

Paper-Based Court Filing System ¹

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Introduction

This paper describes the paper-based document flow in Georgia Superior Courts. The workflow has been documented based on rules found in Georgia's Civil Practice Act, Georgia's Superior Court rules, and interviews with Georgia lawyers, judges, and court staff.

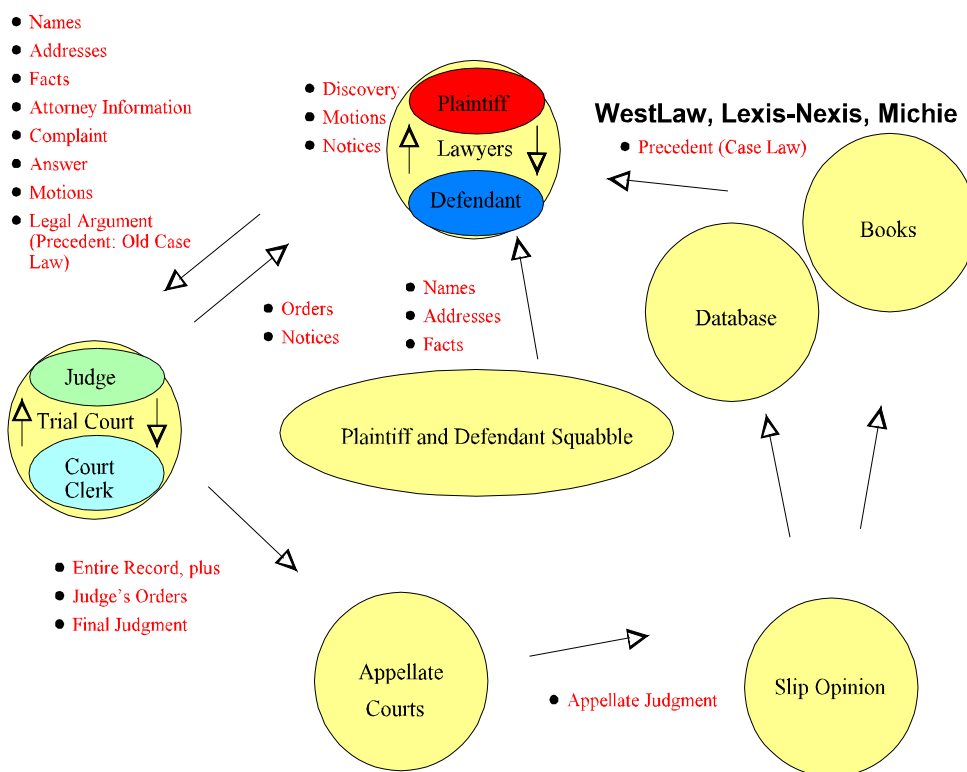
The paper is intended as an introduction to legal information (document) flow for those who have no legal training, such as programmers and system developers. Attorneys and judges who read this paper should do so with a critical eye. Comment is welcomed from attorneys and judges on the following topics:

- variation between stated rules and real-world practice; and
- major variations between Superior Court information flow and
 - State Court information flow
 - Juvenile, Magistrate, and Probate Court information flow
 - Criminal information flow, and
 - Federal information flow.

Future version of this document will consider criminal trials, Georgia State, Juvenile, Magistrate, and Probate Courts, and Federal Courts.

Information Flow Overview

The following chart shows the global information flow from the beginning of litigation in a lawyer's office, to the courthouse, through the end of litigation and then, as the case may be, through the appellate process, to slip opinions, to research materials, and then, eventually, back to the lawyer's office. Notice, information in the system is cycled.



This paper focuses on the exchange of information between litigators and trial courts.² However, because information is cycled throughout the system, the paper also considers the movement of information to appellate courts, the publication of appellate decisions, and the electronic availability and format of research documents.

General Information

Definition of Terms

Parties

Unless specified otherwise, assume that all litigation takes place between one plaintiff and one defendant. “Attorney” refers to an attorney and the attorney’s staff. “Court Clerk” refers to the clerk of court and clerk’s staff. “Court” or “Judge” refers to a judge and judicial staff. Note, however, “Calendar Clerk” is a part of a judge’s staff and is not the “Court Clerk.”

The clerk of court, whether in the superior court or in another court is responsible for maintaining court filings. The general duties of a clerk of superior court can be found in O.C.G.A. § 15-6-61 (general duties) and O.C.G.A. § 15-6-62 (preserving record on microfilm). With respect to computer automation, Georgia law states:

Nothing . . . shall restrict or otherwise prohibit a clerk from electing to store for computer

retrieval any or all records, dockets, indices, or files; nor shall a clerk be prohibited from combining or consolidating any books, dockets, files, or indices in connection with the filing for record of papers of the kind specified in this Code section or any other law, provided that any automated or computerized record-keeping method or system shall provide for the systematic and safe preservation and retrieval of all books, dockets, records, or indices. When the clerk of superior court elects to store for computer retrieval any or all records, the same data elements used in a manual system shall be used, and the same integrity and security maintained.³

Substantive & Procedural Documents

In this paper, substantive documents refer to documents which convey substantive, as opposed to purely procedural, information. Procedural documents are documents, such as standardized court forms or other documents, where form does not vary or is often similar.

There are five types of substantive documents involved in court proceedings:

- Pleadings⁴
- Discovery⁵
- Motions⁶
- Briefs, and
- Orders.

Attorneys write pleadings, discovery, motions, and briefs. Judges write orders.

Notice

When documents are filed attorneys are required to notify other parties in the litigation. It is usually the responsibility of the attorney who drafts a paper document to notify opposing counsel and other parties that the document has been filed or served.

Timeliness

Most documents require a response and the response must be made within a specified time. Even where a response is optional, a response will not be accepted if it is not made within a specified time.

Court Filings are Public Documents

In Georgia, all court records are public and are to be available for public inspection unless public access is limited by law or other exception.⁷

Access to court files may be limited only upon a finding that the harm otherwise resulting to the privacy of a person in interest clearly outweighs the public interest.⁸

General Workflow

Document Elements

Electronic Court Filing White Paper: Paper-Based Court Filing System

Nearly every paper-based court document, whether it originates with a lawyer, a judge, or another party, will have some or all of the same elements. Generally, these elements include:

- Caption
 - Name of the Court
 - Plaintiff's Name
 - Defendant's Name
 - Unique Case Number
- Heading*
- Paragraphs*
- Request for Relief
- Signature of Attorney, Judge, or Other
- CC: Names and Addresses of Attorneys of Record Who Will Receive Copy

Here is an example of a [typical complaint](#) (PDF).

*Please note, *every* paper-based court document filed in a particular case has some of the same redundant information in it. For instance, all paper-based documents contain the same caption information.⁹ Indeed, the only unique information contained in separate documents are the heading and paragraphs.

Paper-Based Court Document Flow

Generally, there are two sources from which a court document flows: an attorney and a judge. The destination of most documents is the clerk of court. Exceptions exist for discovery documents and where attorneys send *courtesy copies* to judges or where attorneys send letters to judges.

Notwithstanding any exceptions, the general paper-based document flow from attorney to the court clerk is as follows:

- Attorney prepares documents
 - Substantive Document (usually generated on a computer)
 - Caption¹⁰
 - Court Name and County¹¹
 - Civil Action Number¹²
 - Names of the Parties¹³
 - Heading
 - Numbered or Unnumbered Paragraphs¹⁴
 - Signature¹⁵
 - Name
 - Address
 - Phone Number
 - State Bar Number (if an attorney)
 - CC:
 - Accompanying Procedural Documents¹⁶ (Not all will always be filed)

- Cover Letter
- Civil Case Initiation Form ¹⁷
- Filing Fee
- Fee for Sheriff's Service
- Summons ¹⁸
- Acknowledgment of Service
- Certificate of Service
- Verification
- Civil Case Disposition Form ¹⁹
- Attorney prints computer generated documents ²⁰
- Attorney signs documents
- Attorney attaches exhibits
- Attorney copies documents ²¹
- Attorney transmits paper documents and copies to court clerk
 - Personal delivery to the court clerk
 - Court clerk time stamps documents and copies
 - Court clerk retains originals for file copy
 - Attorney retains time-stamped copies for attorney's records
 - Attorney delivers time-stamped copies to opposing counsel
 - Mail delivery to the court clerk
 - Attorney mails two copies to court clerk with certificate of service
 - Clerk retains original for file copy
 - Clerk time stamps copy and returns to attorney
 - Attorney mails copy to opposing counsel with acknowledgment of service
- Clerk indexes (dockets) original documents ²²
- Clerk files original documents in case file ²³
 - Case file is official record
 - Case file is accessible to one party at a time
- Upon completion of the case, documents are stored on microfilm ²⁴

Types of Documents

The above is a how a court document flow might take place for a generic document. Below, several of the most important documents are identified in order to show how special legal requirements might alter the above process.

Complaint

The complaint is the document that begins litigation. Before a complaint is filed, there is no case number; there is no information about parties; there is no record whatsoever. More importantly, before litigation can begin, the complaint must be personally served on the defendant or defendant must waive service.²⁵

The complaint document contains the following:

Electronic Court Filing White Paper: Paper-Based Court Filing System

- Caption;
 - Court Name and County;
 - Civil Action Number (BLANK, TO BE ASSIGNED BY THE COURT);
 - Names of the Parties (plaintiff's name; defendant's name);
 - Heading ("Complaint");
- Numbered Paragraphs (allegations of what defendant did to plaintiff);
- Attorney's Name; and
- Attorney's Bar Number.

Once the complaint is completed, the attorney prints it. Any exhibits are attached and labeled to form a complete document. The complete document is copied in triplicate.²⁶

With the original complaint, the attorney must file a civil case initiation form.²⁷ When the complaint is filed with the court clerk, "the clerk shall enter the action number for the case on the civil case initiation form and the form shall become part of the file for the case."²⁸ The cause of action indicated by the attorney is entered in the docket, unless the clerk deems the cause of action to be inaccurate.²⁹ If the attorney records the wrong cause of action, it is the clerk's responsibility to correct the civil case initiation form and correct the docket.³⁰ If the clerk deems additional information is needed at filing, then clerk may modify the civil case initiation form by including new items in the black space available at the end of the form.³¹

The complaint must also be accompanied by a summons³² and an appropriate filing fee.³³ Filing fees vary depending on the population of a county. Filing fees in Fulton County for civil and civil/domestic cases are as follows:³⁴

Item	Fee
Civil and Civil/Domestic Case (one plaintiff and one defendant)	\$65.00
Civil and Civil/Domestic Case (each additional plaintiff and defendant)	\$8.00
Divorce	\$70.00
Sheriff's Service Fee	\$25.00
Family Violence (without service)	\$26.00
Publication Fee (payment must be made payable to <i>Fulton County Daily Report</i>)	\$80.00

If the complaint is not filed with the proper forms and fees, the complaint will be returned to the attorney. In Fulton County, the complaint will be returned for the following reasons:

- Incorrect fees;
- Check not signed;
- Documents filed in wrong county;

- Rule Nisi/Order must be presented to Court by an attorney;
- Affidavit for Fi. Fa. Not complete;
- Affidavit for service by publication not included;³⁵
- Failure to complete
 - Summons
 - Sheriff's Service Sheet;
- In action against state or local government, failure to complete forms promulgated by the AOC;
- Failure to enclose a copy of the complaint for service on each defendant; or
- Failure to send a self addressed, stamped envelope.

If all documents are filed properly, the clerk issues the summons and delivers it to the sheriff for service on the defendant.³⁶ The summons is signed by the clerk and contains:

- the name of the court and county;
- the names of the parties;
- the name and address of the plaintiff 's attorney, if any, otherwise the plaintiff 's address;
- the time within which to appear and file appropriate defensive pleadings with the clerk of the court, and;
- a notification to the defendant that in case of his failure to answer judgment by default will be rendered against him.³⁷

Once delivered to the sheriff,³⁸ the sheriff finds the defendant and serves the defendant. After the sheriff serves defendant, the sheriff certifies to the court clerk that the defendant was served.³⁹ If a person other than the sheriff served process, then an affidavit of service must be returned to the clerk.⁴⁰ Alternatively, the defendant can acknowledge service in writing.⁴¹

Once the complaint has been filed and the clerk is notified that the defendant has been served, the clerk randomly assigns the case to a judge.⁴²

Answer

Time and Form

Once a complaint and summons have been served on a defendant, the defendant has 30 days in which to respond.⁴³ Generally, the paragraphs in the answer will relate back to the paragraphs in the complaint. Thus, for instance, if the plaintiff alleges *in paragraph five* that defendant “drove across the median,” defendant will usually respond *in paragraph five* that he admits or denies plaintiff’s allegation.⁴⁴

Notification of Representation

Generally, once a defendant has been served, he will retain an attorney. As soon as an attorney is retained, he is bound to notify the clerk of court and opposing attorneys.⁴⁵ The entering attorney shall supply the name of the client, the name and number of the action, the attorney’s firm name, office address, and telephone number.⁴⁶

Third Party Practice

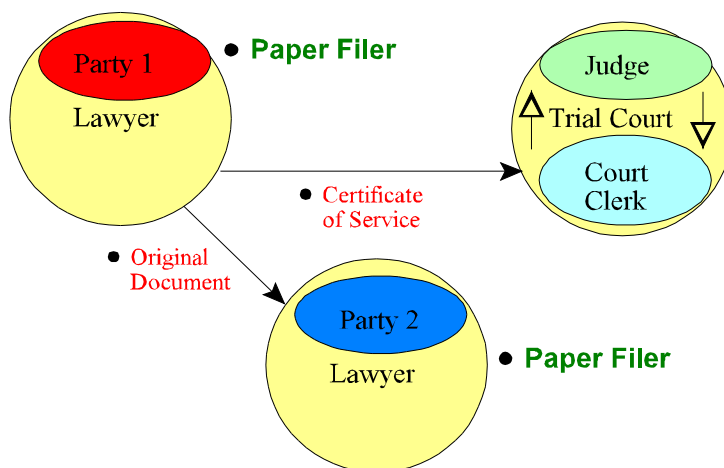
Once litigation has begun, it is possible for other parties, called third-parties, to join the litigation. Often, the first issue when a third-party attempts to join (or is forced to join) is whether the third-party should be joined. In such case, the third-party will usually retain an attorney to represent him.⁴⁷

Discovery

Discovery is a means by which parties investigate facts about each other before the beginning of trial. Discovery documents are generally served on the opposing party; they are not served on the court. However, when discovery documents are served, the serving attorney sends the court a certificate of service.

The following is an illustration of the document flow of discovery.

Paper-based Discovery Document Flow



There are four types of discovery:

- Depositions: A party or non-party answers questions during an live interview.
- Interrogatories: A party or non-party answers questions submitted on paper.
- Requests for Production: A party or non-party produces documents for an opposing party.
- Request for Admissions: A party or non-party is asked to admit or deny specific factual statements.

Depositions and Other Original Discovery

Depositions and other original discovery material shall not be filed with the court unless or until required under O.C.G.A. § 9-11-29.1.⁴⁸

Interrogatories, Requests for Production of Documents, Requests for Admissions, and Answers

A party serving another party interrogatories, requests for production of documents, requests for admissions or responses thereto shall file with the court a certificate of service indicating:

- the document which was served
- the date of service, and
- the person served.⁴⁹

Motion to Compel Discovery

When a requesting party is not satisfied with the response, or lack thereof, given to a discovery requests, he will file a motion asking the judge to compel the responding party to answer more fully. The Superior Court Rules state that “[m]otions to compel discovery shall quote verbatim or attach a copy as an exhibit of each interrogatory, request for admission, or request for production to which objection is taken.”⁵⁰

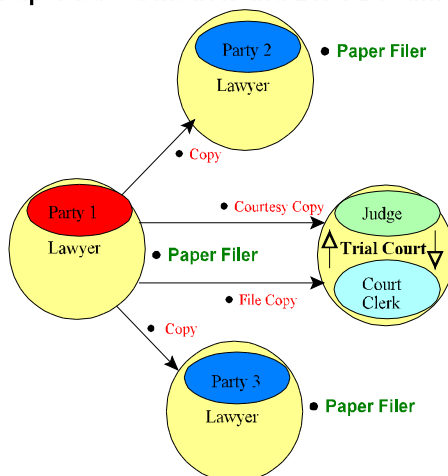
Motions

A motion is a request by an attorney that the judge make an order.⁵¹ The rules applicable to pleadings⁵² regarding captions, signing, and other matters of form apply to motions.⁵³ Motions must be made in writing, state grounds for relief,⁵⁴ and set-forth the relief or order sought.

Generally, all documents, including motions that are required to be served must be served on all parties in the litigation.⁵⁵ Whenever a party is represented by an attorney, the attorney shall be served.⁵⁶ Service upon an attorney or a party shall be made either personally or by mail.⁵⁷ Service may also be made to the clerk of court if personal service is not possible and no mailing address is available.⁵⁸ Proof of service is generally made with a certificate of service or by affidavit.⁵⁹

The following is an illustration of the flow of a motion after it is created by an attorney.

Paper-based Motion and Brief Document Flow



Replies and Computation of Time

Replies to motions must be served within 30 days after service of the original motion.⁶⁰ If a motion is served by mail, then three days are added to the 30 day period.⁶¹ A written motion accompanied by notice of a hearing must be served at least five days before the hearing.⁶²

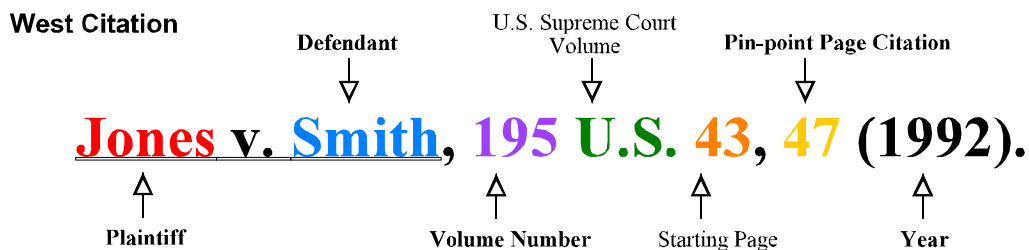
Briefs

Attorneys often support their motions with briefs of legal argument. Briefs contain a caption, heading, and signature. However, the paragraphs, unlike pleadings or motions, are unnumbered. Paragraphs in European legal documents are numbered and there is a movement in America to require numbered paragraphs for computer-generated documents.⁶³

Citations

In briefs, attorneys make legal arguments and support their arguments with citation to past cases. Throughout the country, the uniform method of citing past court documents is to use citation to West legal publications. The West citation method is a “pin-point” method that refers a reader to a publication type, a volume number, the first page on which a case begins, and the page from which language is cited.

The following is an example of a WestLaw citation:



Orders

Orders are rulings issued by judges. Orders contain a caption, a heading (usually “Order”), unnumbered paragraphs, a judge’s signature, and the name and addresses of the attorneys of record. Orders are filed with the court clerk and docketed. Orders are sent to all parties of record.

Attorneys are required to include with motions a suggested order.

Final Judgment

Any order disposing of a civil action presented for consideration to a judge by any attorney shall be accompanied by a completed civil case disposition form.⁶⁴

Case Management

Docket

The docket is an index of all documents filed in a particular case. The court clerk is required to keep docket information.⁶⁵ A civil docket shall contain the following:

- Civil Action Number (a unique case number assigned to each action);
- Names of all attorneys of record;
- Names of all parties;
- Date of filing;
- Advance cost paid;
- Additional costs paid;
- Date of service;
- Type of service, including whether a second original is sent and where;
- The date and type of specific disposition of the action, including clear entries for
 - Dismissals (with or without prejudice);
 - Settlements;
 - Judgments and the type of judgment;
 - Five-year and other administrative termination, and;
 - Transfer to court with proper jurisdiction and venue
- Whether the verdict or judgment is for the plaintiff or defendant;
- Whether there was a mistrial;
- The date of the trial, if any;
- Whether the case was tried (with or without jury);
- The name of the judge making the final disposition in the case;
- Date a Fi. Fa. Was issued;
- A cross-reference to the minutes and final record and page number;
- A cross-reference to the records storage area and box number if the case file is stored off-site, and;
- A summary of all pleadings in the case and the dates of their filings, transcripts filed, motions for new trial, notices of appeal, and remittiturs.⁶⁶

Trials & Hearings

Pretrial Conference

If a pretrial conference is ordered by a judge, a calendar will be published or a written order issued specifying the time and place of the conference.⁶⁷

Georgia Superior Courts, as well as Federal Courts, require the preparation and filing of a pretrial order prior to, or at the time of, the pretrial conference. Generally, the pretrial order follows a standard format prescribed by the court.⁶⁸

Hearings

Hearings may be held prior to trial on various issues.⁶⁹ The calendar clerk is responsible for scheduling hearings.

Trial Calendar

The court is responsible for scheduling cases for trial. Generally, cases are calendared in chronological order in accordance with filing dates.⁷⁰ When the court schedules, or calendars, a trial, it must give notice to all parties.⁷¹ The calendar clerk is responsible for maintaining a “ready list” of all actions ready for jury trial.⁷² Actions may be placed on the ready list either

- by the court, or
- by a party.

In both cases, all parties must be notified.⁷³ Notification of date, time, and place must be given not less than twenty (20) days before the scheduled trial.⁷⁴

Transcripts

Transcripts are taken of dialogue at hearings by court reporters at the request of either or both parties. If taken, transcripts in all matters are included in the official case file, but the clerk is not required to record or preserve transcripts in a bound book or on microfilm.⁷⁵

Procedural Transactions

The following procedural transactions are given special attention because they are routine and, in some cases, ministerial. These procedural transactions can be distinguished from the clerk’s case management responsibilities, since they are initiated by an attorney.

Entry of Appearance

Attorneys may not appear before the superior court until they have made an entry of appearance or have filed a signed pleading. An entry of appearance and all pleadings shall state:

- the style and number of the case;
- the identity of the party from whom appearance is made;
- the name, state bar number, and current office address and telephone number of the attorney.⁷⁶

Withdrawal

If an attorney of record in a case wishes to withdraw, he must satisfy several notice requirements and must have permission from the presiding judge. Notice of intention to withdrawal must be given to

- the attorney’s client;
- the court clerk; and
- opposing counsel.⁷⁷

Notice to the attorney’s client must be given ten (10) days before the attorney submits a written request to the presiding judge.⁷⁸ Within this ten (10) days, the client may object, in which case the judge may schedule a hearing or an in-chamber conference.

Leave of Absence

Under Georgia's Superior Court rules, the court, in its discretion, may grant an attorney a leave of absence. However, opposing counsel (possibly from several cases) may object.⁷⁹

Before an attorney may request a leave of absence from a judge, he must first give notice to opposing counsel. If the attorney personally serves opposing counsel with notice, then notice must be given five (5) days prior to submitting a leave of absence to the court. If the attorney does not give personal notice, then notice must be given ten (10) days prior to submitting a leave of absence to the court.⁸⁰

Special Admission of Attorneys From Other States

Attorneys who are admitted to practice in other states may apply to practice in Georgia courts for a *specific* case. Generally, the out-of-state attorney must apply to the presiding judge in the specific case.⁸¹ The application must contain:

- name;
- address;
- telephone number;
- states in which the attorney is licensed to practice;
- statement that he has associated a Georgia attorney who is admitted to practice; and
- the name, address, and telephone of the associated Georgia attorney.⁸²

Notification of Settlements and Dismissals

“Immediately upon the settlement or dismissal of any civil action the involved attorney shall notify the assigned judge and, where appropriate, the calendar clerk of such event.”⁸³

Appellate Documents

When a case is appealed, the court clerk sends a copy of the original case file to the appellate court for review.⁸⁴ After a final judgment in the appellate case, certain documents produced in the appellate court are filed in the original case file (held by the clerk in the trial court). The appellate copy of the case is destroyed; the trial court copy of the case is retained.⁸⁵

Research Documents

Once a case is decided in an appellate court, the appellate decision is published as a slip opinion. Some slip opinions are already published on the Internet, although their format and organization is not adequate for research and citation. As a result, slip opinions are summarized, indexed, and reformatted by publishers such as WestLaw, Lexis-Nexis, and Miche. These companies then republish the opinions in books or in databases. Attorneys use the cases as precedent when arguing new cases. Attorneys are charged a fee for accessing the reformatted information.

Endnotes

1. (go back) This document was created both for paper printing and for publication on the World Wide Web. As a result, citations have not been abbreviated. Also, certain words are underlined. These words would not normally be underlined on paper, but are underlined (as hypertext links) on the web.
2. (go back) The paper-based system places the burden on the document creator (whether judge or attorney) to duplicate his document and send it to all other parties. Technically, sending a document to the court clerk (to the “court”) is the same as sending it to a judge. However, it is standard practice for an attorney to send an official copy to the court clerk and a courtesy copy to the presiding judge.
3. (go back) O.C.G.A. § 15-6-61(16).
4. (go back) Generally, pleadings consist of the plaintiff’s complaint and the defendant’s answer. Pleadings may be amended or supplemented prior to trial. *See* O.C.G.A. § 9-11-15. Third parties may also file pleadings under certain circumstances. *See* O.C.G.A. § 9-11-14.
5. (go back) Discovery is a means by which parties investigate facts about each other before the beginning of trial. Discovery documents are generally served on the opposing party; they are not served on the court. However, when discovery documents are served, the serving attorney sends the court a certificate of service.
6. (go back) Motions are requests to the judge to take certain action. Motions occur before, during, and after trial.
7. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 21. “The categories of files to be established by the clerk shall be civil, criminal, and adoptions. Georgia’s Uniform Rules for the Superior Courts, Rule 36.8. Adoptions are not public record.
8. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 21.2.
9. (go back) An exception is the complaint. “In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.” O.C.G.A. § 9-11-10(a). Also, when the complaint is filed, the civil action number has not yet been assigned.
10. (go back) “Every document or pleading presented for filing in a superior court shall bear a caption which sets out the *exact* nature of the pleading or the type of complaint.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.3 (emphasis in original).
11. (go back) O.C.G.A. § 9-11-10(a).
12. (go back) O.C.G.A. § 9-11-10(a).

13. (go back) “In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.” O.C.G.A. § 9-11-10(a).

14. (go back) “All averments of claim or defense shall be made in numbered paragraphs . . . and a paragraph may be referred to by a number in all succeeding pleadings.” O.C.G.A. § 9-11-10. However, paragraphs in supporting briefs are generally not numbered. Paragraphs in European legal documents are numbered and there is a movement in America to require numbered paragraphs for computer-generated documents. *See* <http://www.abanet.org/citation/home.html>; <http://www.clark.net/pub/cthonto/home.html#7>.

15. (go back) “Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address. The signature of an attorney constitutes a certificate by him that he has read the pleading and that it is not interposed for delay.” O.C.G. A. § 9-11-11(a). “All judgments, orders, pleadings and other documents shall bear the signature of the responsible attorney or party who prepared the document, his name, proper address and telephone number typed or printed underneath.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.4. “An entry of appearance and all pleadings shall state (1) the style and number of the case; (2) the identity of the party for whom the appearance is made; and (3) the name, assigned state bar number, and current office address and telephone number of the attorney.” Georgia’s Uniform Rules for the Superior Courts, Rule 4.2.

Under the Federal Rules, pleadings, motions, and other papers must be signed. Federal Rules of Civil Procedure, Rule 11(a). However, the meaning of a signature under the Federal Rules and Georgia’s Civil Practice Act are different.

16. (go back) “Complaints or petitions presented to the clerk for filing shall be filed only when accompanied by the proper filing fee, fee for sheriff service or pauper’s affidavit, a civil case initiation form, and, when applicable, any forms required by law or rule to be completed by the parties.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.10.

Note, the enumerated procedural documents are required to accompany only certain documents. Thus, the entire list will not be filed for each court document; rather, a selection of the procedural documents may be filed with a particular substantive document. Note also, each of the accompanying documents will likewise contain a caption and possibly an attorney’s signature.

17. (go back) *See* Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.1.

18. (go back) “The summons shall be signed by the clerk; contain the name of the court and county and the names of the parties; be directed to the defendant; state the name and address of the plaintiff’s attorney, if any, otherwise the plaintiff’s address; and state the time within which . . . [the defendant is required] to appear and file appropriate defensive pleadings with the clerk of the court, and shall notify the defendant that in case of his failure to do so judgment by default will be

rendered against him from the relief demanded in the complaint.” O.C.G.A. § 9-11-4(b).

19. (go back) A civil case disposition form must be filed with a judgment, settlement, dismissal, or other disposition. Georgia’s Uniform Rules for the Superior Courts, Rule 36.10. *See also*, Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.3.

20. (go back) “To the extent practical, all materials presented for filing in any superior court shall be typed, legibly written or printed in black ink suitable for reproduction, on opaque white paper measuring 8 ½" x 11" of good quality, grade and weight. Manuscript covers and backing shall be omitted wherever practical.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.1

21. (go back) “The attorney or party filing the complaint shall furnish the necessary service copies.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.10.

22. (go back) “Actions shall be entered by the clerk in the proper docket immediately or within a reasonable period after being received in the clerk’s office.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.2.

23. (go back) “All original documents, petitions and pleadings in both civil and criminal matters shall remain in the custody of the clerk except as provided by the judge, these rules, or as otherwise provided by law; provided, however, that this rule shall not prohibit an attorney of record’s checking the file out for transportation to the judge for a hearing.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.5.

24. (go back) “There shall be one or more books or microfilm records . . . in which each entire matter shall be recorded after completion. (This does not include adoptions.) After recording, the original may be destroyed according to the state retention schedule or stored off premises as provided by law.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.6. Each matter, civil, criminal, adoption, or otherwise, shall be identified by the year of filing, type of case, consecutive case number and judge assignment where required. The sequence shall be as follows: year of filing – type of case – consecutive case number – judge assignment.” Georgia’s Uniform Rules for the Superior Courts, Rule 36.9.

25. (go back) *See* O.C.G.A. § 9-11-4(d) and (g)(4).

26. (go back) The three copies are (1) for the clerk’s records, (2) for the plaintiff’s records, and (3) for service on the defendant. If there is more than one defendant, then additional service copies must be made.

27. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.1.

28. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.1.

29. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.1.

30. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.1.

31. (go back) Georgia's Uniform Rules for the Superior Courts, Rule 39.2.2.
32. (go back) O.C.G.A. § 9-11-4(d).
33. (go back) *See* O.C.G.A. §§ 15-6-77, 15-6-77.1, 15-6-77.2, 15-6-77.3, 15-6-77.4.
34. (go back) O.C.G.A. § 15-6-77.2.
35. (go back) O.C.G.A. § 9-11-4(e)(1)(A).
36. (go back) "Upon the filing of the complaint the clerk shall forthwith issue a summons and deliver it for service. Upon request of the plaintiff separate or additional summons shall issue against any defendants." O.C.G.A. § 9-11-4(a). "Process shall be served by the sheriff of the county where the action is brought or where the defendant is found, or by his deputy, or by the marshal or sheriff of the court, or by his deputy, or by any citizen of the United States specially appointed by the court for that purpose or by someone who is not a party and is not younger than 18 years of age and has been appointed as a permanent process server by the court in which the action is brought . . ." O.C.G.A. § 9-11-4(c).
37. (go back) O.C.G.A. § 9-11-4(b).
38. (go back) Service will not always be done by the sheriff. Significantly, under certain circumstances Georgia allows for private companies to serve process. No matter who serves process, proof of service must be returned to the court clerk. *See* O.C.G.A.
39. (go back) O.C.G.A. § 9-11-4(g)(1). "Entry of return of service shall be made by the sheriff or other authorized person on a form provided by the clerk and filed by the clerk." Georgia's Uniform Rules for the Superior Courts, Rule 36.11.
40. (go back) O.C.G.A. § 9-11-4(g)(2).
41. (go back) O.C.G.A. § 9-11-4(g)(4).
42. (go back) Assignment of cases to judges is a ministerial duty performed the clerk of court. The assignment system is designed to prevent any person's choosing the judge to whom an action is to be assigned. *See* Georgia's Georgia's Uniform Rules for the Superior Court, Rule 3.1. However, cases involving substantially the same parties or the same factual issues should be assigned to the same judge where practical. *Id.* Rule 3.2.
43. (go back) O.C.G.A. § 9-11-12(a).
44. (go back) "Unless the pleader intends in good faith to controvert all the averments of the preceding pleading, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments except such designated averments or paragraphs as he expressly admits; but, when he does so intent to controvert all its averments, he

may do so by general denial subject to the obligations set forth in Code Section 9-11-11.”
O.C.G.A. § 9-11-8(b).

45. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 4.6. “Within forty-eight hours after being retained, an attorney shall mail to the court and opposing counsel or file with the court the entry of appearance in the pending matter.” Georgia’s Uniform Rules for the Superior Courts, Rule 4.2.

46. (go back) Georgia’s Uniform Rules for the Superior Courts, Rule 4.6.

47. (go back) “Within forty-eight hours after being retained, an attorney shall mail to the court and opposing counsel or file with the court the entry of appearance in the pending matter.”
Georgia’s Uniform Rules for the Superior Courts, Rule 4.2.

48. Georgia’s Uniform Rules for the Superior Courts, Rule 5.2(1). O.C.G.A. § 9-11-29.1 requires that depositions and other discovery material be filed with the court when it is (1) required by local rule (2) ordered by the court (3) requested by any party to the action (4) the subject of a request for relief, or (5) needed for trial or pre-trial purposes.

49. Georgia’s Georgia’s Uniform Rules for the Superior Courts, Rule 5.2(2).

50. Georgia’s Uniform Rules for the Superior Courts, Rule 6.4(A)(1).
See also, O.C.G.A. § 9-11-37.

51. See O.C.G.A. § 9-11-7(b)(1).

52. Pleadings are the complaint, answer, and third party pleadings.

53. O.C.G.A. § 9-11-7(b)(2).

54. Grounds for relief are equivalent in form to paragraphs in pleadings.

55. O.C.G.A. § 9-11-5(a).

56. O.C.G.A. § 9-11-5(b).

57. O.C.G.A. § 9-11-5(b).

58. O.C.G.A. § 9-11-5(b).

59. O.C.G.A. § 9-11-5(b).

60. Georgia’s Uniform Rules for the Superior Courts, Rule 6.2.

61. O.C.G.A. § 9-11-6(e).

62. O.C.G.A. § 9-11-6(d).

63. See <http://www.abanet.org/citation/home.html>;
<http://www.clark.net/pub/cthornto/home.html#7>.

64. “Any order disposing of a civil action presented for consideration to a judge by any attorney or party shall be accompanied by a completed civil case disposition form. If the order is prepared or reframed by the court, the court shall cause the civil case disposition form to be completed or corrected, if necessary. The civil case disposition form shall be sent to the clerk along with the relevant order to become part of the file for the case. The clerk shall require any attorney or party filing a voluntary dismissal or settlement of a civil action to complete a civil case disposition form. The form shall become part of the file for the case. The clerk shall use the specific type of disposition found on the completed civil case disposition form to enter the specific type of disposition upon the civil docket of the court, unless it appears to the satisfaction of the clerk by an inspection of the order that the type of disposition has been recorded in error. If the wrong type of disposition has been recorded, the clerk shall correct the civil case disposition form and enter the correct type of disposition upon the civil docket of the court.” Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.3. “If additional information is deemed necessary by the court at disposition, the civil case disposition form may be modified to include new items by using the blank space available at the bottom of the form.” Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.4.

65. O.C.G.A. § 15-6-61. Georgia’s Uniform Rules for the Superior Courts, Rule 39.1.

66. Georgia’s Uniform Rules for the Superior Courts, Rule 39.2.

67. Georgia’s Uniform Rules for the Superior Courts, Rule 7.1.

68. Georgia’s Uniform Rules for the Superior Courts, Rule 7.2.

69. See, e.g., O.C.G.A. § 9-11-12(d).

70. “Except for cause, cases shall be placed upon the calendar in chronological order in accordance with filing dates. Precedence shall be given to actions entitled thereto by statute.” O.C.G.A. § 9-11-40(c).

71. O.C.G.A. § 9-11-40(c).

72. Georgia’s Uniform Rules for the Superior Courts, Rule 8.2.

73. Georgia’s Uniform Rules for the Superior Courts, Rule 8.2(B).

74. Georgia’s Uniform Rules for the Superior Courts, Rule 8.3.

75. Georgia’s Uniform Rules for the Superior Courts, Rule 36.7.

76. Georgia’s Uniform Rules for the Superior Courts, Rule 4.2.

77. Georgia's Uniform Rules for the Superior Courts, Rule 4.3.
78. Georgia's Uniform Rules for the Superior Courts, Rule 4.3.
79. Georgia's Uniform Rules for the Superior Courts, Rule 16.
80. Georgia's Uniform Rules for the Superior Courts, Rule 16.
81. Georgia's Uniform Rules for the Superior Courts, Rule 4.4(A).
82. Georgia's Uniform Rules for the Superior Courts, Rule 4.4(A)(1) to (4).
83. Georgia's Uniform Rules for the Superior Courts, Rule 4.10.
84. O.C.G.A. § 15-6-61(9).
85. "After receiving the remittitur and judgment of an appellate court, a copy of the notice of appeal, the remittitur and the index of each appeal shall be filed with the original action and the balance of the copy of the record destroyed, although the original shall be retained. If two [2] or more cases are involved in one appeal, the above-referenced material shall be placed in one of the case filed and a cross-reference to that file shall be noted in the remaining file(s)." Georgia's Uniform Rules for the Superior Courts, Rule 38.