

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

**IN RE: NOTICE OF JUDICIAL EMERGENCY
WITHIN THE SUPERIOR COURT OF COBB COUNTY** CAFN:

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

1.

On June 24, 2024, the Clerk of Superior Court of Cobb County initiated a conversion (CMS conversion) from the CRIS system (CRIS) to the CMS360 Icon electronic case management system (Icon). The electronic filing service provider (EFSP), a separate vendor from the Icon software vendor, informed the Court Administrator that it was not given adequate time to integrate the e filing system with Icon. The Clerk's Office was manually moving new filings from the EFSP into the Icon system. This manual process significantly impacted the speed with which the Clerk's Office was able to transfer filings into the new system. On June 28, 2024, the Superior Court notified the Cobb Bar that filings were taking much longer than usual to show up in Icon. The Court suggested that attorneys send stamped, filed courtesy copies of filings to judge's office, and the opposing party when appropriate, or contact the judge's office directly (*see* Exhibit A).

2.

Since the CMS conversion, the Court's business has been impacted in the following ways. The list below is not exhaustive of all issues caused by the CMS conversion, but it represents those most impactful to the administration of justice.

- A. Court officials, including judges, staff attorneys, judicial assistants, retained and appointed attorneys, and others are unable to view many documents filed both before and after the CMS conversion. For example, in some instances, law enforcement has been unable to locate protective orders and bench warrants within the system and, therefore, could not enforce the order upon violators.
- B. The CMS conversion was undertaken without consultation with judicial stakeholders, at least partially resulting in disruption to and a loss of integrity with case numbering, internal filing practices, courtroom procedures, and many other routine but critical court functions.
- C. Notices usually distributed by the Clerk's Office have, in many cases, either not been sent, been sent to incorrect addresses, or included inaccurate information regarding the time and location of court hearings.

- D. Calendars usually published by the Clerk's Office have not been timely published such that the public, litigants, and their attorneys are unaware of courthouse business.
- E. Schedules usually created by the Clerk's Office have been grossly erroneous such that neither judges nor litigants or their attorneys understand what cases have been scheduled and for what date and time.
- F. Filed documents have been marked with multiple or erroneous filing dates, creating confusion among court officials, including judges, staff attorneys, judicial assistants, and litigants regarding when those documents became part of the court's record.
- G. Litigants and their attorneys have been unable to verify deadlines, which are determined by the date and time certain documents are filed, and they have also been unable to verify or have not been made aware of when to attend court.
- H. The public, litigants, and their attorneys have, in many cases, been unable to access filings made into the Superior Court Clerk's Office involving their particular case and, in some instances, have been unable to access their case file whatsoever.
- I. As part of the CMS conversion, the Clerk's Office has ceased allowing defendants and their attorneys the same level of access to case files as it does the District Attorney's Office.
- J. As part of the CMS conversion, the Clerk's Office began charging indigent criminal defendants, who were certified as indigent by the Court, fees to copy filed documents.
- K. The Clerk informed the Chief Judge that the Clerk's Office has a high number of vacancies, which the Clerk maintains has contributed to many of the issues above.
- L. The Clerk's Office has turned away litigants, attorneys, court reporters, and others from its front counter, refusing to accept documents presented for filing.
- M. The Clerk's Office has lost original documents, including original indictments and accusations. Case files have appeared in courtrooms with no original indictment or accusation or with an indictment or accusation without a stamp filed date. Missing or undated charging documents precludes judicial determination of statutes of limitation and *habeas corpus* deadlines, jeopardizing the integrity of both pretrial and post-conviction proceedings.
- N. The Clerk's Office has marked criminal case files as closed, preventing judicial staff, litigants, and attorneys from electronically accessing or filing into these cases.

- O. On several occasions, defendants in criminal cases called the Clerk's Office to verify a court date and were told that no court date had been scheduled even though a court date had been set. This led to several defendants nearly missing or missing a court appearance and barely avoiding the issuance of a bench warrant.

3.

On July 11, 2024, the Clerk informed the Chief Judge that efileing would be unavailable from 5 PM until July 15, 2024. This period was later extended to July 16, 2024. During this time, all filing had to be made in person at the Clerk's Office. The Court informed the Cobb Bar of this issue and posted a notification on its website (*see* Exhibit B).

4.

On July 30, 2024, the Clerk's Office informed the Chief Judge that the processing of certain filings would be delayed due to the CMS conversion. Specifically, depending on when a document was filed, it might not be visible within Icon or the EFSP for between 25 and 35 business days. The Clerk's Office also advised that closed cases would not appear in the EFSP. Litigants desiring to efile into a closed case were told to contact the Clerk's Office for manual intervention (*see* Exhibit C).

5.

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 1 – 4 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's CMS conversion 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. The Chief Judge also believes that the CMS conversion has raised serious due process and other constitutional concerns.

6.

Therefore, having declared a Judicial Emergency within the Superior Court, the Chief Judge is authorized by OCGA § 38-3-62 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. The following items shall be granted relief for 30 days

following the date of this order: 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; 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)).

7.

To ensure that the public, litigants, and their attorneys have some access to their case files, have their filings preserved from before the CMS conversion, and to provide a period of time in which it can be verified that everything previously filed has been correctly transferred, the Clerk of Superior Court is **ORDERED** to give the public free and open access to the CRIS system in the same manner it was on June 21, 2024, until further order of this Court.

8.

The undersigned shall, by and through the Court Administrator, give notice at least one week in advance of the expected termination, extension, or modification of this Order in accordance with OCGA § 38-3-63.

SO ORDERED this 7th day of AUGUST, 2024, at 8:50^{AM} at 70 Haynes Street, Marietta, GA 30090.


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

Exhibit A



Message on behalf of Honorable A. Gregory Poole, Chief Judge of the Superior Court of Cobb County:

E-Filing Update

Due to the Superior Court Clerk's computer system (CRIS) conversion, efiled documents are taking much longer than usual to appear in the new system. If you have efiled a document that requires urgent attention, please send a stamped, filed courtesy copy to the judge's office, and the opposing party when appropriate, or contact the judge's office directly.

www.cobbcountybar.org

Cobb County Bar Association | 70 Haynes Street Suite 2006 | Marietta, GA 30090 US

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Exhibit B



COBB BAR BRIEFS

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Calendar

Section Meetings Calendar

Classified Ads

A message from Chief Judge Greg Poole of the Cobb Judicial Circuit:

PeachCourt filing in Superior Court

As of 5:00 PM today, July 11, 2024, until sometime on Monday, July 15, 2024, PeachCourt cannot be used to file into the Superior Court of Cobb Court Clerk's office. PeachCourt will not accept any filings, and filings sent to PeachCourt will not later be filed into the new case management system. All filings must be done at the Clerk's Office front counter. If there is an emergency or deadline impacted by this issue, the Clerk will accept filing via email to (ashuana.gbye@cobbcounty.org). The Chief Judge will update everyone on PeachCourt status on Monday.



A message from Chief Judge Greg Poole of the Cobb Judicial Circuit:

Because of the continued issues with the Superior Court Clerk's conversion from CRIS to Icon, PeachCourt will continue to be down on Monday, July 15. PeachCourt still cannot be used to file into the Superior Court Clerk's Office. PeachCourt will not accept any filings, and filings sent to PeachCourt will not later be filed into the new case management system. All filings must be done at the Clerk's Office front counter. If there is an emergency or deadline impacted by this issue, the Clerk will accept filing via email to (ashuana.gbye@cobbcounty.org). The Clerk's Office has informed Superior Court that PeachCourt should work again on Tuesday. The Chief Judge will update everyone on PeachCourt status on Tuesday.

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A message from Chief Judge Greg Poole of the Cobb Judicial Circuit:

At 9:27 AM on Tuesday, July 16, 2024, the Clerk's Office informed the Superior Court that PeachCourt efile services have resumed. If you experience problems, please contact the Clerk's Office (770-528-1300).

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Exhibit C



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.

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