

ELECTRONIC FILING PILOT ORDER [LOCAL RULE]

Upon the terms and conditions of this Order [Local Rule], the Court authorizes the Clerk and counsel in civil suits, with consent of the parties, to participate in the “Georgia Courts Automation Commission Electronic Court Filing Interoperability Pilot Project” (“Pilot”).

Under the Pilot counsel in a civil suit and the Court will serve, file and retrieve pleadings, orders and other writings electronically, through personal computers and the Internet and other networks. . The Clerk will receive the filings and will maintain an electronic record and an electronic docket of the civil suit. Counsel for at least two parties must elect to participate before a civil case may proceed in the Pilot. Counsel electing to participate must (1) obtain the permission of clients, (2) contract with the Participating Vendor, (3) be ready to proceed and (4) file with the Clerk an unconditional Notice of Election in the annexed form.

The Participating Vendor for this Court will be _____, and it may be contacted as follows: _____

Each suit will be commenced in the conventional manner, as provided in Rules 3 and 4 of the Civil Practice Act. Hereafter, "conventionally," "in the conventional manner," and or similar expression will mean according to the Civil Practice Act, other applicable law or Local Rules. "Electronically" or similar expression will mean under the Pilot.

The Plaintiff’s Notice of Election may be filed and served with the complaint. After the Complaint has been filed, any Party may file a Notice of Election. When at least two counsel have filed a Notice of Election and the Clerk is ready to commence reception of electronic filings, the Clerk will issue an electronic and conventional Notice of Readiness to all counsel. Participating counsel will then commence filing and serving matters in the case electronically. When counsel submits an electronic filing to the Participating Vendor, the Participating Vendor immediately will distribute the filing electronically to the Clerk and to participating counsel for each party in PDF format as specified in the Pilot documents.

Notwithstanding paragraph (b) of Rule 5 of the Civil Practice Act, service among Participating Counsel will be deemed to occur when counsel successfully submits an electronic filing to the Participating Vendor. Notwithstanding paragraph (3) of Rule 5, filing will be deemed to occur when the Clerk accepts the electronic filing. The responsibility for timely filing will remain with Participating Counsel. Participating Parties accept the risk of electronic delay or disruption. However, the Court will entertain motions for relief

An electronic signature will be deemed a signature of Counsel and officers of the Court when, under the Pilot, it satisfies the definition of “secure electronic signature” under O.C.G.A. § 10-12-3(6), or when, under the Pilot, the signer participates by identification and password unique to the Pilot. Participating Counsel and Vendors will take all reasonably commercial steps to protect identifications and passwords from all unauthorized use.

Counsel will also file every writing required to be filed in the conventional manner within ___ days of electronic filing. Participating Counsel will not need to serve each other in the conventional manner when they have submitted a matter electronically. On the certificate of service with each conventional filing, counsel will indicate that service has been made upon Participating Counsel for party by electronic service under the Pilot. By submitting a Notice of Election, counsel waives conventional service. The Clerk's electronic record and docket will be second originals of equal dignity with the conventional record and docket.

Pursuant to Rule 29.1, the Court orders that Participating Counsel serve and file discovery requests and responses electronically. Conventional originals of all discovery will be maintained and filed as required conventionally under Rule 29.1 and Local Rules, but conventional service will not be required unless discovery contains matter which cannot be submitted electronically.

The Clerk will accept fees electronically if within the capacity of the Clerk and the Participating Vendor. Otherwise, all fees will be handled conventionally. The Clerk will not charge extra fees for participation. No charge will be made to the Clerk for participation.

In the case of any discovery, or any other matter, when the entire matter cannot be submitted electronically, counsel will describe the omitted matter in the electronic filing and will maintain custody, file and serve the non-electronic material as required by the CPA in the conventional manner.

When any Participating Counsel files any matter conventionally and not electronically, he or she will electronically file a notice of such conventional filing.

When a party is added, initial service on the new party will be made. Counsel for the party causing such addition will notify the new party with the initial pleading that the civil case is in the Pilot, enclosing a copy of this Order.

Any party may withdraw its Election by serving and filing a Notice of Withdrawal, either electronically or conventionally. In the absence of further order, the Notice will be effective the second full business day after electronic service or a later specified date. If not served electronically, the Notice will be effective the fifth full business day after date of service by mail, the second full business day after service by delivery or a later specified date.

The case will also proceed in the conventional manner if the Pilot ends before a civil case has ended or a Participating Vendor withdraws.

If it is necessary to file matters under seal or for in camera inspection, not immediately available to all parties, such matters will be submitted conventionally, but Participating Counsel will serve notice electronically.

The time of filing of any order, including any final order or judgment, will be the time of its conventional filing. The Vendor will distribute all electronic filings of the Court and Clerk immediately to Participating Counsel and such distribution will constitute service upon Participating Counsel.

Notwithstanding any other part of this Order, any notice of appeal or application for discretionary appeal will be served and filed electronically and conventionally, but the validity and time of service and the validity and time of filing will be the determined conventionally.

Unless an appellate court otherwise orders, any record sent up on appeal will be the conventional record.

The Clerk will make the conventional record available for public inspection as with any other record. Neither the Participating Vendor, the Clerk nor the parties will allow any non-participating person to make an electronic copy of the record or docket. However, the Georgia Courts Automation Commission, its staff and its contractors or other representatives may make an electronic copy for internal use in connection with the Pilot. When the Pilot ends, the Participating Vendor will permanently delete all its electronic copies of the record. The Clerk will maintain the electronic record for at least one year after final judgment or any other termination of the case unless the Court otherwise orders.

Notices of Election and Notices of Withdrawals will become part of the record in the case. The Clerk will make a copy of this Order a part of the record in the case. Filing a Notice of Election will operate unconditionally to consent to conduct of the civil suit under the Pilot as permitted under this Order.

Each party will bear its own expense and risk of participation and will obtain for itself all required software and equipment. Counsel will make private arrangement for participation with the Participating Vendor.

The Clerk will permit Vendor to establish and operate its electronic filing system under the terms of this Order and Vendor's Agreement with the Georgia Courts Automation Commission.

All Participating Parties, Participating Counsel, and the Participating Vendor, by their participation, are deemed to release and hold harmless the Clerk [and Court] from any loss or liability in any way related to their participation.

APPENDIX B

Form of Notice of Withdrawal of Election:

IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

A.B.	*	
	*	
Plaintiff	*	
vs.	*	CIVIL ACTION
	*	
C.D.	*	FILE NO. _____
	*	
Defendant	*	

[NAME OF PARTY]'S NOTICE OF WITHDRAWAL
OF ELECTION TO PARTICIPATE
IN ELECTRONIC FILING PILOT

[NAME OF PARTY], through counsel, withdraws
it election to participate in the Electronic
Filing Pilot under the Court's Electronic Filing
Order of [DATE].

This _____ day of _____, 2000.

Respectfully submitted
Counsel for [NAME OF PARTY]