

1 **A RESOLUTION TO REDIRECT FUNDS FROM THE BUDGET OF THE MAGISTRATE**
2 **COURT TO THE SUPERIOR COURT; TO SEEK EXPEDITED LEGISLATION TO**
3 **EXPAND THE ROLE OF JUDICIAL OFFICERS IN PROVIDING SUPPORT TO THE**
4 **FULTON COUNTY SUPERIOR COURT; AND FOR OTHER PURPOSES.**

5 **WHEREAS**, the budget for the Fulton County Magistrate Court has increased 73
6 percent since 2019, including a 44 percent increase in funding for personnel; and

7 **WHEREAS**, instead of improving civil case disposal rates, increased funding for
8 the Magistrate Court has yielded a decrease in case disposals since 2019; and

9 **WHEREAS**, the number of Magistrate Court calendar slots for landlord tenant
10 cases in 2023 is over 50 percent less than pre-pandemic slots made available in 2019,
11 causing extreme delays in the resolution of landlord tenant disputes; and

12 **WHEREAS**, part-time magistrate judge funding in the Magistrate Court's budget is
13 not being fully utilized despite a backlog of cases awaiting adjudication; and

14 **WHEREAS**, the Chief Judge of the Magistrate Court, Cassandra Kirk, has recently
15 indicated her intent to withdraw coverage that supports the Fulton County Superior
16 Court's Non-Complex Division and preliminary hearings, which require three (3) full time
17 judges to operate at current capacity; and

18 **WHEREAS**, Judge Kirk has announced this intent to reduce services while
19 simultaneously requesting additional funding as "reimbursement" for providing Non-
20 Complex Division and preliminary hearing coverage that has historically been provided
21 by the Magistrate Court and is, or should have been, contemplated in the Magistrate
22 Court's budget; and

23 **WHEREAS**, Judge Kirk continues to request additional funding without maximizing
24 use of existing funding and without utilizing all available court calendar dates; and

25 **WHEREAS**, Judge Kirk issued an Order dated December 12, 2023 purporting to
26 appoint a Clerk of the Magistrate Court under O.C.G.A. § 15-10-105(d) despite there
27 being a duly appointed Clerk of the Magistrate Court under O.C.G.A. § 15-10-105(b); and

1 **WHEREAS**, the Fulton County Board of Commissioners previously adopted
2 Resolution 16-0263 on March 16, 2016 pursuant to O.C.G.A. § 15-10-105(b) which
3 provides that, in the absence of local law and “with the consent of the clerk of superior
4 court, the county governing authority may provide that the clerk of superior court shall
5 serve as clerk of magistrate court”; and

6 **WHEREAS**, Resolution 16-0263 provided that the Clerk of the Superior Court of
7 Fulton County would also serve as the Clerk of the Magistrate Court of Fulton County;
8 and

9 **WHEREAS**, Che Alexander, Clerk of the Superior Court, currently serves as the
10 Clerk of the Magistrate Court pursuant to Fulton County Resolution 16-0263 which
11 transferred the function from the Clerk of the State Court to the Clerk of the Superior
12 Court; and

13 **WHEREAS**, Judge Kirk is without authority to appoint her own Clerk of court where
14 provision has already been made by the County under O.C.G.A. § 15-10-105(b); and

15 **WHEREAS**, the resources needed to support the Clerk of Magistrate Court
16 function are currently part of the Clerk of Superior Court’s budget; and

17 **WHEREAS**, Judge Kirk has steadfastly insisted on pursuing her goals through
18 unilateral action instead of coordinating with justice partners, the County management
19 team, or the Board of Commissioners of Fulton County; and

20 **WHEREAS**, Judge Kirk’s refusal to cooperate with the various departments and
21 agencies of Fulton County in order to conduct the business of her office has created
22 inefficiency, backlog, discord and disruption that exacerbates the challenges already
23 faced by the justice system in Fulton County; and

24 **WHEREAS**, the Board of Commissioners finds it to be in the best interest of Fulton
25 County government and taxpayers to address and ameliorate this persistent disruption to
26 the normal functioning of County government.

27 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
28 instructs the County Manager to transfer funds equivalent to the cost of three (3) full time

1 magistrate judges from the budget of the Magistrate Court to the Superior Court for year
2 2024 for the purpose of supporting the Superior Court's Non-Complex Division and
3 preliminary hearings.

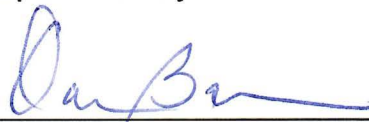
4 **BE IT FURTHER RESOLVED**, that the Board of Commissioners shall seek
5 expedited legislation to authorize judicial officers to handle felony criminal matters for the
6 Fulton County Superior Court by designation.

7 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
8 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
9 are hereby repealed to the extent of the conflict.

10 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
11 Georgia, this 20th day of December, 2023.

12 **FULTON COUNTY BOARD OF COMMISSIONERS**

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14 Co-Sponsored by:

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18 Dana Barrett, District 3

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22 Bob Ellis, Vice Chair, District 2

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24 ATTEST:

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27 Tonya R. Grier, Clerk to the Commission



30 APPROVED AS TO FORM:

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33 Y. Soo Jo, County Attorney

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35 [https://fc0365.sharepoint.com/sites/CountyAttorney/CALegislation/BOC/Resolutions/2023 Resolutions/Ellis/12.20.23 Resolution to](https://fc0365.sharepoint.com/sites/CountyAttorney/CALegislation/BOC/Resolutions/2023%20Resolutions/Ellis/12.20.23%20Resolution%20to%20Redirect%20Funding%20from%20Mag%20Ct%20to%20Sup%20Ct%20-%20as%20BOC%20approved%20(clean).docx)
36 Redirect Funding from Mag Ct to Sup Ct - as BOC approved (clean).docx