



MEMORANDUM

To: Honorable Members of the Fulton County Board of Commissioners
From: Cassandra Kirk, Chief Magistrate Judge and Court Administrator
Date: November 27, 2018
Re: REQUEST FOR ACTION: Reconsideration of Magistrate Court FY2019 Budget

Executive Summary

The Fulton County Magistrate Court is a **Constitutionally-required Court** and an active and engaged Justice Partner in Fulton County. And yet, the Fulton County Magistrate Court, the **busiest court in the county and the State**, is also the most understaffed and underfunded. This memorandum utilizes data compiled since the Magistrate Court's creation and mandatory **separation by state law** in 2014.¹ Magistrate Court has made tremendous strides in managing, creating and promulgating case time disposition standards, but it has done so without adequate administrative support. The heavy caseloads and lack of administrative resources continue to stifle the ability of Fulton residents and general court users to experience a more responsive court.

To provide services at the level expected by Fulton County citizens, patrons and court-users, Fulton County Magistrate Court requested a FY2019 budget of **\$4,104,063**. The Budget Commission proposed a budget of **\$2,743,355**. The Commission's allocation for Magistrate Court consistently lags behind that of other courts.

¹ HB443, (regular session 2013-2014) created a nonpartisan elected Chief Magistrate responsible for an independent court, including the ability to appoint and assign duties to other magistrates and HB655 (2015-2016 regular session) gave the Chief Magistrate budget responsibility for the Court. These legislative changes were supported by the recommendations of the 2010 Fulton County Court Improvement Task Force, which restructured the Fulton Magistrate Court to mirror all other Magistrate Courts.

ADOPTED BUDGET FY 2018

Magistrate Court FY2018: (30 Judges)
\$2,465,327

Superior Court FY2018: (20 Judges and 4 Judicial Officers)

General: \$20,051,604
Judges: \$7,390,528

State Court FY2018: (10 Judges)

General: \$9,506,002
Judges: \$4,510,613

	2016 Actual	2017 Amended Budget	2017 Actual	2018 Proposed Budget	BOC Action	2018 Adopted Budget
REVENUES						
Property Taxes	\$ 478,205,855	\$ 510,874,730	\$ 505,190,742	\$ 514,186,575	\$ (4,235,420)	\$ 509,951,155
Local Option Sales Taxes	\$ 20,834,882	\$ 20,834,882	\$ 22,384,845	\$ 18,850,000	\$ (2,500,000)	\$ 15,350,000
All Other	\$ 1,828,152	\$ 1,819,227	\$ 2,161,832	\$ 78,499,909	\$ 592,275	\$ 79,652,275
Proceeds From Sale of Assets		\$ 7,500,000	\$ 15,815,000			
Net Property Tax Lapse Billing Effect				\$ 37,154,989	\$ (154,889,445)	\$ 202,024,148
Total Revenues	\$ 480,868,889	\$ 539,024,839	\$ 546,352,424	\$ 630,631,464	\$ (100,346,624)	\$ 530,284,880
EXPENDITURES						
Arts and Culture	4,401,276	5,124,291	4,975,221	5,223,228	100,000	5,323,228
Behavioral Health	2,242,201	3,244,001	3,085,877	3,673,500	400,000	4,073,500
Board of Commissioners	3,138,398	3,499,676	3,562,838	3,458,713		3,458,713
Chief of the Commission	765,878	801,263	757,824	802,269	27,200	829,469
Clerks, Ops.	8,888,895	8,888,845	8,737,332	8,835,143	433,200	9,268,343
County Attorney	3,100,333	3,356,172	3,386,172	3,386,172		3,386,172
County Auditor	806,242	874,069	866,518	1,028,289		1,028,289
County Manager	4,122,818	4,781,500	4,588,809	11,702,464	194,500	11,896,964
County Marshal	5,839,279	5,905,647	5,888,823	6,040,281	42,954	6,083,235
County Sheriff	18,988,121	21,312,022	21,161,478	22,426,287		22,426,287
County Attorney	2,349,825	2,328,141	2,361,629	2,384,181		2,384,181
Editorial Affairs	2,347,262	2,888,873	2,444,411	2,679,914		2,679,914
Family & Children Services	7,576,583	7,323,263	7,566,125	7,723,263		7,723,263
Finance	7,044,528	7,424,570	6,542,926	7,000,000		7,000,000
Grants Manager Transfer	60,000,000	60,178,380	60,178,380	60,178,380		60,178,380
HR Allocation	10,202,730	10,942,200	11,040,200	9,280,700		9,280,700
Information Technology	18,320,162	20,824,360	20,129,282	18,291,226		18,291,226
Juvenile Court	12,381,327	14,644,887	13,427,254	14,217,294		14,217,294
Library	25,817,858	27,813,264	28,078,814	27,524,857		27,524,857
Magistrate Court	2,254,824	2,208,134	2,080,431	2,485,227		2,485,227
Medical Expenses	3,548,427	4,637,276	3,863,515	4,347,232		4,347,232
Rec. Agency	157,161,381	164,822,826	161,428,824	164,555,760	1,794,201	166,350,001
Human Resources	4,932,964	4,919,312	4,175,823	4,303,191		4,303,191
Police	11,714,807	12,846,226	12,322,221	13,688,792	163,276	13,852,068
Probation Court	5,917,104	6,813,282	6,474,520	7,212,282		7,212,282
Public Defender	10,327,749	10,991,999	10,368,860	14,888,733	100,000	14,988,733
Public Works	5,142,287	5,221,040	5,360,200	5,000,000		5,000,000
Purchasing	3,221,388	3,408,427	3,171,872	3,460,444		3,460,444
Real Estate & Asset Mgmt	27,482,229	30,223,791	29,924,889	29,542,780	408,200	29,951,000
Registration & Elections	4,846,103	4,152,909	4,746,485	4,147,212		4,147,212
Senior Services	14,536,167	21,642,831	20,113,881	20,820,410	3,997,246	24,817,656
State Court - General	8,888,211	9,723,885	9,866,211	10,811,220		10,811,220
State Court - Judges	4,287,253	4,280,237	4,232,328	4,918,813		4,918,813
Supervisor General	1,504,897	1,267,188	1,864,824	2,842,214		2,842,214
Supervisor Court - Clerk	17,456,781	14,000,880	14,921,882	18,101,480		18,101,480
Supervisor Court - General	14,000,000	20,000,000	18,000,000	20,000,000		20,000,000
Supervisor Court - Judges	7,000,000	7,000,000	7,000,000	7,000,000		7,000,000
Tax Assessor	10,614,480	10,664,824	11,784,211	11,100,000		11,100,000
Traffic Commissioner	15,817,817	15,817,817	15,817,817	15,817,817	11,227	15,817,817
Total Expenditures	\$ 520,871,444	\$ 621,873,164	\$ 614,871,218	\$ 650,847,740	\$ (20,000,000)	\$ 630,847,740
Administrative & Representative	\$ 200,000,000	\$ 170,000,000	\$ 170,000,000	\$ 180,000,000	\$ 100,000,000	\$ 280,000,000
Fund Balance - Beginning	\$ 100,000,000	\$ 120,000,000	\$ 120,000,000	\$ 120,000,000	\$ (20,000,000)	\$ 100,000,000
Fund Balance - Ending	\$ 100,000,000	\$ 140,000,000	\$ 140,000,000	\$ 140,000,000	\$ 100,000,000	\$ 240,000,000
Fund Balance Minimum	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 100,000,000	\$ 200,000,000

Magistrate Court's lack of funding directly impacts the quality of life for our citizens, inconveniencing property owners, self-represented litigants and seniors:

1. Mandatory civil e-filing heightened our awareness of a high volume of pre and post adjudication filings, with which the judges alone must contend. *For example*, in any given month **500-1000** writs (from landlord-tenant cases) sit in a queue waiting action from a *judge*. Each writ represents a property owner waiting to gain possession of their property. And, each brings **\$75.00** into the general fund of the County through the Marshal, who is paid to execute the writ and remove the losing party.
2. Routine case management tasks can only be performed by a *judge*, which results in delays for parties. *For example*, approximately **1,000** default requests each month sit in an Odyssey case management queue awaiting action by a *judge*. Each represents a Plaintiff, who after having filed and duly served a defendant, who failed to answer within 45 days, must now wait on a *judge* to have adequate time away from Court and associated court paperwork to review the default request to determine whether the court-user will obtain the relief he seeks.

These delays can be addressed through adequate staffing with hierarchical responsibility. The submitted Magistrate Court budget would support the designing, funding and implementing of a modern Magistrate Court system to address needs and expectations of our court-users.

The Magistrate Court is a crucial entry point for many of the criminal justice reform conversations. Statutorily, Magistrate Judges preside over search and arrest warrants as well as first appearance hearings. The Fulton County Magistrate Court is also at the forefront of

the national trend focusing on civil justice reforms, which directly affect housing, employment, consumer transactions and personal finance.

Since 2015, Magistrate Court has demonstrated success and fiscal agility by reducing and combining calendars, placing judges on specific tracks and reducing the waste previously associated with the court, while increasing accessibility and usability of the court for its users. Yet, Fulton County has been adverse to provide funding necessary for the continued effectiveness and maturity of the Court. The proposed FY2019 funding will not sustain the Fulton County Magistrate Court, nor will it allow its judges to support the Fulton State and Superior Courts to triage and preside over cases involving jailed inmates.

We request the Board of Commissioners amend the budget proposed by the Finance Committee to provide Fulton County Magistrate Court funds to operate and meet statutory deadlines for the court.

Magistrate Court Overview

In its November 14, 2018 submission to the Board of Commissioners, the Budget Commission proposed an enhancement which granted Magistrate Court 1 full-time Judicial Assistant and \$200,000 for part time judges. While the Magistrate Court is grateful for the FY2019 enhancements proposed, the monies are insufficient to ensure the proper operation of the busiest court in the county.

Magistrate Court administers cases within its criminal and civil jurisdiction, operating calendars at the North Annex, South Annex, downtown and at the Jail. Fully staffed with judges, the Court anticipates 9 Full time Magistrates and 22 Part time Magistrates. Magistrate Court operates 24 hours a day, 7 days a week, 365 days a year, offering electronic search and arrest warrants to law enforcement officers in 14 municipalities across Fulton County, as well as providing civil writ review and adjudication, addressing collateral filings and executing supporting queue work. Unlike other courts, Magistrate Court operates as an integrated whole, with each judge supporting the Court through work on Odyssey case management queues and e-file queues as well as presiding in court.

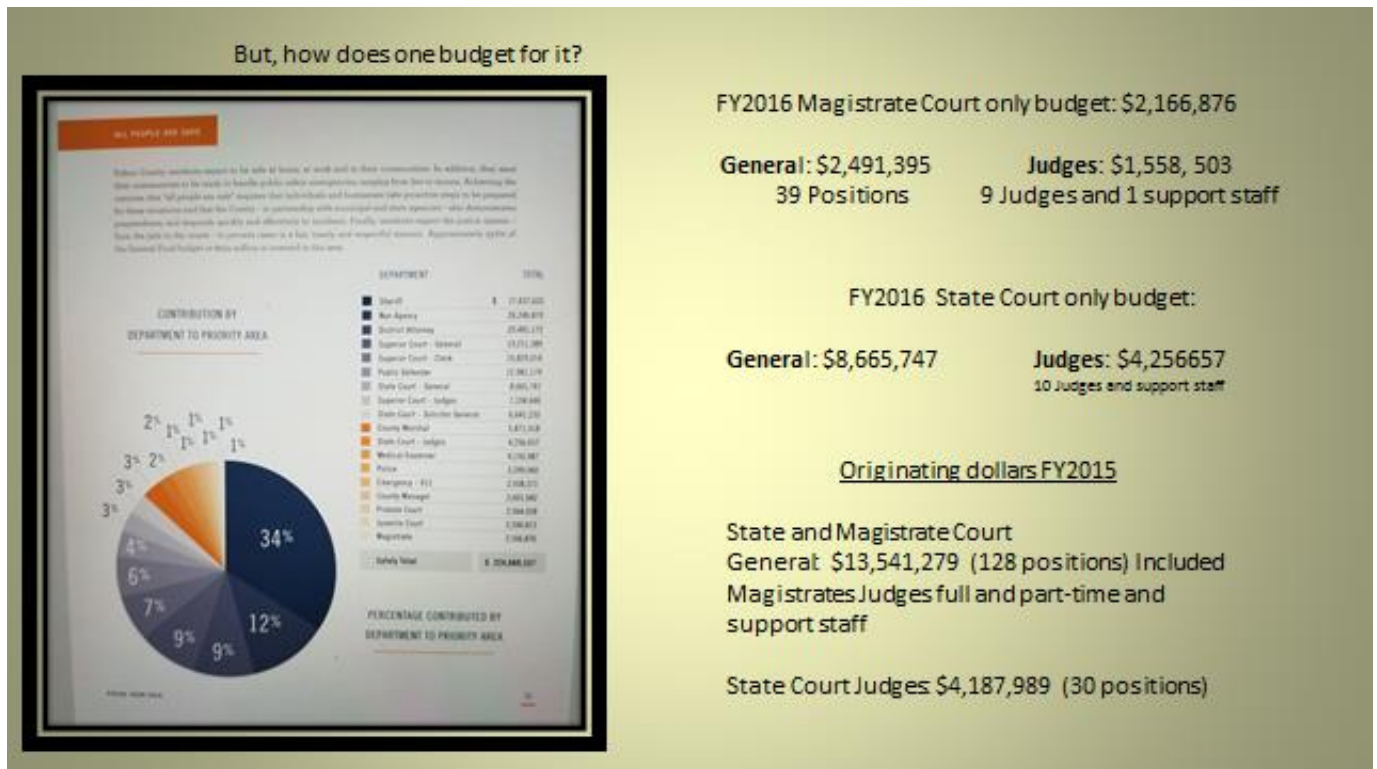
Overseeing EWI allows law enforcement immediate access to a judge to make critical charging decisions and obtain evidence on scene as quickly as possible. The writ review, directly connected to landlord- tenant matters, is time sensitive and determines how long a non-paying tenant will remain in a taxpayer's property. With each approved writ, the county receives \$75.00.

In preparation for the FY2019 budget, Magistrate Court analyzed its requirements and examined its staffing levels and caseload relative to other metro area Magistrate courts. The study revealed that the Fulton County Magistrate Court processed more cases, had the largest contingent of judges, and yet, as the chart below illustrates, had only one part time staff member to provide support for the Magistrate Court Judges and Administration.

County	2016 Case Load Data	Judges	Support Staff
Cobb	48,419	3/14	70
DeKalb	59,628	2/23	16
Fulton	84,278	9/22	.5

Historical Analysis

The Chief Magistrate Judge was appointed by Governor Nathan Deal in December of 2014 and the Court operated as a division within the budget of State Court for FY2015. Magistrate Court was granted budget autonomy by state law in 2015, but was unable to effectuate a full separation until FY2016. At that time, without any input from Magistrate Court, the Fulton County Finance Department and State Court determined the allocation of staff and resources necessary to operate Magistrate Court. The graph below, taken from the **FY2016 Budget Book**, shows the resources allocated to Magistrate Court from the joint originating dollars in FY2015.²



In January 2016, the Carl Vinson Institute of Government released its *Organizational Design Analysis of the Fulton County Magistrate Court*, utilizing Cobb, DeKalb and Gwinnett as

² The Fulton County Magistrate Court faced a 2014 caseload of over 85,000 dockets which were handled by a total of 22 different judges. This was compared to the reported 2014 caseload data in Fulton County State Court of 9,559 cases handled by 10 judges. *An Organizational Design Analysis of the Fulton County Magistrate Court*, Dr. Kris Sikes, The Carl Vinson Institute of Government at University of Georgia, January 2016, p. 38.

comparable counties. The report declared: “Fulton County has by far the busiest magistrate court in terms of total number of dockets and docket per capita.³” The report found that Magistrate Court handled 62% of the total dockets filed in the joint Magistrate and State Court.⁴ The analysis also revealed that “Magistrate Court requires between 78 and 89 clerical and support employees,⁵ **including a minimum of 13 judicial assistants and/or staff attorneys**, “if support were allocated concomitantly.⁶” It was not.

In August 2016, in anticipation of requesting adequate resources in FY2017, Magistrate Court requested the Judicial Council of Georgia, Administrative Office of the Courts, Office of Research and Data Analysis, calculate the judicial workload per judge for the Court, using data from comparable counties. The Analysis revealed that **Fulton County Magistrates handle more cases per judge than any other metro county.**

Cases per Judge Cases ⁷ by County	Total	Total Judges ⁸	Cases per judge (rounded)
Cobb	73,066	8.5	8,596
DeKalb	117,627	13.5	8,713
Fulton	131,868	11.5	11,467
Gwinnett	103,445	15.5	6,674

The Magistrate Court has not guessed about its requirements at any point since 2015. Instead, it sought and presented information and data from reliable, competent and irrefutable sources. Each year, the Fulton County Board of Commissioners and Budget entity failed to accept and act upon any sustained recommendations put forth that would benefit Fulton County Magistrate Court court users, the Court or the County.

In 2017, the Justice Reinvestment Initiative allocated Fulton County Magistrate Court a *one-time supplement* of **\$1.2 Million**, which allowed the Magistrate Court to fund statutorily-required digital recording, close 30,000 small claims cases, fully fund part-time judges to provide judicial assistance to State and Superior Courts without negatively impacting the Magistrate Court’s statutory functions, and provide indigent citizens with public defender services in calendars where their liberty was at risk, including environmental and abandoned minor child calendars.

³ *An Organizational Design Analysis of the Fulton County Magistrate Court*, Dr. Kris Sikes, The Carl Vinson Institute of Government at University of Georgia, January 2016, p. 2. Fulton County State Court declined to participate in the analysis.

⁴ *Ibid*, p. 3.

⁵ *Ibid*, p. 4. At the time of the report, 140 full time employees supported both courts.

⁶ Sikes, p. 38.

⁷ Caseload totals include civil and criminal cases filed in 2015, open cases in 2015 and cases disposed of in 2015. These totals include search and arrest warrants (27,849) and criminal hearings (19,053).

⁸ Judges were calculated after Conversion, allocating specific weight to full and part-time judges to arrive at a conversion rate, roughly calculating 2 part-times to one full time judge. For Fulton, this study excluded the 3 full time judges in sitting in Superior Court in the Noncomplex Division.

In 2018, the Magistrate Court remained without administrative support. The Justice Reinvestment Initiative funded a full time Judicial Assistant until mid-December 2018. This allowed the Court to convert its original Judicial Assistant position to hire a part time Director of Administration and Court Support Services to assist the Chief Magistrate, who serves simultaneously as the Court Administrator.⁹

Current situation

Magistrate Court experienced minimal progress in 2018. The Court remains without adequate administrative staff to support its 24/7/365 mandated court operations, mandated calendars and without adequate funding to address timely its workload, writs and other queues. Staffing Magistrate Court at a level that will allow efficient, timely processing of cases and better customer service benefits the court system and the county.

The Magistrate Court Judges funding line does not include adequate judicial support, specifically law clerks and judicial assistants for the nine (9) full time judges and 22 part-time judges who support Magistrate Court, as well as provide judicial assistance to the State and Superior Courts. At a minimum, two (2) law clerks and four (4) Judicial Assistants are needed to begin to adequately staff Magistrate Judges and Administration. The current budget supports the salaries of the full-time judges, **one (1) part time** Director of Administration and Court Support Services, and partially funds the part-time judges. Actual costs for part-time judges, previously designated as “professional services” were **\$467,206.00** (2013), **\$595,569.00** (2014) and projected to be **\$497,000** in 2015. In FY2018 without supplemental payments from State Court, Magistrate Court continued to assist State Court, with 7-10 calendars a week, resulting in a budget deficit for Magistrate Court of **\$128,000**, for which Finance sounded the BOC to fund.¹⁰

Part time magistrate judges are integral to round-the-clock coverage for the court. In addition to the salaried full time judges, the minimal cost to provide part time coverage of mandated statutory activities and calendars is **\$485,274**. This amount leaves no room for leave (for appointments, bereavement, vacation, illness) by any full time judge, which must be expected. Conservatively estimating this number at 1 day per month per judge requires an additional \$4800.

The Magistrate Court caseload data supports ongoing expected volume in 2018 and forward. This caseload shift to Magistrate Court, first experienced in 2013-2014 directly relates to increases in filing fees for other courts, leaving Magistrate Court as the only affordable option to resolve civil disputes for most court users.

⁹ Unlike other courts, the elected Chief Magistrate Judge is designated for the length of her term and the title and authority do not rotate among the appointed judges of the Magistrate Court. This authority was conferred in 2015 by HB655.

¹⁰ Neither Superior Court nor State Court provided funding for any judicial support coverage in FY2018 (or previously).

YEAR/ MONTH	OCT 2018	SEPT 2018	AUG 2018	JULY 2018	YTD TOTAL	PROJECTED YEAR TOTAL
ABANDONED MOTOR VEHICLES	609	533	538	547	5,595	6,714
COPY OF CHARGES	24	35	37	20	328	394
DISPOSSESSORY WARRANTS	4,082	3,829	4,106	4,023	37,051	44,467
GARNISHMENTS	486	516	440	462	4,596	5,516
ORDINANCES	47	33	59	57	507	608
Personal Property Foreclosures	25	20	26	31	235	282
SUITS	1,303	1,164	11,518	1,265	14,079	16,895
TREATMENT DIVERSION	1	2	0	4	6	7
WARRANT APPLICATIONS	216	205	243	252	2,311	2,774
MAG CRIMINAL CASES	148	102	89	236	1,647	1,977
TOTAL	6,941	6,439	17,056	6,897	66,355	79,634

Magistrate Court judges are responsible for preparation of and execution of in court responsibilities, electronic warrants, processing collateral filings, and maintaining case management through administering Odyssey and e-filing queues. The chart below shows the numbers of writs reviewed each month and the resulting **revenue directly generated to the county general fund**. Review and adjudication of the Writ Queue alone supplies substantial income to the county.

Month (2018)	January	February	March	April	May	Dollar value total
Writs of possession	1360	1059	1044	1011	1066	\$415,500

Despite its continuous appeals to function fully as the Court established by statute in 2014, Magistrate Court remains the least supported court. Magistrate Court is authorized to have 9 full time judges and 22 part time judges, more judges than any bench in Fulton County. Its value to the county is not reflected in its budgeted funding. Yet, the significance of Magistrate Court to the County's bottom line is clearly articulated in the chart below, showing October 2018 and 2018 YTD Magistrate Court Distributions.

DISBURSED	HISTORICAL COLLECTED/ DISBURSED			YTD COLLECTED / DISBURSED		
	COLLECTED	DISBURSED	ACCOUNT NO	CODE SECTION	COLLECTED	DISBURSED
TRUST, CIVIL	\$64,470	\$105,024			\$651,051	\$1,032,065
COST, CIVIL	\$547,650				\$4,927,998	
FULTON COUNTY CIVIL		\$281,291				\$2,271,935
INDIGENT DEFENSE FUND		\$87,630				\$833,372
SUPERIOR COURT CLERKS RETIREMENT		\$12,864				\$122,110
MARSHAL SERVICE		\$37,832				\$400,157
A.V.L.F.		\$17,526				\$166,674
ADR PROGRAM FEE		\$58,420				\$555,581
LAW LIBRARY FUND		\$29,210				\$277,780
MAGISTRATE RETIREMENT FUND		\$17,526				\$166,674
FULTON COUNTY CRIMINAL		\$2,698				\$30,241
PEACE OFFICER'S ANNUITY		\$291				\$3,222
SUPERIOR COURT CLERKS RETIREMENT		\$85				\$694
SHERIFF'S RETIREMENT						\$0
PROSECUTOR'S TRAINING		\$939				\$11,077
POPIDF 10%		\$535				\$8,129
JAIL STAFFING		\$535				\$6,322
SHERIFF'S SERVICE						\$0
SUPERVISION FEE		\$0				\$621
PROBATION USER FEE						\$0
VICTIM'S ASSISTANCE FINE		\$268				\$3,163
JOSHUA'S LAW						
TOTAL	\$612,120	\$652,674			\$5,579,050	\$5,889,818

Cost of Judicial Assistance to Other Courts

Notwithstanding the minimal resources and hefty statutorily-required caseloads borne by Magistrate Court, both State and Superior Court submitted requests for FY2019 to assist with coverage in those courts. Both courts rely on Magistrates to provide judicial assistance directly with jail cases as well as civil and traffic cases in State Court. While full and part-time magistrates gladly provide judicial assistance to other courts, each calendar handled for another court decreases the amount of resources available for Magistrate Court to cover its statutorily-mandated duties timely and efficiently. These traditional requests for coverage

and the resulting challenges for Magistrate Court were reported to the budget commission when requesting FY2019 funding.

2018 BUDGET CHALLENGES & RESOLUTIONS

CHALLENGES

- Inadequate funding for Magistrate calendars and other judicial support:

Superior Court Noncomplex Year	New Cases	Closed Cases	Clearance rate
2014	unavailable	unavailable	84%
2015	4098	3654	89%
2016	3921	3641	93%
2017	3607	3569	99%

2018 State Court Judicial Assistance	Calendars per year
Civil (dispo, motions, garnishment)	4*52 =208
Criminal (Bench, SAP)	3* 52=156
Traffic (annexes, HQ)	3*52 = 156

RESOLUTIONS

- Finance allocated emergency funds to resolve part-time deficit; currently approaching another cliff
 - issue remains a concern through year end
- Allocate appropriate funding and resources for Court of our size

The Superior Court Non Complex division, created by a 2007 Non Complex Case Management Administrative Order, requires **3 full time Magistrates**.¹¹ Noncomplex cases account for a significant portion of the felony cases in Fulton County.¹² To maintain the case processing standard set forth for the life cycle of a given case, in nine weeks cases must travel through All-Purpose, Arraignment (Jail and Bond)/Final Plea, Pre-trial Conference and Trial. The noncomplex process was originated to address the large number of inmates in jail for lengthy periods without formal charges, as well as to address bond issues when authorized.

¹¹ Non-complex cases are those felonies that exclude the following: Treason, Murder, Rape, Aggravated Sodomy, Armed Robbery, Aircraft and Motor Vehicle Hijacking, All Child Molestation, Aggravated Sexual Battery, Manufacturing and Trafficking Controlled Drugs, Kidnapping, Arson, Aggravated Assault, Aggravated Battery, Aggravated Stalking, all felony sexual offenses, and any felony involving the use of the firearms.

¹² This chart accompanied the May 6, 2016 Fulton County Justice Reinvestment Initiative Presentation to the BOC.

Superior Court Cases – 2015 Baseline Data

Fulton County Superior Court Cases - 2015				
Case Type	New Case Assignments	Cases Disposed	Clearance Rate	Pending Cases
Complex Criminal Cases	3,873	4,474	116%	3,192
Non-Complex Criminal Cases	4,098	3,654	89%	1,193
Total Criminal Cases	7,971	8,128	102%	4,385
Civil Cases	4,650	4,859	104%	2,779
Family Division Cases	5,419	5,283	97%	1,491
Child Support Cases	1,705	2,085	122%	210
Specialty Courts	0	148	na	256
Total Civil Cases	11,774	12,375	105%	4,736
Total Superior Court Cases	19,745	20,503	104%	9,121

For Discussion Purposes Only

State Court requested magistrates continue to cover **7 calendars per week**, in three locations.¹³ Without Magistrate Court intercession at these crucial jail levels, defendants would remain jailed and criminal caseload backlogs would persist. These items are funded solely through the Magistrate Court salary line. The FY2019 cost of judicial support for **Superior Court** is **\$404,667** (salary alone) and **State Court** is **\$51,116** (salary alone). These costs must be factored into the Magistrate Court budget.

Dismantling the magistrate-handled noncomplex division in Superior Court directly affects the jail population, requiring non-violent and noncomplex defendants accused of felonies to remain detained until a Superior Court judge is available and can accommodate scheduling in their already full criminal and civil calendars. Dismantling the magistrate-handled State Court criminal calendars of State Bench and State All-purpose will have a similar negative impact as those calendars directly affect jailed defendants. However, dismantling the magistrate-handled traffic and civil calendars will have a lesser impact and will not affect the jail.

FY2019 Budget Requests

In 2019, Magistrate Court looks forward to:

1. Increasing the efficiency of court operations and response time to litigants' requests. This requires funding for additional support staff;

¹³ For State Court, Magistrate Judges sit approximately seven (7) calendars each week, reduced from 10 per week at Magistrate Court's insistence due to limited budgeting. This includes State Garnishment, State Dispo, State Bench, State All-purpose and Traffic calendars at the jail, downtown and the annexes.

2. Enhancing timely delivery of services to all court users, including increasing case disposition standards for Odyssey case management queues, specifically the default queues and writ queues;
3. Continuing productivity standards for EWI, small claims case closure and warrant applications;
4. Expanding and improving the Misdemeanor Mental Health Court;
5. Continuing to assist in reduction of jail population through judicial support of State and Superior Court.

In order to reduce the jail population through Misdemeanor Mental Health Court, Superior Court non-complex cases and State Court criminal cases; improve outcomes for misdemeanor defendants suffering from mental health issues, provide timely response to requests for electronic search and arrest warrants 24/7/365, and provide fair, efficient and timely adjudication of all cases, Magistrate Court requests full funding, commensurate with its obligations and the public's expectations.

Successes

Serving as Chief Magistrate since 2015, Judge Cassandra Kirk created a Court that is accessible, technologically advanced and financially efficient. To achieve these milestones, she examined the structure and business practices of the Court and its utilization of resources, including usage and payment of part time magistrates, interpreters, indigent defense, and other contracted services. Despite its administrative and financial challenges, Magistrate Court must highlight its successes since 2015:

2018 Key Accomplishments

1. Implemented Misdemeanor Mental Health Court pilot program in collaboration with State Court Judge Patsy Porter and other Justice Partners. (First graduation October 19, 2018; second Graduation December 21, 2018.)
2. All 2018 Key performance indicators on track through the third quarter:
 - a. 100% satisfaction in processing **25,260** (YTD) search and arrest warrant application requests from law enforcement officers (24/7/365)
 - b. 90% of the **2,097** citizen-initiated warrant applications scheduled for hearing within 45 days
 - c. 1% open small claims cases from October 2016-October 2017 (**11,321** cases closed)
 - d. 97% scheduling small claims cases within 90 days of filing answer (**2,461** cases scheduled for hearings within 90 days)
3. Completed High Volume Court Simplified grant (awarded through the National Center for State Courts)

4. Increased Community Contact:
 - a. Hosted statewide Magistrate Judge training: “Overcoming Volume and Achieving fairness: We are Going to Do It!”
 - b. Supported continued access to the Landlord-Tenant Housing Center (537 tenants assisted – 796 total visitors – October 2017-August 2018)
 - c. Implemented informational sessions for the public through presentations to Community Associations and interested stakeholders.
5. Improved website: increased usability and provided calendar assignment.

2017 Key Accomplishments

1. Secured \$1.2 Million in funding through Justice Reinvestment Initiative to fund:
 - a. Completion of the civil backlog project, closing 30,000 small claims cases open since 2010;
 - b. Additional judges to provide Judicial Support to State and Superior Courts, while maintaining case time to disposition standards of Magistrate Court cases;
 - c. Indigent defense of citizens where liberty is at risk in misdemeanor calendars, including environmental and abandoned minor child in North and South Annexes and downtown;
 - d. Statutorily-required digital recording in compliance with Uniform Magistrate Court Rules (RFP completed; implementation pending); and
 - e. Discharge and Case Assessment for incompetent misdemeanor defendants to allow better processing and identification of release conditions.¹⁴
2. Awarded \$21,500 grant by the Steering Committee for the Civil Justice Initiative implementation Plan through the National Center for State Courts to support a demonstration pilot project to implement the recommendations of the Civil Justice Improvements Committee. One of four courts nationally granted the award and technical assistance.
3. Mentioned for our technology accomplishments in the *2017 State of the Judiciary* address before the State legislature by the Chief Justice of the Supreme Court.
4. Increased community engagement by hosting Magistrate Minute, an informative court segment produced and filmed through Fulton County Government Television.

2016 Key Accomplishments

1. Appointed the Superior Court Clerk as the Clerk of Magistrate Court, increasing customer service responsiveness and eliminating a barrier to a one-clerk Fulton structure.

¹⁴ The Court was unable to fill and utilize this position due to change in county’s behavioral health delivery system.

2. First Magistrate Court in Georgia to implement mandatory e-filing in civil cases. Our e-filing system was the first in Georgia to go live with forms created by the Magistrate Council's Guide and File system, which allows litigants to answer a series of questions to produce a filing that electronically enters the eFileGA system, creating a totally paperless process.
3. Partnered with the Georgia Law Center for the Homeless to provide legal support to tenants before filing answers in Dispossessory cases.
4. Utilized interns from local law schools to supplement the court's judicial support.
5. Decreased the small claims backlog from 30,000 to less than 6,000 (Tracking open cases 2010-2015).
6. Spearheaded proper classification of part-time magistrates as employees, not independent contractors, and established the rate of pay to reflect hours worked.
7. Increased court efficiencies through diversion collaborations with the Solicitor General and the Misdemeanor Public Defender.
8. Provided alternative dispute resolution services at the North and South Service Center Annexes.

2015 Key Accomplishments

1. Created Magistrate Court website www.magistratefulton.org, providing accessibility and litigant education in a user-friendly self-help platform.
2. Selected full and part-time magistrates through a public process, including key stakeholders and community members.
3. Revised calendaring to maximize usage of full time judges and increase breadth of experience.
4. Returned traffic court to its statutorily mandated court. Magistrate Judges continue to preside over these calendars at the North and South Annexes as well as downtown, resulting in generated revenue being collected by the County and attributed as from State Court.
5. Strengthened TDC, the court's long-standing mental health diversion program.
6. Created an in-house training advisor to supplement the mentor training provided by the Magistrate Council.
7. Implemented monthly judges' meetings with a training component to ensure uniformity of knowledge in case processing.
8. Convened meetings to engage community stakeholders when creating/modifying court processes.

Conclusion

Since its establishment by statute in 2014, the Fulton County Magistrate Court has been understaffed and underfunded. The proposal by the Budget Commission makes no change and continues to damage efficient court operations, resulting in delays to citizens, higher cost utilizations of inappropriate personnel and overwhelming workload for the magistrate judges as they manage Magistrate work and judicial assistance for other courts. The budget allocation and staffing illustrates the disparity between the judges of the Magistrate Court and the Judges of other courts. Despite their intrinsic value to the citizens of Fulton County, the Magistrates are the lowest paid and the least supported. The 20 Superior Court Judges and 10 State Court Judges are provided at least three (3) support staff per judge, including a Judicial Assistant, a staff attorney and a Judicial Case Manager. By contrast, the Magistrate Court budget contains only sufficient funding for a part time support staff to assist a contingent of 30 judges.

With this letter, the Magistrate Court requests the Board of Commissioners fully fund the Magistrate Court FY2019 budget requests, as well as our joint Justice requests to fully fund an innovative and operational Misdemeanor Mental Health Court with a budget of **\$4,104,063**.