

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

**IN RE: NOTICE OF EXTENSION OF THE JUDICIAL EMERGENCY
WITHIN THE SUPERIOR COURT OF COBB COUNTY** CAFN: 24-1-9953

**NOTICE OF EXTENSION OF THE JUDICIAL EMERGENCY WITHIN
THE SUPERIOR COURT OF COBB COUNTY**

1.

The **NOTICE OF JUDICIAL EMERGENCY WITHIN THE SUPERIOR COURT OF COBB COUNTY** (“Initial Notice”) is incorporated by reference into this Notice of Extension.

2.

Within days of filing the Initial Notice, the Chief Judge and Court Administrator began regular meetings with leadership from Catalis, the vendor of the Icon case management system. At the second meeting, Catalis informed the Chief and Administrator that, above and beyond its contractual obligations, Catalis assigned approximately 12 staff to assist the Cobb County Superior Court Clerk’s Office (herein after referred to as the “Clerk” or “Clerk’s Office) with moving documents filed between June 24 and July 16, 2024, into Icon.

3.

At the most recent of these meetings on August 21, 2024, Catalis leadership informed the Chief Judge and Court Administrator that, as of 7 PM that evening, all documents would be in the Icon system. The Chief Judge is satisfied that Catalis has completed its work of transitioning the Clerk’s Office from CRIS to Icon. Conversations on August 22 and 23, 2024, with the Clerk’s Office confirmed this information. The Clerk’s Office further expressed that it would need approximately five business days to index the remaining documents in Icon (*see Exhibit A*).

4.

The Clerk’s Office also confirmed, and its message to filers corroborates, that even by August 28, 2024, (five business days after August 21, 2024), unindexed filing that existed in the CRIS system before the software conversion to Icon would still be unavailable in Icon (*see Exhibit A*). The Clerk’s Office informed the Court Administrator that these documents date back to at least November 2023. The Clerk’s initial message to filers, which began on August 1, 2024, advises that indexing within Icon could take up to 35 business days for all unindexed CRIS items (*see Exhibit B*). Thirty-five business days after August 1, 2024, is September 19, 2024, nearly two weeks after the expiration of the Initial Notice. Further, the Clerk’s Office also advised that some non-case related items may remain unindexed even after September 19, 2024.

5.

The Clerk's own timeline for completing indexing falls outside the expiration of the Initial Notice. The Chief Judge recognizes that indexing has improved and the CRIS backlog existed before the software conversion, but the timelines provided still cause serious concern. Even as recently as August 21, 2024, court staff demonstrated instances where documents were unavailable to the public even within the CRIS system and simultaneously unavailable to court staff within Icon. In short, neither litigants, their attorneys, nor court staff currently have access to the same documents at the same time within the same system.

6.

Additionally, many of the issues listed in the Initial Notice still exist. Specifically, Superior Court is still experiencing difficulties with noticing, scheduling, and calendaring. Confusion remains regarding procedures for stamp-filing original documents, and indigent defendants are still being charged for access to documents. Additionally, in recent days, court reporters have had difficulty obtaining evidence held by the Clerk needed to complete their transcripts. At one point, the Clerk's Office advised attorneys that it would no longer handle publishing notices in the county legal organ, a statutorily required duty. Finally, while the Clerk's Office hired additional staff, significant vacancies remain.

7.

Pursuant to OCGA § 38-3-60 *et seq.*, Chief Judge A. Gregory Poole of the Superior Court of Cobb County, Cobb Judicial Circuit, hereby orders and declares that the issues and conditions listed within paragraphs 2 – 6 constitute a serious emergency (*see* OCGA § 38-3-60 (2)(D)) such that there is a Judicial Emergency within the Superior Court of Cobb County. The nature of the emergency is that the Clerk of Superior Court continues to have a backlog of unindexed cases that has so disrupted the functioning of the Court as to have substantially endangered or infringed upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, and the ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by court order or rule, statute, or administrative rule or regulation. Further, other issues contributing to the emergency situation in the Initial Notice have not substantially improved, and in some instances, other serious issues have arisen. The Chief Judge believes that all these issues and conditions continue to raise serious due process and other constitutional concerns.

8.

Therefore, having declared a Judicial Emergency within the Superior Court beginning at 9:05 AM on August 7, 2024, to 9:05 AM September 6, 2024, the Chief Judge is authorized by OCGA § 38-3-61 (b) to suspend, toll, extend, or otherwise grant relief from deadlines or other time

schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil, criminal, or administrative matters within the Superior Court of Cobb County for a further 30 days, ending at 9:05 AM on Sunday, October 6, 2024. The following items shall be granted relief for 30 days following September 6, 2024: a statute of limitations; the time within which to file a writ of *habeas corpus*; the time within which discovery or any aspect thereof is to be completed; the time within which to serve a party; motions for new trial; Answers in civil cases; the time within which to appeal or to seek the right to appeal any order, ruling, or other determination of a judge of the Superior Court of Cobb County; and such other legal proceedings as determined to be necessary by the authorized judicial official. (*see* OCGA § 38-3-62 (a)(1), (7), (8), (9), (10), and (11)).

9.

Nothing in the Initial Notice or this Notice of Extension shall affect or be construed to affect the State Court, Juvenile Court, Magistrate Court, or Probate Court of Cobb County or any of the several municipal courts within Cobb County. Nothing in this notice shall affect or be construed to affect appeals to the Superior Court of Cobb County from any lower judicatory.

10.

The undersigned shall, by and through the Court Administrator, give notice via publishing on the Court's website and through local media at least one week in advance of the expected termination, extension, or modification of this Notice of Extension in accordance with OCGA § 38-3-63.

SO ORDERED this 28th day of AUGUST, 2024, at 10:37^{AM} at 70 Haynes Street, Marietta, GA 30090.

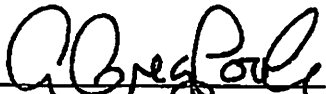

A. GREGORY POOLE, Chief Judge
Superior Court of Cobb County
Cobb Judicial Circuit

Exhibit A

A message from the Cobb Superior Court Clerk's Office

Originally posted on 8/1/2024

Updated on 8/23/2024

Attention Filers:

In connection with the Cobb County Clerk of Superior Court Office's conversion from CRIS to ICON CMS 360, there were certain categories of case filings that were impacted, and their processing will be delayed. Please note the date of your filing to determine your anticipated processing time frame.

Filings unindexed in CRIS will not be visible in ICON CMS 360 until we can complete the process of indexing those filings. Civil filings submitted March 2024 and after should be fully indexed and visible in ICON CMS 360. Criminal filings submitted June 2024 and after should be fully indexed and visible in ICON CMS 360.

General Civil and Domestic Relations/Family filings submitted to PeachCourt after our "GO LIVE" date of June 24, 2024, but before July 11, 2024, may not be visible in ICON CMS360 as planned prior to conversion. We will import these filings into ICON CMS 360. We anticipate that the processing of these filings will be complete within 5 business days. These filings will not be available in PeachCourt for review.

Criminal filings submitted between June 24, 2024, and July 11, 2024, are visible in ICON CMS 360.

Filings submitted to PeachCourt after July 16, 2024, are being processed as anticipated. We are currently processing civil filings from August 22, 2024, and criminal filings from August 23, 2024. These filings will be available in PeachCourt for review.

We will continue to adjust these time frames as we process these filings.

Closed Cases – Closed cases are available to be filed into through Peach Court. It is no longer necessary to have an open case status to file into your case in Peach Court. If a case has an improper closed or open designation, please email us at opencaserequest@cobbcounty.org and we will review and update, if appropriate.

Exhibit B



Message from Connie Taylor, Cobb County Superior Court Clerk

Attention Filers:

In connection with the Cobb County Clerk of Superior Court Office's conversion from CRIS to ICON CMS 360, there were certain categories of case filings that were impacted, and their processing will be delayed. Please note the date of your filing to determine your anticipated processing time frame.

Filings submitted to PeachCourt prior to our "GO LIVE" date of June 24, 2024 may not be visible in the ICON CMS 360 as planned prior to conversion. We are working to index these filings in CRIS and will manually import them into the ICON CMS 360. We anticipate completion of these filings within 35 business days. These filings will not be available in PeachCourt for review.

Filings submitted to PeachCourt after our "GO LIVE" date of June 24, 2024, but before July 11, 2024 may not be visible in the ICON CMS360 as planned prior to conversion. We will manually import these filings into the ICON CMS System. We anticipate completion of these filings within 25 business days. These filings will not be available in PeachCourt for review.

Filings submitted to PeachCourt after July 16, 2024 will be processed as planned, but will be impacted by the manual processing of filings received prior to July 16, 2024. We anticipate completion of these filings within 35 business days. These filings will be available in PeachCourt for review.

We will adjust these time frames as we process these filings.

Closed Cases – if your case is closed in ICON CMS 360 then you will not be able to access your case on PeachCourt unless we open your case. Please email us at opencaserequest@cobbcounty.org we will open the case.

www.cobbcountybar.org