

# JUDGE BRENDAN F. MURPHY

CHIEF MAGISTRATE OF COBB COUNTY



MAGISTRATE COURT OF COBB COUNTY  
32 WADDELL STREET  
MARIETTA, GEORGIA 30090  
(770) 528-8915

## **Supplemental Operating Guidelines for the Magistrate Court of Cobb County during the COVID-19 Pandemic and Judicial Emergency, effective July 16, 2020**

In order to conduct in-person proceedings during the statewide judicial emergency, courts have been required to develop, implement, and disseminate operating guidelines. As courts that share facilities and operate in the same county were encouraged to coordinate their guidelines, to date, the Magistrate Court of Cobb County has complied by operating pursuant to the mandatory "General Safety Guidelines Memorand[a]" issued by Cobb Judicial Circuit Chief Superior Court Judge Reuben M. Green on May 12 and June 16, 2020.

Georgia Supreme Court Chief Justice Harold D. Melton's Fourth Order Extending Declaration of Statewide Judicial Emergency issued on July 10, 2020 requires courts to use the "Georgia Court Reopening Guide" as a template for such operating guidelines which must include all subject matters contained therein, among other requirements. Therefore, the Magistrate Court of Cobb County hereby adopts the following operating guidelines to supplement the mandatory guidelines issued by the Chief Superior Court Judge of the Cobb Judicial Circuit. These supplemental operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

### **1. General Infection Control Measures**

The Magistrate Court will follow applicable public health guidance from the CDC, DPH, and Cobb & Douglas Public Health. The Magistrate Court will comply with COVID-19 procedures, protocols, and policies developed and implemented by Cobb County government. The Magistrate Court shall continue to coordinate public health efforts with other courts in the Cobb Judicial Circuit.

Employees and the public are required to wear a mask or face covering when entering the courthouse. Masks have been provided to employees. The Court maintains the discretion to allow an individual to remove his/her face covering temporarily when it is safe and necessary.

Courtroom capacity is limited so as to allow all people physically present in the courtroom that do not reside together to maintain six (6) foot social distancing. Individuals are permitted to wait in the lobbies and/or meeting rooms at their discretion and may be required to do so if courtroom capacity is reached.

Hand sanitizer and public restrooms are available for the public to frequently wash and/or sanitize their hands.

**2. Provide Notice to the Public of Increased Health and Safety Measures**

The mandatory operating guidelines applicable to the Magistrate Court have been posted on-line, at the courthouse, and submitted to the Administrative Office of the Courts. These supplemental guidelines will be likewise posted. To further disseminate this information, some existing court notices have been modified and supplemental notices drafted to include COVID-19 screening procedures and court contact information for those that do not meet the criteria for courthouse entry. The Court will continue to develop such modified notices as necessary. Signage and floor decals have been installed to assist in screening and maintaining social distancing.

**3. Provide Health and Safe Access to the Courtroom**

The Magistrate Court will continue to adhere to the COVID-19 courthouse entry screening procedure required by the Chief Superior Court Judge of the Cobb Judicial Circuit and implemented by the Cobb County Sheriff's Office.

**4. Maintain a Healthy and Safe Courtroom**

All people physically present in the courtroom that do not reside together shall maintain six (6) foot social distancing. The Court has the discretion to allow individuals to be temporarily within six (6) feet of one another for limited purposes including but not limited to: confidential attorney-client communications, foreign and sign language interpretation, handling evidence, and security reasons.

For in-person hearings, small, staggered calendars shall be scheduled to ensure the courtroom can safely accommodate those present and allow for social distancing. This allows for individuals to rotate in and out of the courtroom as quickly as possible to limit contact.

The Court shall continue to conduct virtual and hybrid hearings by video conference whenever possible. The Court is committed to procuring more technology to allow more virtual and hybrid proceedings to simultaneously occur. All such hearings shall be conducted in an open courtroom with public access and/or livestreamed. Further, invitations to such hearings are freely distributable so that observers may watch the proceedings remotely. Some proceedings—such as when an individual may be taken into custody—are not practicable to be held 100% remotely.

When presenting evidence, attorneys and litigants are encouraged to present electronic and/or physical documents. Often, the Court is presented with an individual's cell phone to review evidence thereon; the Court will attempt to limit this practice. Instead of sharing physical exhibits one-by-one with the opposing counsel/party, witness(es), and/or the court, attorneys/parties are encouraged to group exhibits as much as possible. When handling evidence, gloves and hand sanitizer are available in the courtroom.

Courtrooms will be more frequently and deeply cleaned than before the pandemic.

## **5. Healthy and Safe Court Employees**

100% of the Magistrate Court staff will not work in-person at the courthouse each day until it is safe to do so. Staff work and break areas have been modified as necessary to allow for better spacing and reduce sharing certain work equipment. Windows between the public and court staff in the Clerk's Office shall remain closed when possible. The Court is actively procuring additional plexiglass barriers, sanitation stations, and modifications to existing windows.

Currently, Magistrate Court staff and judges must use the employee/access card entrance on Lawrence Street or go through regular security procedures at the Waddell Street entrance. For security reasons, fulltime judges have been allowed to continue to use their regular entrance. Regardless of which entry is used, all judges and staff may be temperature checked and provided a wristband indicating that they have passed temperature screening for the day.

Court staff have been provided hand sanitizer and masks. All must wear a face covering while in the courtroom, public areas of the courthouse, or any other area in which social distancing cannot be maintained. The Court maintains the discretion to allow an individual to remove his/her face covering temporarily when it is safe and necessary.

Court offices, work spaces, and public areas will be more frequently and deeply cleaned than before the pandemic.

Employees are frequently reminded to maintain social distancing, wear a face covering, wash their hands, and remain at home if sick or in contact with someone known or suspected to be positive for COVID-19. Court staff and judges shall be required to report such illness or contact, take a test if directed, and isolate and/or quarantine as required by the applicable DPH Administrative Order for Public Health Control Measures and Cobb County policies, procedures, and protocols.

When there is reason to believe that anyone who works at or has visited the Magistrate Court has been exposed to COVID-19, DPH and/or Cobb & Douglas Public Health shall be notified and notification of persons who may have been exposed shall occur as directed. This process shall occur according to policies, procedures, and/or protocols adopted by Cobb County government. To further keep the community informed, when there has been a confirmed positive COVID-19 case at the Magistrate Court, relevant non-identifying information will be publicly released.

## **6. Healthy and Safe Jurors and Potential Jurors**

When assisting with jury matters, the Magistrate Court of Cobb County will follow all written operating guidelines of the Superior Court of Cobb County.

## **7. Healthy and Safe Inmates and Detainees**

The Court will continue to work with the Cobb County Sheriff's Office to ensure: virtual and hybrid video conference hearings, social distancing, face coverings, and hand sanitization are available to those in custody while following all safety and security protocols.