

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA**STANDING ORDER ON PROCEEDINGS DURING AND FOLLOWING
STATEWIDE JUDICIAL EMERGENCY**

Pursuant to Supreme Court Chief Justice Harold Melton's Order Declaring a Statewide Judicial Emergency, the Magistrate Court suspended all hearings, mediations, and services on all civil and non-essential case types as of March 14, 2020. Subsequent extensions of the Statewide Order allowed the individual courts to conduct virtual and in-person hearings following Public Health and CDC Guidelines. In order to comply with these guidelines, the Fulton County Courts and associated spaces were cleaned and sanitized, temperature screening was instituted, masks or face coverings were required, and barriers were erected in the courtrooms and throughout the court buildings in an effort to protect all persons.

Despite implementing measures authorized by public health experts, throughout June and July of 2020, the number of employees, visitors and general public who tested positive and/or died in Fulton County continues to rise. In consideration of public health and safety, the Court finds it is in the best interest of the parties, the general public, and the orderly conduct of its business to POSTPONE all in-person hearings until the Court can install equipment in the courtrooms and associated spaces to aid in limiting contact between individuals. In-person hearings are suspended until November 2, 2020, at the earliest. (This Court will issue an updated Standing Order as that dates approaches should it be necessary to do so.)

Parties may choose to resolve their cases expeditiously utilizing the free ZOOM video-conferencing technology. This process is explained in this Court's "Universal Scheduling Order and Notice of Hearing to Parties for Remote Hearings via Free ZOOM Conferencing." Those choosing not to utilize ZOOM, and insisting upon an in-person hearing or mediation, must wait until at least November 2020, when it is hoped the statewide Judicial Emergency will end and in-person court hearings and mediations may resume. The Magistrate Court of Fulton County is in the unique position of having a large number of self-represented litigants, some who may have financial or logistical challenges that may present a barrier to remote court appearances. Technical support

from the County will provide an even playing field for all parties and assist the Court in reducing its backlog.

Justice Melton's Fourth Order Extending Declaration of Statewide Judicial Emergency "reimposes all deadlines and other time schedules and filing requirement...that have been suspended, tolled, extended or otherwise relieved by the March 14, 2020 Order." As of March 14, 2020 when the Court suspended all hearings, the Court had 2,535 cases scheduled to be heard. During the period of the Judicial Emergency, parties have filed over 6,500 cases that will need to be scheduled and heard. Despite the magnitude of cases, the Magistrate Court of Fulton County will process cases in the order filed, absent extraordinary circumstances, limiting cases to those able to be handled through electronic video conferencing.

Aside from Electronic Warrant Interface and First Appearance Hearings, all hearings and trials before the Magistrate Court of Fulton County will be conducted by video conferencing, utilizing Zoom or a similar program whenever possible, UNTIL such time as the Court deems in-person hearings appropriate and supported by technology. All hearings will require the consent of both parties to utilize video conferencing. To this end, Chief Justice Melton advises that "***Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings***, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules."

In consideration of efficient case management, judicial economy, and Court resources, the Court finds it is in the best interest of the parties, the general public and the orderly conduct of its business to establish this Standing Order to advise all court users of the manner and method of hearing scheduling by the Magistrate Court of Fulton County.

The Court will schedule ZOOM hearings and trials, beginning with those matters ripe for adjudication before the Statewide Judicial Emergency. Scheduling for those calendars requires an affirmative response by each party by the date indicated below, as detailed in the **UNIVERSAL NOTICE** attached and incorporated by reference. Those

virtual calendars will begin August 10, 2020. The following priorities shall apply, recognizing constitutional and statutory guidance:

Case Type	Response Due By	Respond at the email below	To be Scheduled, week of
Landlord-Tenant Landlords (Tenant) Renters	July 28, 2020	magistrate.landlord@fultoncountyga.gov magistrate.tenant@fultoncountyga.gov	August 10, 2020
Warrant Applications	July 28, 2020	Magistrate.warrant@fultoncountyga.gov	August 17, 2020
Environmental <i>live animal cases</i> trial/arraignment and compliance	July 28, 2020	magistrate.liveanimal@fultoncountyga.gov magistrate.environmental@fultoncountyga.gov	August 24, 2020
Abandoned minor child	July 28, 2020	Magistrate.amc@fultoncountyga.gov	August 24, 2020
Small claims: Status Motions Trials	July 28, 2020	Magistrate.status@fultoncountyga.gov Magistrate.motions@fultoncountyga.gov Magistrate.smallclaims@fultoncountyga.gov	August 24, 2020
Copy of Charges	July 28, 2020	Magistrate.copy@fultoncountyga.gov	
Garnishment	July 28, 2020	Magistrate.garnishment@fultoncountyga.gov	August 10, 2020

It is **ORDERED** that the Clerk is directed to:

1. **MAIL** the attached Notice to all parties in previously scheduled cases unable to be heard due to the Judicial Emergency Declared on March 14, 2020;
2. **REOPEN** garnishment cases filed after March 14, 2020 that were previously stayed;
3. **NOTIFY** all parties involved in garnishment cases previously stayed and filed after March 14, 2020 that cases are now active, including a copy of this order;

4. **RESUME** normal court operations including items listed below, excluding scheduling cases for hearings:
 - a. Schedule small claims cases for mediations for applicable cases as answers are received;
 - b. Accept new garnishment filings; and
 - c. Accept garnishment payments and answers for garnishment cases filed after March 14, 2020;
5. **PROVIDE** Magistrate Court Administration with a weekly list of new cases that require hearings, based on criteria for each case type (i.e. answer filed, warrant application filed, etc.); and
6. **SCHEDULE** cases for court as directed by Magistrate Court Administration.

SO ORDERED, this 13 day of July, 2020

A handwritten signature in blue ink, reading "Cassandra Kirk", is written over a horizontal line.

CASSANDRA KIRK, CHIEF MAGISTRATE JUDGE
MAGISTRATE COURT OF FULTON COUNTY

**MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

TO: CASE NO:

IN THE CASE OF:

**UNIVERSAL SCHEDULING ORDER AND NOTICE OF HEARING TO PARTIES
FOR REMOTE HEARINGS VIA FREE ZOOM CONFERENCING**

Since March 14, 2020, the Magistrate Court has been and remains under a Statewide Judicial Emergency. The Court has suspended all in-person hearings to decrease public exposure to COVID-19 until at least November 2020 and instead has approved virtual court proceedings through the ZOOM platform. Videoconference hearings are voluntary and both parties must have access to the FREE ZOOM teleconferencing app either through an internet connection on a home computer or by the ZOOM app via a smart phone or tablet. ZOOM may be downloaded at <https://zoom.us/download>.

This is your **initial Notice of Hearing and requires a response**. You must complete the attached form, entitled ***Certificate of Availability***, and ***email it to the address matching your case type by July 28, 2020***. Please be aware that if both parties do not fill out the form and agree to hold the hearing on ZOOM, your case will not be heard until in-person hearings become safe again. Any evidence you wish to use and witnesses you wish to call will be shared with the court during the ZOOM hearing. By agreeing to have your case heard on ZOOM, you will not have an in-person hearing. The court will provide a Second Notice with the specific ZOOM link for your hearing prior to its date and time. If you are representing yourself, please review the **Magistrate Court ZOOM Protocols**.

Find your case type in the chart below and forward the Certificate of Availability and Consent to Participate to the matching email. Your case will be scheduled for a ZOOM hearing on the week in the far right column.

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 CASSANDRA KIRK, CHIEF MAGISTRATE JUDGE
 MAGISTRATE COURT OF FULTON COUNTY

**MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

CASE NO: _____

**CERTIFICATE OF AVAILABILITY AND CONSENT TO PARTICIPATE
IN VIDEOCONFERENCE HEARING**

☐ I am the Plaintiff/Defendant (**circle one**) My attorney is _____

☐ I have access to or can access technology for the scheduled ZOOM hearing.

(CHOOSE ONE OPTION BELOW)

☐ I agree to have my case heard via ZOOM to facilitate a swifter resolution. I understand that agreement to trial by ZOOM is voluntary. I agree to receive hearing notices, including an electronic invitation to participate in my hearing, via e-mail at the e-mail address listed below. I understand that I am not required to resolve my case in this manner and I am still entitled to an in person trial on all the issues in my case should I not be able to have a hearing via ZOOM. By agreeing to have my case heard over Zoom, I give up my right to an in person hearing. The following people will be witnesses for me: (Please WRITE LEGIBLY)

☐ _____ name _____ email address _____ phone _____

☐ _____ name _____ email address _____ phone _____

☐ I will email a list of all evidence to be presented at my hearing within five (5) days of my hearing.

OR

DECLINE TO PARTICIPATE IN VIDEOCONFERENCE HEARING

☐ I DO NOT agree to a hearing via ZOOM. I understand that by not participating in this program, I risk significant delay before my case is resolved by the Court. I further understand that any payment or fees and interest owed thereon may continue to add up.

Signature

Print name **Plaintiff/Defendant (circle one)**

Phone number

Email address for ZOOM invitation



ZOOM PROCEDURES FOR THE MAGISTRATE COURT OF FULTON COUNTY

You have the opportunity to participate in a virtual remote hearing using ZOOM, a videoconferencing technology that allows the Court to hold hearings remotely, *meaning, you do not have to come into the Courthouse* to participate in the hearing in your case. The Court has been using this technology and will continue to do so in the future. Keep in mind that even though your trial or hearing is happening in a virtual environment, **THIS IS A FORMAL COURT PROCEEDING**. As such, you should conduct yourself in the same manner you would as if you were actually in the courtroom, including dressing as you would for an in-person hearing. Please review the following tips and suggestions:

PREPARATION BEFORE THE HEARING

- ❖ As soon as you receive notice of the scheduling of a ZOOM hearing, you must let the Court know immediately if you do not have smartphone or computer access to the Internet. The Court may be able to find a way for you to participate or, in the alternative, may postpone the hearing. **Do Not Ignore the “Notice of Hearing.”** Even though this hearing is in a virtual environment, you are still under subpoena to appear, just as if you had received a notice to an in-person hearing. **Be aware that if you don’t appear that a judgment may be issued against you without your input or participation.** You may call the Court at 404-613-9071 or the Clerk at 404-613-5360 to address any issues.
- ❖ If you are not familiar with the ZOOM platform, please visit the ZOOM website at www.Zoom.com. There you will find detailed instructions on how to use the service. We encourage you to review the YouTube video link which also provides you with instruction. <https://youtu.be/mbbYqiurgeo>.
- ❖ To use ZOOM, you will need to download and install the ZOOM application from the website onto your smart phone or computer. You should do this *at least five (5) days before your scheduled hearing*. The ZOOM application will guide you through the process of testing your speakers, your microphone and your video camera. The Court will also set up a technology check in date to confirm you are ready.
- ❖ If you intend to present documents or other evidence during the hearing – or if you plan to call witnesses to testify in your case – you will need to complete the Pre-Trial Order and follow the instructions for submitting documents to the Court before the hearing date. If you need assistance to complete the Pre-Trial Order or submit

documents, please contact Magistrate Court Administration to speak with the Staff Attorneys at 404-613-9071. A staff attorney will assist you.

HEARING ETIQUETTE AND TIPS

- ❖ Dress appropriately for the hearing, just as if you were actually appearing in court.
- ❖ Limit any distractions during the hearing. For example, put any pets in another room. If possible, have someone care for your younger children while you are in the hearing. Find a quiet place to participate in the hearing.
- ❖ If you are using a computer and are on a Wi-Fi connection, please ensure that you are the only one using that connection to be certain that you have the best possible connection.
- ❖ Keep your microphone on mute when you are not speaking. This will reduce feedback and background noise.
- ❖ Don't do other things while on the ZOOM video call, such as eating or trying to multi-task. Just like in an actual courtroom, you must pay attention so that you don't miss something important or fail to hear instructions from the judge. This is your day in court and you must participate without distraction.
- ❖ Don't talk over others, unless you are stating an objection. When more than one person speaks, just as in a typical courtroom, it is impossible for the judge or other parties to hear what is being said.

These guidelines were adapted from "Best Practices" by the Florida Supreme Court Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19