
Magistrate Court is Georgia's "Small-Claims Court"

In 1983, the Georgia General Assembly enacted legislation creating a magistrate court in every county of the state. Formerly, the magistrate court was called "the office of the justice of the peace" or, alternatively, the "justice court".

The office of the justice of the peace was carried over and reestablished by the first colonists in America from a similar court created in England during the reign of King Edward III in 1361. The alternative title of "magistrate" dates from the 16th century, although the term was used centuries earlier to describe some legal officials of Roman times.



The magistrate court is often required to dispose of complicated and intricate issues affecting people's lives. However, by definition, it is Georgia's "small-claims court" because it has a maximum monetary limit on the amount of judgments it can award; relaxes rules of civil procedure, and sometimes evidence, to make procedures economical for parties so that they can present their own cases and represent themselves without assistance of a lawyer; decides issues in cases without trial by jury; and does not issue injunctions or protective orders.

In Georgia, magistrate courts have limited jurisdiction and by law (i.e., O.C.G.A. § 15-10-2), the following specific powers:

- Hearing of applications for and the issuance of arrest and search warrants;
- Issuance of warrants and related proceedings relating to bonds for good behavior and bonds to keep the peace;
- Holding of courts of inquiry;
- Trial of charges of violations of county ordinances and penal ordinances of state authorities;
- Trial of civil claims including garnishment and attachment in which exclusive jurisdiction is not vested in the superior court and the amount demanded or the value of the property claimed does not exceed \$15,000.00, provided that no prejudgment attachment may be granted;
- Issuance of summons, trial of issues, and issuance of writs and judgments in dispossessory proceedings and distress warrant proceedings;
- Punishment of contempt by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both;
- Administration of any oath which is not required by law to be administered by some other officer;
- Granting of bail in all cases where the granting of bail is not exclusively committed to some other court or officer;
- Issuing of subpoenas to compel attendance of witnesses in the Magistrate Court and subpoenas for the production of documentary evidence before the magistrate court;
- Trial and sentencing of misdemeanor violations relating to criminal issuance of bad checks; or
- Execution or subscribing and the acceptance of written waivers of extradition; and
- Such other matters as are committed to their jurisdiction by other general laws.

Effective as of 1985, all chief magistrates in the state are elected in partisan, countywide elections to four-year terms of office, unless provided otherwise by law. Judge Melinda Anderson, chief magistrate of Liberty County, is elected. She is currently serving her sixth consecutive term of office since 1989.

Chief magistrates conduct hearings on and decide issues in civil and criminal matters. They also have exclusive administrative powers over the court, including assignment of cases, setting of court sessions, appointment of associate magistrates (with the consent of superior court judges) and the clerk of the court, and deciding disagreements among other magistrates.

The chief magistrate appoints associate magistrates. Such appointments must be approved by a majority vote of the four superior court judges of the Atlantic Judicial Circuit. The number of associate magistrates is also determined by a majority vote of the superior court judges. In addition to the chief magistrate, Liberty County currently has four associate magistrates: Angie Rogers, Jimmy Bomar, Leroy Strickland, and Gerald Morris. Terms for associate magistrates run concurrently with that of the chief magistrate who appointed them.

A magistrate must be a resident of the county for one year prior to starting his or her term of office and at least 25 years of age and have earned a high school diploma or its equivalent. Additional qualifications for chief magistrate, associate magistrates, or both, may be imposed by local law

Locally, I serve as clerk of the civil division of magistrate court as a means for ensuring that magistrates are not unduly exposed beforehand to evidence in any case over which they may preside and to save tax dollars by eliminating duplication of clerical and administrative services within the local court system.

Magistrate court civil division staff and I process an average 2,600 civil cases annually. The largest number of cases filed is civil claims (whereby a party sues another party for money damages). Other types of civil cases for which the Office of the Clerk of Courts provides clerical support to the court include dispossession/eviction petitions (to eject or oust a person from possession of land or rental property), garnishments (a legal process for collecting from another property, money, or credits owed as the result of a court judgment), and abandoned motor vehicle liens and foreclosure (whereby a party providing storage and other services has a legal right to sell the motor vehicle to recover its sums owed for such services).

Other useful information will be provided in future articles about general magistrate court procedures that parties should know for filing claims and petitions, for preparing for presentation of a case in court, for basic in-court protocol, and with respect to processes and procedures for and obstacles to collecting a court-ordered judgment.

The office of the Clerk of Courts provides electronic filing (e-filing) for each type of claim or petition at <http://ww2.libertycountyga.com/civilefiling/public/disclaimer.aspx>. The e-filing system provides a step-by-step for filing, all forms required for filing and providing notice of filing to other parties, and answers to filer's frequently asked questions (FAQs) regarding filing procedures and techniques for presenting a case in court during a hearing.

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