiring the attention of the court as soon as the court is available; (2) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (3) domestic abuse temporary protective orders and restraining orders...p. 1.

Therefore, it is hereby ORDERED that the following essential functions of the Magistrate Court of Cobb County shall continue in-person, virtually via videoconference or teleconference, and/or in a hybrid fashion where participants may elect to appear in-person or virtually:

- 24 hour/day Arrest and Search Warrant Hearings — generally via Electronic Warrant Interface ("EWI") and/or in-person
- Bond and Custodial Probable Cause Hearings
- First Appearance Hearings — generally via video conference to the Adult Detention Center
- "No Bond" Hearings — generally via video conference to the Adult Detention Center
- Early Intervention Pleas
- Ex Parte civilian Warrant Application matters
- Bond Revocation Hearings - Custodial and those that present an immediate safety concern
- Custodial Ordinance matters
- Essential Domestic Violence/Stalking Temporary Protective Order ("TPO") Functions
- Wedding Ceremonies¹ — By appointment only. Please call (770) 528-8900 for an appointment.
- Any other individual emergency matter as designated by the Chief Magistrate of Cobb County that directly affects the immediate health, safety, and/or liberty of an individual that cannot be heard virtually by law, rule, or practicality.

It is further ORDERED that the following non-essential in-person only calendars are CANCELLED until such time as the affected cases may be rescheduled and heard virtually or safely in-person in full compliance with applicable law, statewide and local orders, public health guidance, and all COVID-19 Court Operating Guidelines applicable to the Cobb Judicial Circuit and

Magistrate Court of Cobb County:

- Dispossessory (Landlord/Tenant Eviction) Hearings
- Small Claims Hearings
- Garnishment Hearings
- Civilian Warrant Application Hearings
- Noncustodial Bond Revocation Hearings that do not present an immediate safety concern
- Noncustodial Probable Cause Hearings
- Noncustodial Ordinance Matters
- Noncustodial TPO Compliance Calendar

¹ The Court FINDS that continuing to conduct this limited, voluntary function contributes to the public health by making small, socially-distant civil ceremonies available for those that find it essential to be legally married—for any number of personal or financial reasons—before it is safe to hold larger traditional civil or religious wedding ceremonies. Further, a wedding ceremony is a voluntary in-person appearance scheduled by the parties at their

election and does not compel a court appearance. Therefore, it is an essential function of this Court that may proceed in-person.

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It should be NOTED that nothing in this Order, the Safety Guidelines Order, nor Chief Justice Melton's Order Modifying Ninth Order Extending Declaration of Statewide Judicial Emergency suspends, tolls, or otherwise grants relief from deadlines imposed on litigants. On the contrary, litigants MUST adhere to any and all applicable deadlines imposed by statutes, rules, regulations, court orders, administrative actions, and/or other applicable authority or agreement.

It should be further NOTED that while the Magistrate Court Clerk's Office remains open to the public, the Bar and litigants are encouraged to voluntarily limit their in-person business at the courthouse by using e-filing at <https://efile.cobbcountv.org>, paying citations on-line at https://_paymentsolutions.lexisnexis.com/pc/ga/cobb/magistrate, and calling (770) 528-8900 or visiting <https://www.cobbcounty.org/courts/magistrate-court> for information or assistance about the status of a case.

so ORDERED this the 23rd day of December 2020.



Hon. Brendan F. Murphy

Hon. Brendan F. Murphy
Chief Magistrate of Cobb County