



ROBERT D. LEONARD II
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SUPERIOR COURT OF COBB COUNTY
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MEMORANDUM

TO: All Judges, Attorneys and Members of the Public
FROM: Chief Judge Robert D. Leonard II, Superior Court, Cobb Judicial Circuit
SUBJECT: Updated Court Operations in Cobb County
DATE: August 23, 2021



From the inception of the pandemic, Cobb County courts have stayed open and handled judicial matters consistent with Supreme Court Orders, public health guidance, the United States and Georgia Constitutions, and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's right to confrontation and open courtrooms. The Cobb Courts continue to do so to this day.

The recent rise in COVID numbers in our community is causing our governments and businesses to rethink their positions on Personal Protective Equipment, social distancing, and vaccines to help combat this increase in numbers. However, the Cobb Courts—consistent with last several Orders establishing safety guidelines—maintained the mask requirement, social distancing, temperature checks, and a myriad of other safety precautions throughout the pandemic. Those safety measures have served us well, and I appreciate your patience and compliance with them.

I have had discussions with many of our bar members, court staff, Department of Public Health officials, and judges from each class of court. I appreciate all the valuable feedback that each of you have given me. Please know that I am monitoring the situation very closely and stand ready to change course if the courthouse conditions necessitate doing so. Each of us are doing the best we can to keep the courts open and carry out our constitutional obligations while balancing the need to keep everyone safe while doing so. The June 30, 2021 *Order Amending Courthouse Safety Guidelines*¹ and the memorandum referenced in it are still in effect. That memorandum established certain safety guidelines, encouraged virtual proceedings for all court where possible, and authorized each Chief Judge in each class of court to enact more restrictive guidelines for their operations. A formal order updating those guidelines is unnecessary at this point, and all judges in this circuit have expressed a desire to continue to abide by the last Order and use common sense and good judgment about scheduling in-person proceedings. This memo outlines what you should expect to see in our judicial circuit while maintain the flexibility for each Chief Judge of each class of court to make modifications suited for their particular and unique court operations. Nothing in this memorandum shall be construed to require the cancellation and rescheduling of a court date that has already been noticed and calendared.

¹¹ This Order and Memorandum can be accessed at <https://s3.us-west-2.amazonaws.com/cobbcounty.org.if-us-west-2/prod/2021-08/SUCV-20210085612.pdf>

CRIMINAL JURY TRIALS

Many inmates have remained in custody awaiting trial. These cases must be prioritized. Jury trials will continue to be conducted in Cobb County Superior Court pursuant to the recommendations of the local committee on jury trials, the latest amended courthouse safety guidelines, and the recommendations of the CDC and DPH. To date, adherence to those guidelines has proven to be successful in the restart of jury trials in this circuit. If those protections prove to be ineffective in the future, adjustments will be made. Agreements have been reached with the Sheriff's Office to test inmates reporting to court for trial and isolate them during their trial to reduce the risk of COVID exposure during trial.

The Chief Judges of the State and Probate Courts remain authorized to conduct jury trials if they conclude jury trials are necessary and can be conducted in accordance with existing guidance and Orders.

EVIDENTIARY MOTIONS IN CRIMINAL CASES

Absent agreement of counsel and the defendant, evidentiary motions in criminal cases must continue to be heard in-person. If the parties in criminal cases wish for these motions to be heard virtually or in a hybrid (some in-person, some virtual) format, please let the assigned Judge know so that arrangements can be made. All Judges are strongly encouraged to accommodate any requests for virtual hearings.

ARRAIGNMENTS IN CRIMINAL CASES

Due to the high volume of self-represented individuals and the unavailability of valid electronic contact information, arraignment calendars do not lend themselves to entirely virtual court sessions. However, each Judge in Superior Court will have a virtual option and will give that information out to individuals that request it. All Judges will accept waivers of arraignment from counsel in advance of court and the bar is encouraged to submit those as soon as possible.

The Chief Judge of the State Court of Cobb County is authorized to decide whether misdemeanor and traffic arraignments should be conducted virtually or in-person with appropriate staggering of cases and limits on calendar size, consistent with each courtroom's capacity.

PLEAS IN CRIMINAL CASES

Pleas may be conducted virtually, hybrid, or in-person with appropriate staggering of cases and limits on calendar size, consistent with each courtroom's capacity.

CALENDAR CALLS OF ANY KIND

The current conditions in the community do not justify the entirely in-person calling of either a civil or criminal calendar to get announcements on cases. Calendar calls should be conducted virtually or in a hybrid format where many cases can announce virtually, and certain selected cases may be directed to report in-person by the assigned judge with appropriate staggering of cases and limits on calendar size, consistent with each courtroom's capacity.

CIVIL NON-JURY AND DOMESTIC CASES

All Judges in all classes of courts are strongly encouraged to conduct these matters entirely virtually or in a hybrid format when requested by the parties or counsel.