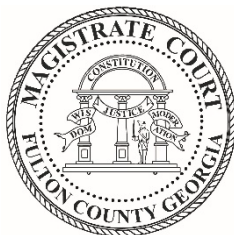


**Presiding Judge**  
Chief Magistrate Cassandra Kirk



**Magistrate Judges**  
Todd H. Ashley  
Brandy Brooks  
Linda B. Borsky  
John De Foor, II

**Magistrate Judges**  
Ashley Drake  
Jeffrey W. Frazier  
Nancy Mau  
Debbie-Ann Rickman

---

**Magistrate Court of Fulton County**

---

**MEMORANDUM**

To: Anthony Nix, Fulton County Auditor  
Through: Shauna Herbert, Audit Manager [shauna.herbert@fultoncountyga.gov](mailto:shauna.herbert@fultoncountyga.gov)  
From: Cassandra Kirk, Chief Magistrate Judge of Fulton County  
Date: April 16, 2024  
RE: Magistrate Court Response to March 12, 2024 Audit, exit interview April 2, 2024

---

The Office of the County Auditor was tasked with performing an audit of the Civil Division of Magistrate Court, where there are no jury trials and the jurisdictional limit is \$15,000. On March 20, 2024, the Fulton County Audit team made the Magistrate Court aware of the completion of its Audit report. Our exit meeting was held on April 2, 2024 and following the exit interview, the Court was given 10 days to respond. This Memorandum provides our response. The scope of the audit was from January 1, 2022 – December 31, 2022.

First, we are grateful for the audit team that acknowledged and placed the responsibility for the Magistrate Clerk's office with the Magistrate Court. We accept and agree wholeheartedly and fully support the full integration and alignment of the Magistrate Court and Magistrate Clerk<sup>1</sup> under one department head. The Magistrate Court has been in transition and turmoil for a decade. This report provides the needed accountability and guidance for the Magistrate Court, the Magistrate Clerk, and Fulton County. As we recognize the potential for improved efficiency and resource management, based on historical data and the specific challenges identified in the audit report our overall corrective action plan includes returning the Magistrate clerk staff to the direct control of the Magistrate Court. This seems a prudent move to rectify the issues raised in the audit and to ensure the Magistrate Court in its entirety is better equipped to serve the needs of Fulton County effectively and with greater accountability.

Second, to clarify the case metrics data cited, all cases are not closed in the year they are filed. Our Court tracks all cases within their year filed date, with the goal of Zero open cases for that year. Case scheduling begins with the oldest cases available, which are often those from prior years.<sup>2</sup> Accordingly, the Court case metric data must be reviewed through the case count reduction process as matters are scheduled and closed outside of the year in which they were filed. The chart below is a compressed example for better understanding.

---

<sup>1</sup> The audit correctly reports that the former Magistrate Court Clerk Cathelene Tina Robinson was appointed by the Chief Magistrate. The current clerk has not been appointed by the Chief Magistrate to serve in role of Magistrate Clerk and neither was she consulted or aware of the change that occurred in March 2023, when Clerk Robinson retired.

<sup>2</sup> The time to disposition standard in Magistrate Court requires adjudication for all cases over 365 days old. Cases over this metric are considered "backlog"

Monitoring each Year Filled case closure numbers (across the row), the number of closed cases increases with each monitoring period (down the columns) in 2019, 2022, 2023, and 2024.

Year Filed	Total Cases filed as of May 12, 2023	Total Closed as of May 12, 2023	Total Closed as of Jan 16, 2024	Total Closed as of 04/09/24	Closure Goal: Total filed= Total closed (Zero Open on cases filed in filing year)
2019	80,093	79,191	79,975	79,991	80,093
2020	49,442	49,334	49,277*	49,290*	49,442
2021	61,792	58,947	58,769*	58,769*	61,792
2022	77,201	64,168	69,948	70,774	77,201
2023	29,182	11,668	51,878	60,566	77,906 <sup>3</sup>
2024	N/A	N/A	8	3,969	N/A

In total, from January 1, 2019 through April 9, 2024 **364,313** cases have been filed in the Magistrate Court, and as of April 9, **323,359** cases are closed.<sup>4</sup>

The Office of the Auditor identified seven (7) findings and six (6) concerns that require the attention of Court management. Responsibility for these items ultimately rests with the Magistrate Court but has been traditionally handled separately. The Audit echoes the sentiments and findings of the 2023 Assessment of the Magistrate Court of Fulton County, conducted by Consultant Sahira J. Abdool of PPG Global, LLC, through a grant award sought, competed, and won from the State Justice Institute (SJI) to provide a comprehensive months-long assessment to improve the Magistrate Court operations for the community. An Executive Summary of the Assessment was provided to the members of the Board of Commission in January 2024 (Executive Summary Assessment of the Magistrate Court of Fulton County “ESMA”).<sup>5</sup>

The findings and recommendations of the Audit suggest that both divisions—Court Administration and the Clerk’s Office—could improve in processes, communication, and resource allocation to enhance their functionality and service delivery. The Court’s response to this audit will address these areas to improve operational efficiency and judicial outcomes. Specific deficiencies, such as the lack of standardized operating procedures (SOPs), delays in filing orders, and manual processing inefficiencies, noted within the Clerk’s Office directly impact the Court’s ability to function efficiently and handle cases in a timely manner since the Clerk’s office handles the critical clerical and administrative tasks that support the judicial

<sup>3</sup> Total cases filed in 2023 as of April 9, 2023 was reported as 77,906.

<sup>4</sup> Case Metrics data were compiled by Chrishanna Desrosiers, Court Deputy Chief, and Justin Leverette.

<sup>5</sup> Consistent with the Audit report, the 2023 Magistrate Court Assessment found that “the recent observations, data and findings affirm that the “Current State” is one of ongoing turmoil, inconsistency in communication, and frustration with delays and confusion in the courtroom. Specifically, between the Court and the Clerk’s Office when conducting Court proceedings and the business of the Court. In interviews there was a 100% consensus by all that: 1. There is a lack of consistency within the Courtroom, 2. The Clerks refuse to file or act timely on the judicial orders given to them (previously orders were filed within 24 to 48 hours and today it is taking an average of two months, 3. That the volume of cases have increased tremendously; highest in the state of Georgia; 4. The Clerks have been advised by their supervisor/manager not to help the Judges or before they act on a Judicial request (they must obtain approval by their supervisor or manager); 5. A large backlog and a delay of cases due to these inefficiencies exists.” Assessment Executive Summary. (Pp.2-3, ESMA)

process. Court Administration is also involved regarding issues with communication and the strategic management of court resources such as scheduling and the use of part-time judges.

## **FINDINGS AND RECOMMENDATIONS**

### **As to the Magistrate Clerk's Office**

**Finding 1 – Lack of Written Departmental Standard Operating Procedures (within the Clerk's office)** The Clerk's Office was unable to provide written operational procedures at the time of the audit team walk-through, although they were able to provide flowcharts for the various civil matters and a reference manual for one of the five civil matters.

**Corrective Action:** The Court will confirm within 3 months that the Clerk's office creates and implements standard departmental SOPs that reflect the current processes of the department and communicate the importance of adhering to and maintaining up-to-date procedures that reflect the day-to-day operations. We recognize the importance of ensuring that procedures are communicated to employees to ensure consistency throughout the department.

**Finding 3 – Late Filing of Orders.**<sup>6</sup> Orders should be completed and filed in Odyssey within forty-eight (48) hours of the judge's ruling. During our review of case files, we noted instances where orders were not filed in the system within the above time frame

**Corrective Action:** The standard suggested by the Audit was codified in the Court's Order of Business, as of its December 5, 2023 filing. Additionally, Court Administration continues to analyze cases initiated in 2022 and 2023 to ensure all orders have been properly e-filed. We will continue to confirm that the responsibilities of the Clerk are explicitly documented.

**Finding 4 – Court Orders Not Accepted in Court.** Prior to January 2022, one of the court support functions performed by the Clerk's Office was for the deputy clerk to receive the judge's orders during the court hearing and process case results and other pertinent information in Odyssey. During our audit, we observed court hearings and noted that the orders were not provided to the deputy clerk during the hearings. As noted in the previous finding, this service was no longer being provided by the Clerk's Office as of January 2022.

The Audit team also observed the current process implemented in July 2023 by the Clerk's Office when court support resumed. "This process consists of the judicial assistant scanning the order to create a paper trail, then placing hard copies of the orders in a basket located in the Magistrate Court's administrative office for pickup by the Clerk's Office three (3) times a day. The orders are taken to the Clerk's office for scanning into the e-file system and then distributed electronically for processing in Odyssey. Both the Magistrate Court and the Clerk's Office express concerns with missing, misplaced, and duplicate orders. Time-consuming efforts are spent on resolving missing and duplicate orders, all of which have a negative impact on the timely processing of information. Notwithstanding, the judge's ruling is not

---

<sup>6</sup> The audit highlights significant delays in filing orders into the Odyssey system. These delays have been exacerbated by changes in process and staff roles, particularly after January 2022 when the Clerk's office removed court support functions. This has led to difficulties in managing and tracking case progress, impacting litigants and the overall case backlog. The report noted that this has led to inefficiencies, with judges and judicial assistants taking on additional responsibilities to manage and locate orders. These delays are critical as they affect the legal timelines for case resolutions and contribute to the case backlog. In July 2023, some court support functions resumed but were modified, still impacting the efficiency of the process.

considered final until the order is filed in Odyssey, therefore, it is imperative they are filed timely to provide continuity of the judicial process.”

**Corrective Action:** Magistrate Court will explore the recommendation of reinstating the former process of providing court orders directly to the deputy clerk during the hearing, with both parties acknowledging delivery and receipt of each order. Additionally, as long as staff exists within the Magistrate Court, the Court will continue to designate the Judicial Assistants to execute our quality review process to ensure cases on past calendars are filed within the prescribed time frame.

*Concern 1 – Manual Processes for Abandoned Motor Vehicle Cases:* The reliance on manual processes is cumbersome, reduces operational efficiency, and is more likely for human error.

Corrective Action: Based on meetings with Clerk staff, the Court understands that the groundwork to establish processes to transition AMV cases from manual to electronic processing was completed by November 2023. Magistrate Court will continue to work with the assigned Clerk team to bring this process to fruition. Additionally, we will continue a quality review of non-active cases to determine case status and update case records using the ORCA Senior Staff Attorney and the Magistrate Court AMV judicial team.

### **As to the both the Magistrate Clerk’s Office and Magistrate Court Administration**

**Finding 2 – Lack of Communication.** “Open communication provides a consistent flow of information necessary for uninterrupted service, clear expectations, and increased productivity. During our audit, we received confirmation from both the Clerk’s Office and Magistrate Court personnel that a lack of open communication exists between the two agencies. Prior to the previous Clerk’s withdrawal of services, there was a direct line of communication between judges, court clerks, and judicial assistants. The absence of open communication decreases work relationships and trust, fosters inefficiency, and negatively impacts work culture.”

The communication difficulties cited by the Audit echo the findings of the Magistrate Court Assessment Executive Summary, which found that the lack of open communication depicts the most significant obstacles/impact to the “Current State” of the Magistrate Court.<sup>7</sup>

**Corrective Action:** We support the recommendation that both the Magistrate Court and the Magistrate Clerk’s Office outline and develop an efficient and direct means of communication and implement a policy for open and productive dialogue. To that end, Court administration offered three solutions prior to being aware of this finding to address the communication barrier:

1) Effective March 2024, the Court created a Clerk liaison to interface directly with the Clerk’s office in hope of achieving greater harmony. We will review and assess this relationship quarterly.

---

<sup>7</sup> The Assessment found: “The Judges cannot work collaboratively with clerk staff assigned to their calendars as the clerk leadership obstructs the relationship.” 55% of those survey during the Assessment “described the lack of collaboration and cooperation between the Magistrate Court and the Clerk’s Office as Awful. This appears to be a longstanding concern and the history of the judges’ and staff’s experiences on a daily basis. ESMA at 4. See Exhibit 1 in the Appendix.

2) In February 2024, Magistrate Court Administration initiated discussions with the Clerk's office to identify terms of a Memorandum of Understanding, which included a Service Level Agreement, to set and establish the number, amount and duties of clerk staff to support the Magistrate Court as originally established. In March 2024, the Clerk's team walked away from the table and has not returned. Three draft MOU attempts are available for review and inspection.

3) Supported by the Magistrate Court assessment, it is clear that the Magistrate Clerk must provide adequate support for the Magistrate Court or separate entirely. "Based on the overall assessment of the survey data, staff interviews and the Court Performance Comparative Analysis of the Magistrate Court of Fulton County with four other Courts in Georgia, we recommend a separation of resources from the Clerk of Superior Court, thus creating a unified Magistrate Court (similar to the Fulton County State Court, Juvenile Court and Probate Court). We see this as the best recommendation given the ongoing difficulties and dysfunction with maintaining the current arrangement and the adverse impact on the staff and constituencies that deserve service with efficiency." (ESMA, p. 9)

Following a recent survey conducted by the Council of Magistrate Court Judges, in early 2023, 95 Judges out of 159 responded and of those, 84 Judges confirmed that they had a Court Structure where they had their own Clerk's Office. Meaning that the Judges do not utilize the State or Superior Court Clerks. "The sentiment of the Court, its staff and leadership as outlined in the findings indicate the largest obstacle impeding the effectiveness of the Court is the lack of collaboration between the Magistrate Court and the Clerk's Office." (ESMA, p. 11)

**Finding 7 – Outstanding AMV Cases** All cases reviewed during 2022 through November 2023, except one, were initial filings by the plaintiff with no other action documented in Odyssey. A motion was filed for one case, however there was no other action taken. Due to the manual process of AMV cases, judges may be unaware of cases that require orders which would also result in no further action being taken. Failure to ensure proper steps are taken to move cases along results in stagnation, loss of revenue, and unfavorable case metrics. Additionally, manual processes can contribute to a delay in cases.

**Corrective Action:** The Magistrate Court will continue to work with the Clerk to implement electronic filing of AMV cases to ensure the proper disposition of cases filed. Additionally, the Court will continue its quality review of non-active cases to determine case status and update case records using the ORCA Senior Staff Attorney and the Magistrate Court AMV judicial team.

*Concern 4 – Technical Issues with Court Filing System:* During our review, we were informed of some of the issues experienced with the Odyssey court filing system.

**Corrective Action:** Magistrate Court has begun to develop an independent relationship with the software vendor. This relationship was previously monitored and managed through the Clerk team only, without input from the Court. The Court will work with the Clerk and the vendor to ensure systems are updated and to work on solutions to enhance the software and make it as efficient as possible.

## As to the Magistrate Court Administration

**Finding 5 – Significant Reduction in Max Cases.** The Order of Business outlines the hearing schedule for various Magistrate Court locations, including court days, time of hearing, courtroom number, and maximum number of cases scheduled per hearing session. The Clerk’s Office also utilizes this document to schedule hearings for various civil cases. The Audit compared the 2019 and 2022 Order of Business, along with amendments, and noted a reduction in the maximum number of cases scheduled. In 2022, the Order of Business was amended five (5) times by the Chief Magistrate, which modified different aspects of the schedule and may have impacted the maximum number of cases scheduled. Additionally, the total cases filed in 2020 and 2021 were significantly fewer than the cases filed in 2019.

**Corrective Action:** While the Audit team documented that “the Order of Business was modified based on the needs of the court, to allow ample time for cases to be heard, allow time for mediation, social distancing, and the execution of e-filing orders by one (1) ORCA staff and two (2) part-time judges; a function normally performed by the Clerk’s Office,” the report challenged the reduction in the maximum number of cases scheduled with the presence of a backlog, coupled with an increase in case filings. The Court reiterates that staffing directly affects productivity and the Court must work within the budget and with the resources provided. As the ORCA-funded staff leave the Court in 2024, Magistrate Court will have 20 permanent full-time staff, including 10 judges, to manage a caseload of approximately 80,000 cases annually. Without the intervention of adequate staffing, Magistrate Court functions will grind to a halt.

The need for adequate staffing was also addressed in the 2023 Magistrate Court Assessment when PPG Global observed the “Magistrate Court is severely understaffed and based on the projected decline in productivity for cases disposed in 2023, we find it is essential that additional staff resources and funding be allocated. PPG Global recommended an immediate need for establishing Staff Resource Equity for the Magistrate Court. It wrote, “[s]pecifically, the Comparative Analysis indicates that the highest performing courts, (Cobb, DeKalb, and Gwinnett) have the highest Closure Rate and commensurate staff and funding. Based on the assessment we recommend the following:

- a. Following a review of the Courts operations, caseload, and estimated case flow, in 2024 we recommend the [Magistrate] Court requires ten (10) Judicial Assistants, 3 staff attorneys, a fully operational and trained for a Constituents Call Center, consisting of five (5) Call Center Agents/Support Staff, trained to assist constituents calls and answer questions in a timely manner and to return correspondence in the most efficient manner. As for clerical support, to operate maximally, the Court must be efficient in both its civil and criminal docketing and administrative support.
- b. Therefore, the Magistrate Court of Fulton County’s volume and backlog justifies fifty-three and a half (53.5) full time equivalency (FTE) positions.” (ESMA, p. 8)

The audit report notes issues such as delayed order processing and insufficient court support, which could be directly alleviated by increasing staffing levels. In order to increase the maximum number of cases scheduled to a level that would assist in reducing and eliminating the backlog, the Court recommends conversations with the County Manager, the County Strategic Planning team, and invested stakeholders to increase the number of consistent and permanent staff for the Magistrate Court as we utilize the existing 9 ORCA staff to efficiently close outstanding cases.

Adequate staffing would:

1. **Reduce Workload:** Proper staffing levels can prevent existing employees from becoming overworked, which can decrease morale and increase the likelihood of mistakes.
2. **Enhance Service Delivery:** More hands on deck means that tasks can be completed more quickly and efficiently, improving the overall functioning of the court.
3. **Allow Implementation of New Processes:** New initiatives like the recommended standardized procedures or updated communication strategies are more likely to succeed with enough staff to support them.

By addressing these areas, the Magistrate Court could potentially see a significant positive shift in its operations, directly impacting future audit outcomes. Adequate staffing and clear separation of duties are fundamental elements in creating a robust framework for any organization, particularly in a high-stakes environment like a court system, where efficiency and accuracy are paramount.

**Finding 6 – Reduction in Case Closure Rate.** As noted in the previous finding, there was a reduction in the maximum number of cases scheduled in 2022, and this concept carried forward throughout 2023. Per review of the Order of Business for the last quarter of 2023, increased efforts were made to hear more cases; however, the maximum number of cases scheduled has not returned to pre-pandemic levels, when the case closure rate was at its greatest. As cases remain open, there is a delay, if not a loss of revenue and a delay in due process.

As reported in the 2023 Executive Summary of the Magistrate Court Assessment on page 7, “The top Courts with the highest Closure Rate also had the highest number of staff and greatest amount of Annual Budget allocation. When assessing these factors, we also found that several courts were taking significant initiatives to help improve performance.”

County	Open	Filed	Disposed	Closure Rate	Annual Budget	*Number of Staff
Chatham	21,757	8,935	6,204	69.43%	1.9M	23
Cobb	0	20,731	25,291	122.0%	6.1M	90
DeKalb	7,508	31,768	31,363	98.73%	5.9M	37
Fulton	9,774	47,158	28,017	59.41%	5M	46 <sup>8</sup>
Gwinnett	1,683	26,350	25,418	96.46%	14.8M	123

**Corrective Action:** The Court constantly assesses its caseload, available courtroom locations, and available judicial resources to address its open cases. In April 2023, the Court offered parties on its landlord-tenant calendars, its largest case type, the option to mediate outside of Court. Very few parties chose to participate in non-court ordered mediation. Additionally, the Court added additional calendar sessions for landlord-tenant cases. In October 2023, the Court further shifted its calendar management and judicial resource allocation to focus on reducing the number of open landlord-tenant, cases, adding additional calendars to address the growing backlog of landlord-tenant calendars. In January 2024, the Court convened a Landlord-Tenant Stakeholder Working Group, which in addition to successfully piloting a mandatory mediation calendar that provided hearings within two to four

<sup>8</sup> At the period of this Assessment, these 46 employees included 26 judges (full and part-time), 10 ORCA Magistrate Court staff, and 10 full time Magistrate Court permanent staff.

days of an impasse at mediation, provided additional rental assistance through It Still Takes a Village and DCA with Atlanta Legal Aid, evaluated service of notices and execution of Writs from the Marshal on writ execution. The Working Group addressed and instituted a process for Parties to Compel Payment of Rent into the Registry of the Court, pursuant to O.C.G.A. § 44-7-54. A Standing Order on Motions to Compel Payment of Rent into the Registry of the Court was filed on February 29, 2024 (Case No. 24EX-00029).

From January 28, 2023 until the present, Fulton County has been recovering from a cyber-attack. Court systems remain challenged and case scheduling began for cases on or about March 7, 2024. We anticipate and expect that when the systems are fully operational the number of items filed in the collateral queues associated with court documents will be substantial.

The 2024 Orders of Business are a series of short term Orders drafted as the Court continues to assess and correct its state of being in light of several factors which negatively impact the full functioning of the Magistrate Court: 1. Without notice, on December 20, 2023, the Fulton County Board of Commissioners voted to remove \$780,000 dollars from the Magistrate Court Judicial resources budget as a part of the FY 2024 budget process. The County Budget process finalized on January 24, 2024. As of the date of the Fourth Abbreviated Order of Business, no additional funds have been added to the Magistrate Court budget, despite entering into a Memorandum of Understanding on January 23, 2024 to relieve the judicial resource needs of Superior Court. 2. As a result of the current budget conditions, the Magistrate Court anticipates exhausting its allocated part-time magistrate judge resource monies in approximately August 2024. 3. The continued uncertainty in the availability of judicial and other resources results in uncertainty in scheduling and severely hampers the administration of justice in the Magistrate Court. The conditions noted in the February, March, April, and May Orders of Business remain. Again, the Court is hindered from creating a full year schedule and must adopt the current Order of Business as it looks to wind down full operations based on the Court's current budget.

Using experience gained from the Landlord-Tenant Stakeholder Working Group and to address the outstanding 2023 landlord-tenant cases, five tracks of landlord-tenant cases are created for upcoming months:

1. The Pro Se track is for self-represented parties and will be heard in person on Monday and Wednesday mornings for trials and Monday afternoon for JOP by zoom and hybrid. All pro se trial calendars will start with mediation followed by trial at impasse.
2. The Judgment on the Pleadings track is available by zoom and will be heard on Friday mornings.
3. The Extended Pilot Mandatory mediation calendar is available on zoom and hybrid. Due to the limited number of mediators available, this calendar is limited to attorneys that have availability and adequate staffing to assist in the efficient managing of this mediation only track. This calendar will hold mediation only cases with a maximum of 50 cases on Monday afternoon and Friday mornings. Cases at impasse following mandatory mediation will be scheduled for the immediate Tuesday or Thursday, following the mediation only date. Parties will be noticed for both the mediation date and the trial date, using an approved notice.
4. A traditional attorney landlord-tenant calendar will also be held on Tuesday and Thursday mornings and afternoons where mediation and trial will be held on the same day.



5. New 2024 attorney-represented cases, filed as of April 1, 2024 will be scheduled within 10 days of the answer being filed. These cases will be heard in 6J and 6G. Cases pre-April 1, 2024 will be heard in the designated backlog courtrooms 2M, 2N, 2C, G40, as scheduled.

*Concern 3 – Weddings Conducted by Magistrate Court.* Wedding ceremonies are offered once a week by the Fulton County Probate Court. *For clarification, during the Audit term of 2022, Probate Court offered selected ceremonies on February 14, 2022 and June 2022. Probate Court did not offer the wedding ceremonies stated above. Instead, the “every Friday services” in Probate Court began in June 2023.*

*Corrective Action.* The extent of usage of judicial resources by the Magistrate Court to offer free wedding ceremonies is greatly exaggerated. Magistrate Court has a long-standing tradition of offering free wedding ceremonies by appointment to citizens seeking a courthouse ceremony. Magistrate Court began the February 14 Day of Love ceremonies in 2020 and continued the Valentine’s Day offering until 2023. The Magistrate Court did not offer its Day of Love in 2024. Magistrate Court offered a Ring in the Holidays experience in December 2021, 2022, and 2023. In November 2021, as many Metro Area courts chose not to provide free wedding ceremonies, Magistrate Court opened its doors to meet the needs of the public. Magistrate Court began offering reduced appointment availability and streamlined wedding ceremonies on Thursdays only from 12:30 pm – 3:00 pm. By August 2022, the Court reduced its availability to two Thursdays a month and by August 2023, the Court offered free wedding ceremonies one Thursday a month. As we entered 2024, the Court further reduced free wedding ceremonies, performing our last in February 2024.

### **As to the Magistrate Court Administration and the County**

*Concern 2 – Lack of Courtrooms and Mediation Rooms:* The Magistrate Court operates nine (9) courtrooms for all magistrate cases. For landlord-tenant cases, the defendant is given the option to mediate their case prior to having it heard before a judge. This allows the landlord and tenant an opportunity to negotiate payment and consent to a payment arrangement or other resolution. If all parties have a desire to mediate, they are given that option, however, there are only eight (8) mediation rooms amongst all the courtrooms. This results in fewer cases being heard, delayed hearings, and a decrease in citizen confidence in the judicial process

*Corrective Action:* Through our Landlord-Tenant Stakeholder Working Group, Magistrate Court created additional mediation only tracks, which increase our ability to utilize the available mediators. The Landlord-Tenant Mediation team consists of students whose availability is limited to during the school term. The Court modified certain courtroom spaces to accommodate mediation rooms in 5 of its downtown courtrooms and we will continue to explore solutions with other courts that will allow utilization of courtrooms and other spaces while not in use.

Given the 2024 Audit, the 2023 Assessment of the Magistrate Court, and the constant state of resource needs faced by the Court, the overall corrective action for the Magistrate Court is to move forward with separating the Clerk duties and reallocating them specifically back to the Magistrate Court, which will address many of the deficiencies highlighted in the Audit report. The proposal to integrate court administration and clerk duties under one unified Magistrate Court umbrella is grounded in the need to enhance both accountability and

efficiency within the Magistrate Court. And, the decision by the Court is supported by the 2023 Magistrate Court Assessment, which can be summarized into the 3 relevant areas detailed below:

1. **Staff Shortage & Operational Improvement:**

- **Problem.** The Magistrate Court is significantly understaffed causing burnout, low morale, and turnover.
- **Impact.** Severely reduced productivity and case disposal rates.
- **Solution.** Immediately fund **53.5** critical full-time positions (judicial assistants, staff attorneys, and call center agents) to manage the high volume of cases efficiently and improve court operations. Implement court-wide e-filing and strategic technology planning to enhance service delivery and access to justice.

County	Cases Open	Cases Filed	Cases Disposed	Closure Rate	Annual Budget	*# of Staff
Chatham	21,757	8,935	6,204	69.43%	1.9M	23
Cobb	0	20,731	25,291	122.0%	6.1M	90
DeKalb	7,508	31,768	31,363	98.73%	5.9M	37
Fulton	9,774	47,158	28,017	59.41%	5M	46 <sup>21</sup>
Gwinnett	1,683	26,350	25,418	96.46%	14.8M	123

According to FY2022 Court Performance and Closure Rates provided by the Georgia Administrative Office of the Courts, the top Magistrate Courts with the highest closure rate also had the highest number of staff and greatest annual budget allocation.

2. **Collaboration Issues & Structural Reorganization:**

- **Problem.** Dysfunction and lack of collaboration by Clerk's Office with Magistrate Court
- **Impact.** Reduced productivity, delayed filing of judicial orders, and reduced case disposal.
- **Solution.** Separate the Magistrate Clerk's Office from the Superior Court Clerk's Office, similar to every other court in Fulton County (Probate, State, and Juvenile Courts) as well as most Magistrate Courts across Georgia (including Chatham and Cobb Magistrate Courts). Separating Magistrate Clerk's resources from the Superior Court Clerk resources will unify a disjointed Magistrate Court operation, improve efficiency, and improve service quality for citizens. It's significant to note that based on the Council of Magistrate Court Judges' 2023 survey, an overwhelming majority of judges that responded confirmed that they have a dedicated and separate Clerk of Magistrate Court solely focused on Magistrate Court operations and administration. To achieve and sustain immediate improvements, we must implement this paradigm shift in structure.

3. **Embracing Technology & Process Improvement:**

- **Problem.** Lack of coordination, investment, commitment to implementing innovative technological advances for Magistrate Court.
- **Impact.** Missed opportunities for cost savings and reduced access to the courts.
- **Solution.** Transition to a fully paperless environment and implement e-filing for all cases in accordance with the law. Train staff and inform the public about technological advances. Establish performance measurements to track and improve court operations, which the Magistrate Court currently performs.

Potential benefits of this approach include:

1. **Enhanced Focus on Magistrate Court Needs.** By bringing the clerk duties specifically under the Magistrate Court, the staff can be more closely aligned with the specific needs and operations of the Magistrate Court. This focused approach can lead to more tailored services and quicker responses to the unique challenges faced by the court.

2. Improved Resource Allocation. Initially, the integration of duties under the Clerk of Superior Court was intended to streamline operations, but it appears to have diluted the resources available to the Magistrate Court. Reallocating these resources exclusively to the Magistrate Court could ensure that sufficient staffing and resources are dedicated to managing its operations, thereby improving service delivery and reducing case backlogs.

3. Greater Control and Coordination. Under the unified control of the Magistrate Court, there would be better coordination between the administrative and clerical functions. This could lead to more synchronized operations, fewer communication barriers, and a more cohesive team working towards common goals.

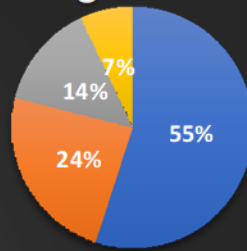
4. Increased Accountability and Transparency. Combination under a single court's control could increase accountability as there would be a clear line of oversight and fewer opportunities for miscommunication or resource misallocation. It would also simplify the process of monitoring and evaluating staff performance and operational efficiency.

5. Tailored Training and SOP Development. With clerk duties dedicated solely to the Magistrate Court, training programs and standard operating procedures (SOPs) can be specifically designed to meet the Court's particular requirements. This specificity can lead to higher competence levels and more consistent application of rules and processes.

Thank you for the opportunity to participate in the County Audit of the Magistrate Court and Magistrate Clerk in 2022 and to provide this detailed response to the findings and recommendation. Any documents referenced or cited herein are available for inspection and review upon request.

## Appendix

### Largest Obstacles Impeding the Effectiveness of the Magistrate Court



- 1st Largest Obstacle-Lack of Collaboration btwn Magistrate Court & Ckerk's Offices
- 2nd Largest Obstacle-Lack of Funding and Adequate Staff
- 3rd Largest Obstacle- The Delay in Filing Orders & Need to e-file Cases
- Other

2023 Magistrate Court Assessment Executive Summary, p. 5.