



Civil Justice Initiative

EVALUATION OF A DEMONSTRATION PILOT PROJECT
OF THE CIVIL JUSTICE INITIATIVE



Implemented by the Fulton County Magistrate Court

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Civil Justice Initiative

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Fulton County Courthouse

In July 2016 the Conference of Chief Justices and the Conference of State Court Administrators adopted recommendations designed to secure the fair, speedy and inexpensive resolution of civil cases in state courts. The Civil Justice Initiative (CJI) recommendations present a comprehensive framework that features (1) a Pathway Approach based on the concept of proportionality in which civil rules and court resources are matched to the unique needs of each case; (2) a radically different staffing model for civil case processing that delegates substantial responsibility for routine caseload management to specially trained professional staff, supported by effective case automation, permitting judges to focus on tasks that require their unique training and expertise; and (3) a renewed focus on high-volume calendars that comprise the vast majority of contemporary civil caseloads, especially improved access for self-represented litigants, and greater attention to uncontested cases and greater security on claims to ensure procedural fairness for litigants.

With support of a generous grant from the State Justice Institute, the National Center for State Courts and IAALS, the Institute for the Advancement of the American Legal System, have partnered on a three-year project to implement the CJI recommendations. The CJI report, recommendations, and information about the CJI Implementation plan are available at www.ncsc.org/civil.





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Executive Summary

The Fulton County Magistrate Court (FCMC), located in Atlanta, Georgia, was selected as a demonstration pilot project to implement CJI Recommendations 11 and 13, which focus on processing high-volume dockets and improving litigants' experience with the court system.

CJI implementation efforts in FCMC included the creation of informational materials for litigants in small claims, dispossessory, and garnishment cases; adjustment of docket calendaring to relieve backlogs; and the development of checklists for judges and court staff to ensure consistent and accurate case processing.

In many respects, FCMC epitomizes the experience of contemporary high-volume courts. Sixteen magistrates manage a civil caseload that averages approximately 74,000 case filings per year.¹ Small claims (cases involving demands for money damages less than \$15,000), dispossessory (landlord/tenant), and garnishment cases composed approximately 90% of the total filings in 2017.² From March 2017 through October 2018, CJI implementation efforts in FCMC included the creation of informational materials for litigants in small claims, dispossessory, and garnishment cases; adjustment of docket calendaring to relieve backlogs; and the development of checklists for judges and court staff to ensure consistent and accurate case processing.

Significant outcomes from the implementation efforts showed clearance of case backlogs in small claims, dispossessory (landlord/tenant), and garnishment dockets. Stakeholders reported reducing case backlogs as a team effort that required additional court staff and judicial attention to discover why certain cases were languishing and the appropriate action to take to ensure they were resolved. FCMC

also produced several resources for litigants in high-volume cases. This material includes informational pamphlets and video explanations of the litigation process for high-volume case types, which are available both on the FCMC website and in a paper version from the Clerk of Courts office. The development and release of these materials involved input from numerous stakeholders. As important as the release of the litigant resources, the conversations that took place during



¹ Georgia Administrative Office of the Courts, Georgia Caseload Dashboard, Fulton County Magistrate Court *available at* <http://research.georgiacourts.gov/georgia-caseload-dashboard/>.

² The exact percentage is 90.4% (65,399 [41,714 dispossessory, 15,037 small claims, 8,108 garnishment]/72,282 total caseload), *id.*

the conversations that took place during the development process increased the FCMC leadership's awareness of the overall litigant experience and generated additional opportunities for improvement in high-volume case dockets.

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Lessons from FCMC's reform efforts include:

- Concerted attention to case calendaring and case management can alleviate backlogs.
- Meaningful change takes time, buy-in, and input from stakeholders.
- Establishing data collection capabilities and performance measures in tandem with implementation efforts enables robust evaluation.
- Technology can supplement and enhance reform efforts.



Introduction

The Fulton County Magistrate Court (FCMC), located in Atlanta, Georgia, was selected as a demonstration pilot project to implement CJI Recommendations 11 and 13, which focus on processing high-volume dockets and improving litigants' experience with the court system.

In many respects, FCMC epitomizes the experience of contemporary high-volume courts. The FCMC is a limited jurisdiction court.³ The U.S. Census Bureau

estimates Fulton County's population at over one million as of 2018. The FCMC's caseload reflects this large population with over 60,000 small claims,

FIGURE 1: CIVIL JUSTICE INITIATIVE RECOMMENDATION 11 AND 13

RECOMMENDATION 11:

Courts must devote special attention to high-volume civil dockets that are typically composed of cases involving consumer debt, landlord-tenant, and other contract claims.

- 11.1 Courts must implement systems to ensure that the entry of final judgments complies with basic procedural requirements for notice, standing, timeliness, and sufficiency of documentation supporting the relief sought.
- 11.2 Courts must ensure that litigants have access to accurate and understandable information about court processes and appropriate tools such as standardized court forms and checklists for pleadings and discovery requests.
- 11.3 Courts should ensure that the courtroom environment for proceedings on high-volume dockets minimizes the risk that litigants will be confused or distracted by over-crowding, excessive noise, or inadequate case calls.
- 11.4 Courts should, to the extent feasible, prevent opportunities for self-represented persons to become confused about the roles of the court and opposing counsel.

RECOMMENDATION 13:

Courts must take all necessary steps to increase convenience to litigants by simplifying the court-litigant interface and creating on-demand court assistance services.

- 13.1 Courts must simplify court-litigant interfaces and screen out unnecessary technical complexities to the greatest extent possible.
- 13.2 Courts should establish Internet portals and stand-alone kiosks to facilitate litigant access to court services.
- 13.3 Courts should provide real-time assistance for navigating the litigation process.
- 13.4 Judges should promote the use of remote audio and video services for case hearings and case management meetings.

³ Georgia's court structure can be viewed at the National Center for State Courts' Court Statistics Project, *available at* http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts/Georgia.aspx.

dispossessory, and garnishment cases filed annually.⁴ Fulton County magistrates also provide “judicial assistance as requested by the Superior and State Courts.”⁵ The FCMC is co-located with the State and Superior courts in the Fulton County Courthouse in downtown Atlanta.

FCMC efforts to implement Recommendations 11 and 13 focused on four main areas: case management and calendaring; technology improvements; litigant resources and feedback; and judicial information and training. Chief Magistrate Judge Cassandra Kirk led the Civil Justice Initiative implementation effort. The FCMC began implementation by convening a working group with civil justice system stakeholders, including the Clerk of Court, the Atlanta Volunteer Lawyers Foundation, the Justice Center for Atlanta, and local law students volunteering with the landlord-tenant mediation clinic. The stakeholder group met multiple times throughout the grant period, beginning with a meeting that focused on identifying pressure points in high-volume dockets and opportunities for improvement.

To assist in FCMC planning, the NCSC also provided technical assistance to the project in May 2017 by touring the FCMC facilities, reviewing resources available to litigants in the Clerk of Courts Office and on the FCMC website, meeting with stakeholder groups, and providing suggestions to streamline the litigant experience. In its review, the NCSC noted that a major challenge for the FCMC would involve overcoming the institutional fragmentation of the Fulton County

trial courts. The FCMC is one of three trial courts with jurisdiction over civil matters located within the Fulton County Courthouse. A Fulton County court governance board provides a venue for the courts to discuss issues of common concern, especially facility use, but all three courts operate independently of one another and do not coordinate litigant services. As a result, less sophisticated court users often face an initial hurdle in navigating their way to the correct court to address their legal needs. Although the CJI demonstration pilot project was exclusively a project of the FCMC, the NCSC recommended that the court engage the other trial courts to the greatest extent possible to address these navigational hurdles for the benefit of all court users.

Although this evaluation primarily discusses activities undertaken under the auspices of the FCMC proposal, several complementary efforts deserve mention due to their close relationship to the goals of the FCMC proposal and CJI Recommendations 11 and 13, including the adoption of text reminders and expanded, redesigned Clerk of Court offices with additional space and computers for litigants to complete forms and filings related to their cases. Another notable effort is the March 2019 launch of online dispute resolution (ODR) to facilitate early resolution in small claims cases.⁶ At the time of this report, FCMC was also reviewing and revising its summons forms to allow for easier collection of litigant email addresses.

⁴ Georgia Administrative Office of the Courts, Georgia Caseload Dashboard, Fulton County Magistrate Court, *available at* <http://research.georgiacourts.gov/georgia-caseload-dashboard/>.⁵ Fulton County Clerk of Superior and Magistrate Courts, Magistrate Court Civil, *available at* <https://www.fultonclerk.org/355/Magistrate-Court-Civil>.

⁶ The Fulton County Alternate Dispute Resolution Board approved a one-year pilot with Modria, a project of Tyler Technologies, which is also Fulton County’s case management vendor. The Board will consider continuing the pilot as well as potentially extending the pilot to other case types at the end of the one-year period. There are currently no costs to the litigants to participate in the pilot; however, the Court does require an e-mail address to invite parties to the platform after service.

Evaluation Approach

The NCSC researchers used a “lessons learned” process-evaluation approach to review FCMC’s implementation efforts.

(46.0%).

This approach will help inform future Fulton County efforts as well as those of other jurisdictions. The NCSC team focused on understanding the implementation process of this project, the obstacles that project staff faced in implementation, and the way the project has impacted civil case management.

The evaluation uses qualitative (observation, interviews, documentation reviews) and quantitative (case data) to answer the following questions:

- How has the implementation of this project affected business practices?
- How has the implementation of this project affected case management outcomes and litigant experience?
- What were the major obstacles and lessons learned from implementing CJI recommendations?

Site Visit

The NCSC team conducted a site visit on April 2-4, 2019 to observe court dockets and interview project stakeholders. The team interviewed six judges, five representatives from the Clerk’s Office, four representatives from various mediation offices, representatives from the Atlanta Volunteer Lawyer’s Foundation (AVLF), private attorneys, and a court security supervisor. The goal of these interviews was to get the perspectives of these stakeholders as to the process and outcomes of FCMC’s implementation project. The 2019 site visit was the second site visit to FCMC. NCSC staff visited FCMC in May 2017 to explore ongoing implementation efforts and

observe high-volume dockets.

Telephone Interviews

The NCSC team conducted a follow-up telephone interview with a judge who was on leave during the site visit. The judge was very involved with the project during its implementation.

Document Review

The NCSC team reviewed implementation documents, all progress reports, documents that provide information to litigants, and internal reports and presentations.

Case Data

The Fulton County Clerk’s Office provided case data for civil cases filed between 2016 and 2019. The data provided on the three case types at the center of the CJI implementation (small claims, dispossessory, and garnishment) reflect approximately 43% of annual Fulton County case filings for the same case types in 2016 and 48% in 2017.⁷ No reporting data are available for 2018. The data provide information on basic case events and allow basic descriptive characteristics for the court. A full list of data elements requested can be found in Appendix A.

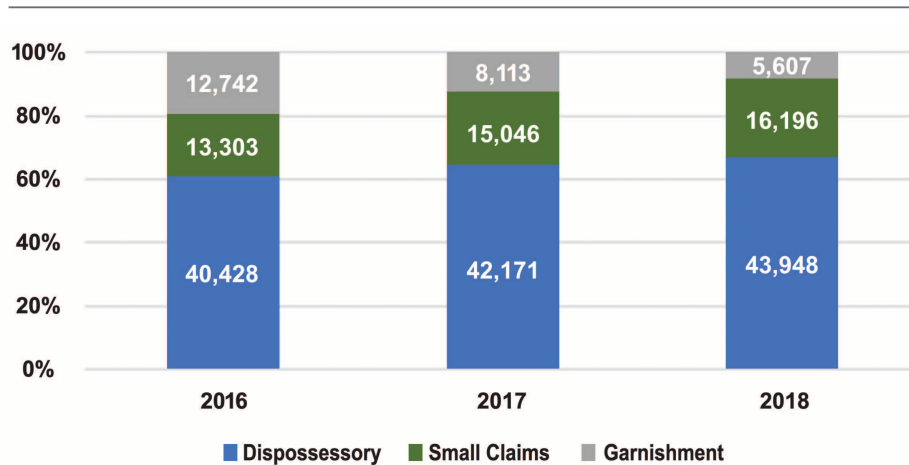
⁷ As reported to the Georgia Administrative Office of the Courts. See discussion in *Understanding Fulton County’s Magistrate Court Civil Justice Landscape*. Percentages are derived from total case filings listed in Tables 1 and 2.

FCCM Civil Justice Landscape

FCCM’s project focused on three high-volume docket case types: dispossessory (landlord/tenant), small claims (cases involving demands for money damages less than \$15,000), and garnishment. FCCM provided data for both continuing/ongoing garnishment (employment wages) and regular garnishment (bank account or financial institution) cases. The FCCM Clerk’s Office extracted case data for dispossessory, small claims, and garnishment cases filed from January 1, 2016 through December 31, 2018. Across all three years, total filings for these case types averaged 66,851; however, the caseload composition also shifted somewhat during

that period. Filings increased from 61% to 67% for dispossessory cases, and from 20% to 25% for small claims cases, while garnishment filings decreased from 19% to 9%. In other respects, the FCCM caseload reflected typical characteristics of high-volume civil dockets. Defendants in all three case types were overwhelmingly self-represented (99.6% SRLs in dispossessory cases, 91.5% SRLs in small claims cases, and 98.0% SRLs in garnishment cases). In more than half of the FCCM cases (52.9%), the case management system recorded the manner of disposition simply as “closed,” with most of the remaining cases reported as dismissed

FIGURE 2: FCCM CASE FILINGS, 2016-2018



How Did Implementation of the CJI Recommendations Affect Court Business Practices?

FCCM had very specific goals for this project. With a large number of self-represented litigants and caseload, the court wanted to ensure that it was working to handle cases effectively and efficiently while minimizing confusion among litigants. The court focused primarily on altering calendaring; creating educational materials for litigants; using technology to ensure that information

is accessible to the public; providing training for judges and staff, and gathering information on the litigant experience in high-volume dockets.

Case Management and Calendaring

Figure 2 highlights that the bulk of FCCM’s caseload comes from dispossessory cases. In recognition of this

caseload, FCMC expanded dispossessory calendar offerings to four days a week and also held calendars devoted to self-represented litigants. This change allowed the court to hear and clear more cases a week.

FCMC also focused on case management practices in their high-volume dockets. Sitting judges created checklists, noting filing and service requirements, elements for review, and case-management-system form titles for orders, to support smooth dockets and case processing (see Appendix B: Sample Garnishment and Post-Judgment Queue Checklist). These checklists, deployed mid-to-late 2017, have been integrated into judicial training materials and are shared with all new judges.

Judicial Training

FCMC also took an expansive approach to providing judicial training in high-volume cases. In addition to deploying checklists, judges from various case types provided informal training at monthly judge meetings on key strategies and considerations for effective management of case-type-specific tracks. This included training on the process of explaining judgments to litigants, as well as information a judge presiding over that case-type track should know.

FCMC identified twelve separate training dates with local judges during the grant period and undertook refresher trainings as necessary. In August 2018 FCMC also hosted national expert Judge Kevin Burke for a training session, “Overcoming Volume and Achieving Volume: We are Going to Do it!” The training was open to all magistrate court judges.

Interviewees described changes in judicial culture around continuances and an increase in willingness to move cases in a timely manner during the grant period. In addition, they highlighted the importance of open and continued communication to maintain existing, and to develop new, improvements.

Surveying Litigant Experience

FCMC deployed three litigant experience surveys during the civil justice initiative implementation. The first surveys were general in nature and not designed for any particular case type. The surveys were initially designed to test litigant understanding of court processes after the hearing. Researchers at the Georgia Administrative Office of the Courts developed survey content, which was provided to FCMC for review. The survey was deployed at the courthouse at three separate date ranges: October 2017, November/December 2017, and March 2018. Due to difficulty in obtaining the responses in the garnishment section, FCMC also distributed the survey to attorneys in the Atlanta Bar Association’s bankruptcy section. The surveys were distributed during dockets by either judges or court staff and collected in a variety of ways.

Interviewees reported a general lack of familiarity with the litigant surveys. Those who were aware of the surveys and involved in distribution were unsure about specific actions taken as a result of survey responses.

Design Litigant Resources

The primary litigant resources designed as part of the implementation effort include informational pamphlets and instructional videos on the litigation process for high-volume case types. The convened CJI stakeholder group reviewed the pamphlets drafted by judicial interns. Revised pamphlets were finalized in summer 2017 and, along with the instructional videos, uploaded to the website in October 2017. The pamphlets were updated and revised to use plain language in November 2017. FCMC intentionally developed pamphlets for both sides to the litigation. Appendix C shows a snapshot of a small claims defendant pamphlet, and additional pamphlets can be found on the Fulton County Magistrate Court Visual Information Center. A full list of available pamphlets and videos can also be found in Appendix D.

To develop the instructional videos, judges designed and submitted scripts on what to expect from the court process in all three high-volume case types. Chief Judge Kirk selected the three best scripts for recording, and the videos were placed online in the Visual Information Center in fall 2017. FCMC is continuing work on the additional informational videos for litigants and planning to make updates.

FCMC stakeholders overwhelmingly believed in the potential of both the pamphlets and the instructional videos. However, there was not a sense of how often these were used or if litigants found them useful throughout the entire litigation process.

Technology Efforts

FCMC pursued several technology efforts to supplement their civil justice implementation activities. The primary effort focused on redesigning the Fulton County Magistrate Court website to make it more user-friendly and useful to litigants. In addition, FCMC deployed training for judicial and court staff about enhanced functions for their case management system (e-signature). An online-dispute-resolution pilot for small claims cases (discussed above) complemented implementation efforts, but was not technically part of the FCMC proposal.

How has the implementation of this project affected case management outcomes and litigant experience?

Mean Days to Disposition

One of the goals of this project was to help avoid unnecessary delays in case processing. Since the beginning of the project in 2016, Fulton County has experienced a reduction in the mean days to disposition across all case types. Table 1 shows the average days to disposition by case type. There was a significant reduction in time to disposition for small claims, garnishment, and

continuing garnishment cases. This reduction may be due to the shifts made to calendaring to improve the flow of cases in Fulton County Magistrate Court. Additionally, the information provided to litigants at the outset of cases may help reduce unnecessary delays in cases being brought to resolution. Dispossessory cases did not experience significant reductions as the average time to disposition for these cases is already short.

TABLE 1: AVERAGE DAYS TO DISPOSITION, BY CASE TYPE

	Small Claims	Continuing Garnishment	Regular Garnishment	Dispossessory
2016	256	164	101	26
2017	219	142	81	27
2018	190	114	69	23

⁸ Fulton County Magistrate Court Visual Information Center, *available at* <https://www.magistratefulton.org/205/Magistrate-Court-Visual-Information-Cent>.

The average time to disposition described in Table 1 does not account for a small proportion of cases (1.5%) that were still pending when the data were extracted from the FCMC case management system, some of which had been filed in 2016. It is not known what the actual time to disposition for these cases might be when they are finally closed, but it would be considerably longer than the averages reported in Table 1. To control for these pending cases, the NCSC employed survival analysis, a statistical technique used to estimate the probability that an FCMC case is still pending at any given point in time. Figures 3 through 6 show survival curves for cases filed in 2016, 2017, and 2018. In each figure, the probability that a case is still pending is 100% on the filing date (day 1), but the survival curves decline thereafter. As a general matter, the survival curves initially overlap, indicating that the cases are closing at the same rate early in the case. With the exception of dispossessory cases, however, the survival

curves ultimately diverge as the 2017 and 2018 cases close at a faster rate than the 2016 cases.

In Figure 3, for example, approximately half of the 2016 small claims cases (blue survival curve) had closed within 9 months of filing, but the same proportion of 2017 small claims cases (green survival curve) closed within approximately 7.5 months, and 2018 small claims cases (purple survival curve) closed within approximately 6 months. The survival curves for continuing garnishments (Figure 4) and regular garnishments (Figure 5) have similar trajectories, indicating that FCMC moved these cases more quickly as the impact of the reforms took effect. Only the survival curves for dispossessory cases (Figure 6) overlap completely, indicating that the rate at which cases closed remained the same for all three years. This finding is not particularly surprising given the extremely short average time to disposition; it would be extremely difficult to move those cases much faster.

FIGURE 3: SURVIVAL CURVE FOR SMALL CLAIMS CASES

FIGURE 4: SURVIVAL CURVE FOR CONTINUING GARNISHMENT CASES

Cumulative Probability of Survival (Small Claims)

Cumulative Probability of Survival (Cont. Garnishment)

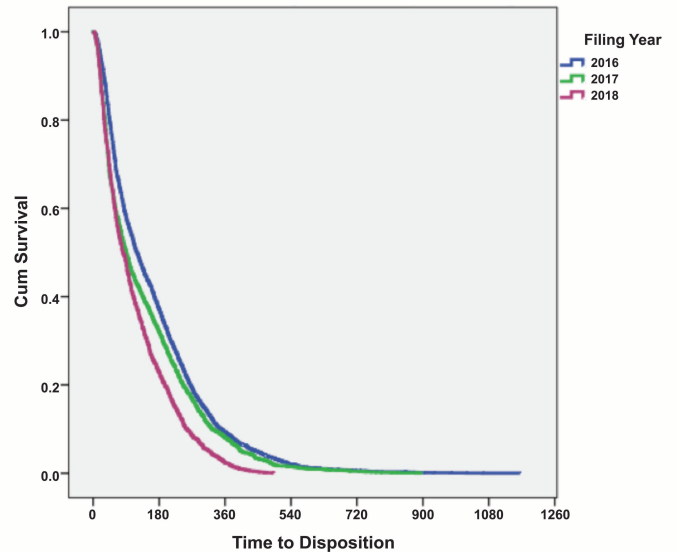
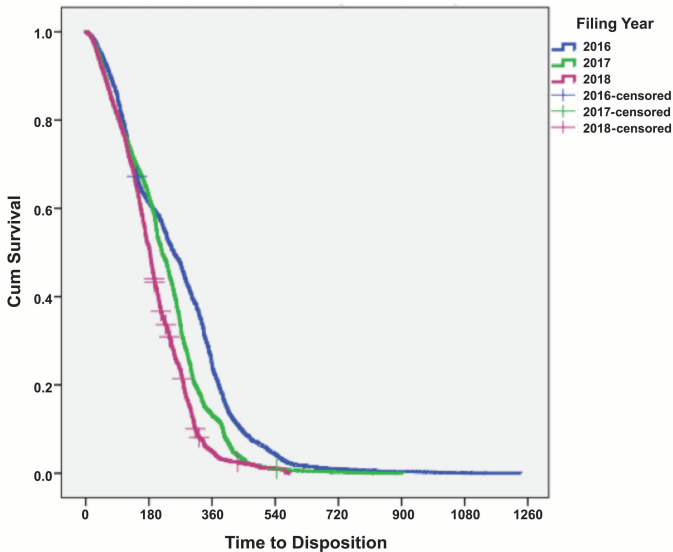
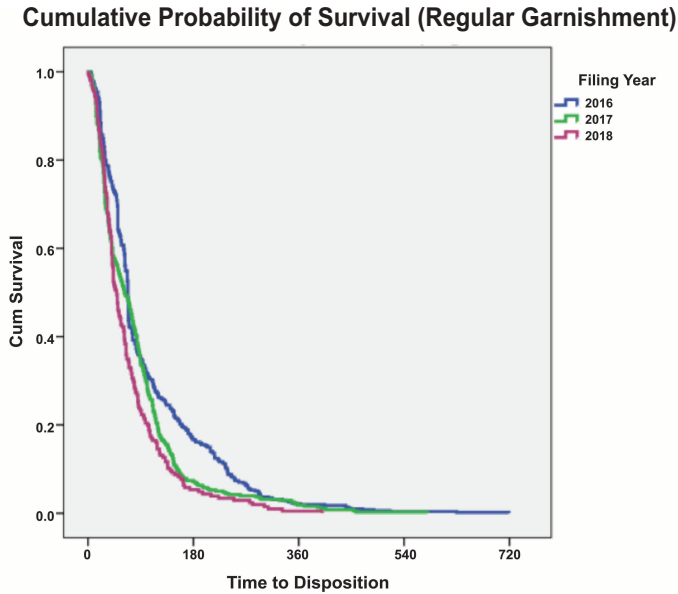
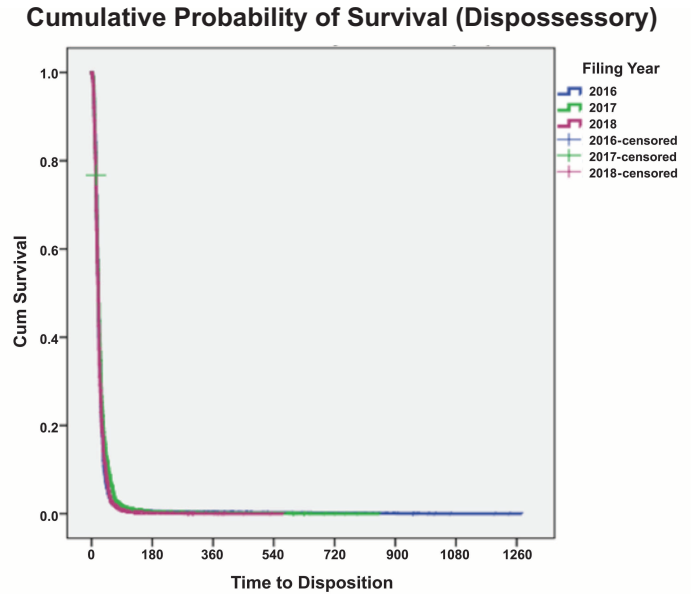


FIGURE 5: SURVIVAL CURVE FOR REGULAR GARNISHMENT CASES**FIGURE 6: SURVIVAL CURVE FOR DISPOSSESSORY CASES**

Litigant Experience

Fulton County focused on improving the experience of litigants by providing more information to them through pamphlets available in the Clerk’s Office and improving the website to provide information about case types and court policy and procedure in both text and video format. To examine the effects of these changes, Fulton County Magistrate Court, with the assistance of the Office of Research and Data Analysis at the Judicial Council Administrative Office of the Courts, designed and conducted a set of three surveys of litigants and attorneys. The surveys ask litigants a series of questions about their cases, their difficulty in filling out and filing court documents, and their use of court-provided information sources.

The surveys provide some important information, but there are notable limitations. First, each survey was distributed over a couple of weeks by judges and court staff in the courtroom or was left on the benches in the courtroom for litigants to pick up and fill out. Those

interviewed indicated that while the distribution was not purposeful in any way (i.e., they handed them out to as many litigants and attorneys present as they could regardless of underlying case factors), it was not truly random. Additionally, the Office of Research and Data Analysis echoed concerns about whether the survey was truly random in their analysis of survey results. These concerns about sampling make it difficult to say whether change in the responses over time is driven by the underlying changes undertaken by the project work or if it is due to a change in the samples that completed the survey.

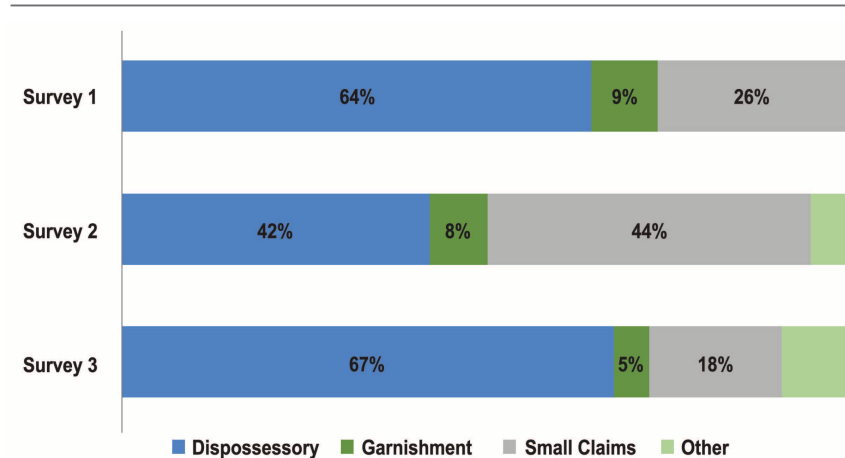
A second limitation of the survey relates to question wording. Interviewees indicated that question wording did not necessarily apply across all case types, causing confusion among respondents. Some questions and question wording changed over time, making it difficult to compare results between surveys. For instance, in the first and second surveys, respondents were asked about the usefulness and ease of access to information. These

questions, however, were not asked in the third survey. Respondents in Survey 3 were also asked several questions about their satisfaction with the court’s handling of their cases that were not asked in previous surveys. With these limitations noted, the survey data can provide us with some insight into how litigants view

the court process and availability of information in Fulton County.

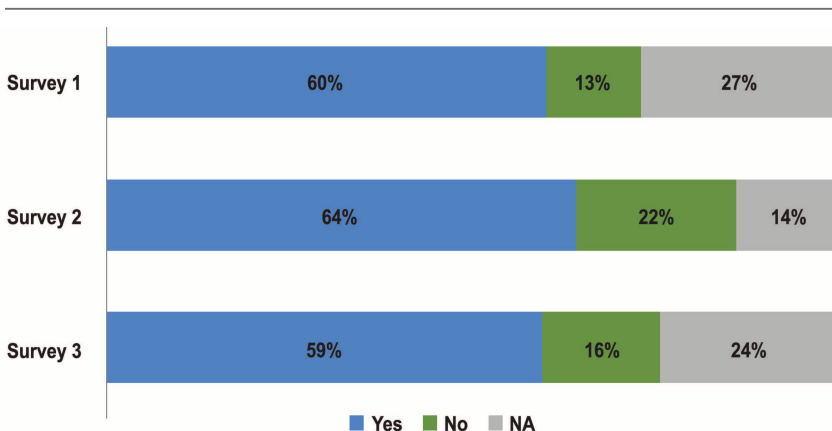
Figure 7 displays the percentage of survey respondents by case type. With the exceptions of Survey 2 and the growing category of “other,” these data generally reflect the percentage of cases, by case type presented above.

FIGURE 7: SURVEY RESPONDENTS BY CASE TYPE



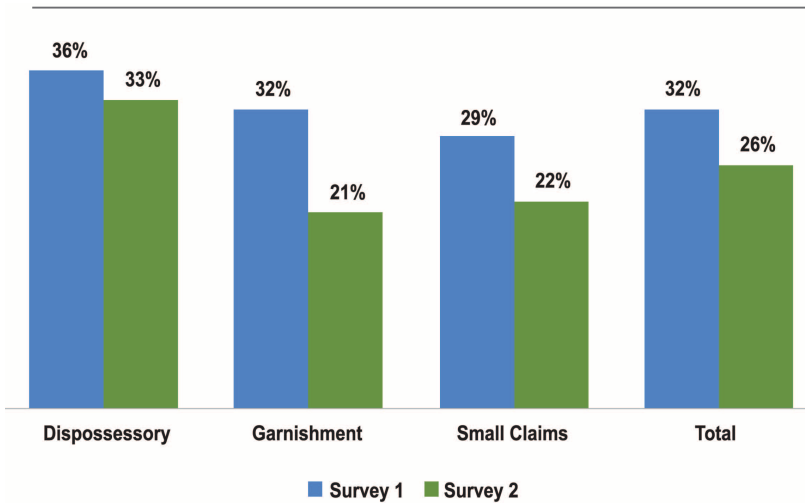
Additionally, survey respondents are mostly self-represented litigants. This is consistent across all three surveys.

FIGURE 8: PERCENTAGE OF SELF-REPRESENTED LITIGANTS



Surveys asked participants about their access to and use of materials that provide information regarding court processes for their cases. Across Survey 1 and Survey 2, those with dispossessory cases accessed online materials at slightly higher rates than other respondents. Approximately one-third of respondents with dispossessory cases accessed online materials across resources revised in 2017.

FIGURE 9: USED ONLINE RESOURCES



Surveys 1 and 2 both ask about the usefulness of materials provided by the court. Between Survey 1 and Survey 2, the court began distributing pamphlets through the Clerk’s Office. A majority of those interviewed indicated that the pamphlets have been helpful and have led to fewer questions about basic court procedures across case types. The surveys ask litigants about the usefulness of information provided. The question wording changes quite a bit between surveys though the percentage identifying quality of information provided by the court is similar across Surveys 1 and 2. In Survey 1, 356 respondents answered a question about the quality of education materials. Of that 356, 54% indicated either strong agreement or agreement that the educational materials were useful. Of the 108 respondents who indicated that they accessed at least one type of instructional information in survey 2, 56% indicated that the information was useful, 6% indicated materials were not useful, and the remaining 38% did not respond to the question.

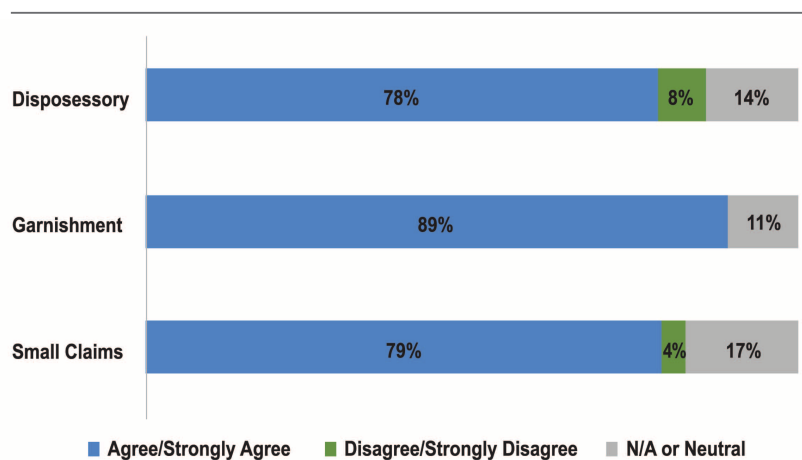
In October 2017, FCMC started distributing instructional pamphlets online and through the Clerk’s Office. At the time

of Survey 2, 45% of survey respondents indicated that they used the instructional pamphlets related to their case. By Survey 3, 49% of survey respondents indicated that they used the instructional pamphlets related to their case type. Though this is only a slight increase, it is a positive sign that information is becoming more available as the project continues.

In terms of litigant satisfaction across the three surveys, only the third survey asks about satisfaction with litigant experience. This survey finds that a majority of litigants are satisfied with their experiences in Fulton County Magistrate Court.

Additional measures of satisfaction show similar levels of agreement with questions regarding what happens next in their cases, perceptions of fair treatment, and being listened to by judicial officers. These perceptions indicate that litigants surveyed were overwhelmingly satisfied with their experiences. Unfortunately, it is difficult to say if the project improved these perceptions since satisfaction questions were not asked across the three surveys.

FIGURE 10: YOU ARE GENERALLY SATISFIED WITH YOUR VISIT TO COURT



What were the major obstacles to and lessons learned from implementing the CJI recommendations?

A review of qualitative and quantitative information from FCMC reveals a broad effort to improve civil justice. FCMC's activities also highlight both the opportunities and challenges around implementing the CJI recommendations in high-volume dockets. The following section discusses a few of these challenges specific to Fulton County and identifies lessons learned for each.

Communication

Site interviews showed that the most momentum around court improvements coincided with strong communication across all stakeholders. While certain tasks necessarily required smaller teams and approval from leadership, interviewees reported a lag in communication after initial meetings, and some were unsure of what came of their input. While maintaining these open communication lines requires effort, especially in a jurisdiction with such heavy caseloads, this effort can yield stronger buy-in, in the short run, and long-term champions for change. A sense of care for the litigants and drive to make court improvements permeated NCSC's conversations with stakeholders during the site visit. While FCMC has taken steps to leverage that drive, more could be done through increased communication and transparency. This can also help align traditionally adversarial stakeholders around common goals and improvements.

Capacity Matters

As noted above, FCMC handles an extremely large caseload every year. The caseload alone would be challenging to any court. Scarce resources and siloed stakeholders (often physically as well as politically) makes improvement even more challenging. Conversations with stakeholders and leadership reinforced that there is very little additional capacity to devote specifically to court improvements, even if those improvements increase efficiencies and eventually support additional capacity. These capacity/bandwidth challenges

sometimes impeded the implementation effort through the distribution of and follow-up on surveys or disjointed revisions of summons and notices.

Although the caseload and resource dynamics can be a challenge to court improvement implementation, they also provide an opportunity for creativity and delegation of implementation sub-tasks. Judicial leadership supportive of autonomy, creativity, and sharing through delegation can go a long way to improving the case experience for all stakeholders while also leveraging resources for additional bandwidth.

Meaningful Data Collection and the Litigant Voice

FCMC's civil justice implementation efforts focused on improving the litigant experience in high-volume dockets. Data collection around litigant experience can be challenging due to the qualitative nature of the information, the difficulty in obtaining litigant feedback, and sampling. FCMC identified surveys as a way to facilitate this data collection; however, the distribution and design of the surveys hindered meaningful analysis of the litigant experience. The survey excluded litigants who did not attend court, an important population to obtain feedback from (for additional discussion of the survey, *see* "Litigant Experience" above). Even given these challenges, FCMC's commitment to getting litigant feedback is laudable and a best practice in court performance measurement.⁹ Early establishment of performance measures to document and define improvement under the implementation could drive broader and more meaningful data collection.

Moreover, there was no litigant representation in the stakeholder group informing improvements and FCMC's implementation strategy. User-focused improvements should have a user at the table to allow for meaningful voice and input on improvement efforts.

⁹ See CourtTools Measure 1: Access and Fairness, *available at* <http://www.courttools.org/~media/Microsites/Files/CourTools/CourTools%20Measure%201%20-20Access%20and%20Fairness.ashx>.

Recommendations

FCCM has made significant strides in civil case processing over the past two years. While maintaining immense caseloads, FCCM reduced case backlogs, provided additional litigant information, and looks to improve operations in the other ways (e.g., ODR, additional informational videos). The recommendations below are meant to support further improvement for all stakeholders in FCCM.

- ***Review and redistribution of litigant survey:*** Though the survey conducted asks some useful questions, there were some issues with the design and implementation of the survey. In one instance, an interviewee pointed out that the language used for the parties (i.e. plaintiff, defendant) was not language often used to signify the parties in the case type surveyed. Surveys were not randomly distributed; rather, they were handed out by judges, court staff, and, in some cases, left on the benches in the courtroom for litigants to fill out.
 - ***Redesign of notices and summonses:*** One consistent theme among interviewees was that the materials were helpful to those who knew to file an answer. There are many individuals who receive a notice or a summons and are not sure that they can answer or how to answer. One interviewee suggested attaching the pamphlets or an abbreviated form of the information on the pamphlets to the summons to provide this information.
 - ***Consistent stakeholder meetings and meaningful input:*** Site visit interviews also showed a desire for input on court improvements moving forward.
- Stakeholders valued providing input at implementation meetings and supported implementation reforms, and their participation provides both important perspectives and a foundation for buy-in around future improvements.
- ***Early information to stakeholders assisting litigants:*** Stakeholders such as mediators provide an important service to facilitate case resolution. Providing calendar schedules and information to mediators allows earlier outreach to litigants, increasing the ability to have them come into the office for a mediation before their court date.
 - ***Protocol around the revision of court forms and summonses:*** Several of FCCM's reforms required making changes to the court summons and other filing paperwork (e.g., gathering emails to facilitate ODR use). These revisions were often "one-off" and did not include input from other stakeholders. Developing a protocol around court-form revisions that includes multiple stakeholders can result in stronger forms in fewer passes.

Appendix A: Requested Data Elements from Case Management System



Case-Level Data

Case Type

Filing Type

Judge

File Date

Case Number

CJI Track

Date of Disposition

Close Date

Event-Level Data

Date Motion Filed

Type of Motion

Date Order Entered

Type of Order

Grant/Deny

Appendix B: Sample Garnishment & Post-Judgment Queue Checklist

GARNISHMENT & POST-JUDGMENT QUEUE CHECKLIST¹

LEGAL PRINCIPLE: Georgia law prohibits the **distribution of funds** or **entry of any judgment** unless Defendant has been served properly. O.C.G.A. § 18-4-8 (b)(3).

CHOICE OF LAW: If Defendant was served before May 12, 2016, use old law. Otherwise, O.C.G.A. §18-4-8 applies in all cases.

Requests to Disburse Funds to Plaintiff

The **Certificate of Service on Defendant** is the key document –

1. Does it indicate that the four correct documents (Affidavit, Summons, Notice to Defendant, and Defendant’s Claim form) were transmitted to Defendant?
2. Does it indicate that the correct documents were transmitted in an authorized manner?
 - a. *Simultaneous certified and regular mail* (§18-4-8(b)(1)(A));
 - i. This requires separate proof be filed that certified mail was delivered (signed green card) or refused/unclaimed (returned envelope or web print out with official post office indication). “Undeliverable as addressed,” “vacant,” “no such number,” “no mail receptacle,” etc. are not the same as refused/unclaimed.
 - b. *Personal service by lawful process server* (§18-4-8(b)(1)(B)); or
 - c. *Special procedure for hard to find or out of state defendant* (§18-4-8(b)(1)(C) (requires separate affidavit to be filed)). Affidavit must contain specific, non-conclusory facts establishing one of the statutory bases. If there is any doubt, set for a hearing or ask the full-time garnishment judge.
3. Does it indicate that the correct documents were mailed at the correct time (i.e. no later than three business days after Garnishee served)?
 - a. Check for date of mailing/service on Certificate of Service
 - b. If date of mailing/service is within 3 business days of summons → ok
 - c. If date of mailing/service is beyond 3 business days of summons → make sure that it is no later than three business days after service on Garnishee (check return of service on Garnishee)

If questions 1-3 are answered in the affirmative, then service on Defendant was good and funds may be distributed.

¹ This queue is 98% Plaintiff Requests to Distribute and Plaintiff Requests for Default Judgment against Garnishee. Occasional post-judgment motions to compel and for contempt should be forwarded to the full time garnishment judge (currently Judge Caudle) for consistent handling and scheduling.

Requests for Default Against Garnishee

Follow all of the above steps plus these few extra steps:

Check the **Return of Service** on Garnishee -

1. Does return indicate lawful service on Garnishee (O.C.G.A. §18-4-8(a))?
2. When was Garnishee served?
3. Was the Return of Service on Garnishee filed in the court within 5 business days after service on Garnishee?
 - a. If yes, count from date of service. If no, count from date that Return of Service was filed in the court. O.C.G.A. § 9-11-4(h)
 - b. Deadline to answer and time to reopen as a matter of right depends on type of garnishment: regular financial institution garnishments (15+15 days); all other garnishments (45+15 days). O.C.G.A. §§18-4-21, 18-4-22.

If service was good on Garnishee and Defendant, and Garnishee has not answered or asked to open the default in the time permitted, then the proposed default judgment against Garnishee may be signed.²

Odyssey Forms for Orders

FORM NAME	PURPOSE	COMMENTS
Garn Mag Approval Order	GRANTS request to disburse now and going forward for life of case	Only needs to be entered ONE TIME per case. If another judge has already entered this order, you need not take any action. Click "Next" in the queue and move on.
Garn Mag Disburse Deny Order	DENIES request to disburse funds, identifies deficiencies in service on Defendant, and gives Plaintiff deadline to cure	This form order is TWO PAGES. The first page is for you to sign and submit for filing. DO NOT sign or file the second page. Leave the second page blank and put it in the Garnishment Judge's mailbox (currently Judge Caudle) so the case can be re-reviewed after the deadline to cure.
Garn Mag G'ee Default Deny Order	DENIES request for default, identifies deficiencies in service on Defendant, and gives Plaintiff deadline to cure	This form order is TWO PAGES. The first page is for you to sign and submit for filing. DO NOT sign or file the second page. Leave the second page blank and put it in the Garnishment Judge's mailbox (currently Judge Caudle) so the case can be re-reviewed after the deadline to cure.

² Uniform Magistrate Court Rule 43.1 requires Plaintiffs to file a proposed judgment with their request for default.

Appendix C: Small Claims Defendant Pamphlet Snapshot

Witnesses

- Witnesses may give testimony at the hearing to help prove your claims, defenses or the extent of damages sought.
- Expert witnesses are recommended for evidence that requires scientific, technical or other specialized knowledge.
- To require a witness to attend the hearing, go to the Clerk's office in Suite TG-100 or to the Court's website to obtain a **Request for Subpoena** form. The subpoena must be served or delivered to the witness.
- You may serve the subpoena through the Marshal or an approved private process server. Fees vary.

Hearsay Evidence

- Hearsay is evidence not based on direct personal knowledge or experience and is generally not admissible at trial.
- The Court cannot consider any statements (written or oral) of any person not present at trial. The person must appear in person to testify so that the opposing party can cross-examine (question) them. There are, however, limited exceptions when such evidence will be allowed.

Step 7: Trial

- Arrive early. Immediately before court starts, the case manager will *call the calendar*. This lets the court know who is present. Parties who miss the call of their case or name run the risk of having their case dismissed or a judgment entered against them.
- Parties may have an opportunity to mediate on the day of trial.
- Parties must exchange copies of documents to ensure each side is aware of the evidence that will be presented.
- The Plaintiff presents its case first. The Plaintiff has the burden of proving its case by a "preponderance of the evidence." In order to

win, the Plaintiff must prove the greater weight of the evidence is in their favor.

- Once the Plaintiff completes its presentation, the Defendant presents its defense. Both parties may cross-examine the opposing party and any witnesses. If a counterclaim was filed, it will be heard following or with the initial case.
- At the end of the trial, each party may offer a closing argument where the parties summarize the facts in their favor.
- Following the presentation of evidence, the Judge will decide the case and issue a ruling. The Judge will let the parties know when the written order will be available.

Step 8: Appeals

- A Party dissatisfied with the judgment of the Court may appeal the decision to either the State or Superior Court by filing a **Notice of Appeal** with the Clerk no later than 30 days after the judgement is entered. The Notice of Appeal form can be found on the Court's website or in the Clerk's office in TG-100.
- The appealing party must send a copy of the Notice of Appeal to the opposing party and pay the filing fee within 20 days to the reviewing Court, which will hear the appeal.

RESOURCES-HELPFUL TOOLS

The Judges and staff cannot provide legal advice. Instead, try these:

Self-help Center, located in Suite TG-300, provides information and support services.

Law library, located on the 7th Floor of the Justice Center Tower, offers a place to conduct legal research and find information to assist with your case.

The Uniform Magistrate Court Rules can be found in the Law library or accessed through the Court's website.

The Atlanta Legal Aid and the Atlanta Volunteer Lawyers Foundation offer attorney assistance in certain consumer matters. Their contact information is on the Court's website.

FULTON COUNTY MAGISTRATE COURT

SMALL CLAIMS DEFENDANT PAMPHLET



**Chief Magistrate
Judge Cassandra Kirk**

**Justice Center Tower
185 Central Avenue S.W.
Atlanta, GA 30303**

**HOURS OF OPERATION
Monday - Friday
8:30am - 5:00pm**

**CONTACT
Telephone: 404-613-5360**

[www.magistratefulton.org/
smallclaims.php](http://www.magistratefulton.org/smallclaims.php)

An Innovative, Efficient and Accessible Court

DISCLAIMER: The information in this pamphlet is not legal advice. It is intended to give a general overview of the procedures and forms used in the Fulton County Magistrate Court. Consult an attorney if you have specific questions about your case.

This pamphlet is for the person or entity against whom a case has been filed. You are the person being sued and are known as the Defendant. The person suing you is known as the Plaintiff. As the Defendant, you have several options. You may:

1. File an answer, and go to trial;
2. File an answer and mediate to reach an agreement with the plaintiff;
3. File an answer with your counterclaim; and/or
4. Fail to answer and be subject to default.

You must decide which choice works best for you. To get started, you need the correct form. Small claim forms are in the Clerk's Office, Suite TG-100, and on the Court website, on the Civil Matters page, under Small Claims in the Forms section and on the Court website, on the Civil Matters page at the **Free Form Generator**.



THE BASICS

Before the court can hear a small claims case, the case must meet requirements of **jurisdiction** and **venue**. Jurisdiction limits the Court's authority to hear the case and Venue ties the parties to the case and where they must be served.

The Court can hear civil cases where the amount of the dispute is **\$15,000.00 or less**. Where you file depends on the type and location of the defendant:

- If an individual, the Plaintiff must file in the county where the Defendant lives.
- If Defendant is a company, Plaintiff must file the claim in the county of the registered agent of the company. To locate the registered agent, contact the Corporations Division of the Georgia Secretary of State at 404-656-2817 or www.sos.ga.gov. Notices must be sent directly to the Defendant, unless the Defendant is a corporation.
- If Defendant is an unincorporated business, the Plaintiff must file in the county where the business is physically located.

- If Defendant is a partnership, the claim can be filed in the county in which at least one of the owners lives.

E-FILING

The Court requires parties to electronically file (E-File) documents into the court's case management system. You can register for e-filing and find your case using www.odysseycyfilega.com. The clerk's office, located in Suite TG-100 in the Justice Center Tower, has public access terminals, which allow you to e-file for free. You may file from home for a fee. The Court's website has a link to check the status of your case.

SMALL CLAIMS PROCEDURE

Step 1: File Statement of Claim

- Plaintiff begins the lawsuit by e-filing a sworn **Statement of Claim** or sworn **Complaint**. This is where the plaintiff tells the Court and defendant the reason for the lawsuit.
- There is a fee to file the action. The fees are listed on the court's website.
- The Court offers Free Form Generator, an interactive website to help guide you in writing your statement of claim or answer.

Step 2: Service of Process

- Plaintiff must notify the Defendant by serving a copy of the Statement of Claim or Complaint on the Defendant.
- This notice must be served (or delivered) by the Marshal's Department or by a court-approved process server.

Step 3: Defendant's Answer

- In the **Answer**, the Defendant must admit or deny each of the Plaintiff's allegations or claims and list any defenses.
- The Defendant has 30 days from the date of being served to e-file an **Answer** and/or counterclaim.
- The Answer must be notarized with a signature and seal OR its content sworn and affirmed by a deputy clerk.
- You are not required to file a counterclaim, but you should file an answer if you want to defend yourself.
- The **Counterclaim**, if any, must not be more than

\$15,000 and will be heard at the same time as the Plaintiff's claim.

Step 4: Default

- If the Defendant fails to e-file an Answer within 30 days, the case goes into **Default**. The Defendant can open the default by e-filing an Answer and paying Court costs within 15 days after the case goes into default.
- If the case remains in default after 45 days from the date the Answer was initially due, the Plaintiff is entitled to Default Judgment.
- The Court may schedule a hearing to determine the amount of money owed. However, if sufficient evidence is included with the Statement of Claim, the Court may enter judgment without a hearing.

Step 5: Mediation

- Mediation is an option for both parties and allows you to direct the outcome of the case by working with a neutral third person. If an agreement is reached, the case ends.
- The Court offers mediation services for free.
- If the parties cannot reach agreement, the case proceeds to trial.

Step 6: Getting Ready for Trial

- Trial is a hearing where both parties present evidence to a judge. Evidence may be presented to the court through documents or witness testimony.

Documents

- Bring copies and originals of all documents which support your position to court. These may include contracts, work orders, service records, receipts, and cancelled checks. Keep the originals for your files.
- It is a good idea to bring extra copies of documents for the Court, any witnesses and the opposing party.

Appendix D: Litigant Resource List

RESOURCE	DESCRIPTION	URL
Dispossessory Landlord Pamphlet	Provides basics on dispossessory litigation, steps in the litigation process, application requirements for a writ of possession, and legal assistance resource links	https://www.magistratefulton.org/DocumentCenter/View/61/Dispossessory-Landlord-Pamphlet-PDF
Dispossessory Tenant Pamphlet	Provides basics on dispossessory litigation, steps in the litigation process, legal assistance resource links, and information on the housing court assistance program	https://www.magistratefulton.org/DocumentCenter/View/62/Dispossessory-Tenant-Pamphlet-PDF
Garnishment Defendant Pamphlet	Provides an overview of garnishment, including garnishment types, garnishment procedures, and exemptions	https://www.magistratefulton.org/DocumentCenter/View/63/Garnishment-Defendant-Pamphlet-PDF
Garnishment General Pamphlet	Provides an overview of garnishment, including garnishment types, garnishment procedures, and e-filing	https://www.magistratefulton.org/DocumentCenter/View/64/Garnishment-General-Pamphlet-PDF
Small Claims Defendant Pamphlet	Provides a basic overview of small claims jurisdiction and venue, e-filing, procedure, and other legal resources	https://www.magistratefulton.org/DocumentCenter/View/65/Small-Claims-Defendant-Pamphlet-PDF
Small Claims Plaintiff Pamphlet	Provides a basic overview of small claims jurisdiction and venue, e-filing, procedure, and other legal resources	https://www.magistratefulton.org/DocumentCenter/View/66/Small-Claims-Plaintiff-Pamphlet-PDF
Informational videos on small claims, dispossessory actions, and garnishment	Videos on processes and procedures for each case type listed. Includes information on filing and service requirements, jurisdiction and venue, response options, continuance requests, legal burdens of proof, trial procedures, and appeal options.	https://www.magistratefulton.org/205/Magistrate-Court-Visual-Information-Cent

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