

Georgia Electronic Court Filing Rules

DRAFT: June 8th, 2001

1. Electronic Filing Rules Generally

(a) Except as otherwise provided, these rules shall be construed in accordance with Georgia's Electronic Records and Signatures Act, O.C.G.A. §§ 10-12-1 *et. seq.*

(b) A trial court may adopt local rules permitting electronic court filing and service of documents subject to these rules.

(c) Subject to f., below, electronic filing is not mandatory, but permissive. Parties in a case that agree to file electronically shall deal with parties that do not agree to file electronically in accordance with traditional, paper-based court rules and civil procedure.

(d) When a document to be filed requires a signature, not under penalty of perjury, of an attorney, judge, or a person filing pro se, the document shall be deemed to have been signed by that attorney, judge, or person if filed electronically.

(e) When a document to be filed requires a signature, under the penalty of perjury, of any person, the document shall be deemed to be signed by that person if any one of the following conditions is met:

(i) The officer or administrator of the court filing the document swears that the person whose signature is required signed or intended to sign the document. The officer or administrator of the court may keep a paper or electronic copy of the signed document as a record of the signer's intent.

(ii) A faxed copy of the signed document is delivered to the court.

(iii) An electronic image of the signed document is delivered to the court.

(f) A judge may require all parties in a case to file electronically.

(g) A judge may alter these rules in any case in the interest of justice.

2. Court and Court Agents

Except as otherwise provided, "court" means the court or an authorized agent of the court.

3. Document Format of Pleadings, Motions, Briefs, and Exhibits

(a) A pleading, motion, brief, or other similar document filed electronically into a court shall be

filed in Adobe Portable Document Format (“PDF”) using the Legal XML Court Filing Standard as modified for Georgia Courts.

(b) A pleading, motion, brief, or other similar document may be delivered to an authorized agent of the court in any format, provided that the document is ultimately delivered to the court as an Adobe PDF document.

4. Filing of Complaint, Petition, or Other Document Requiring Service of Process

(a) An electronically filed complaint, petition or other document requiring service of process may be served in any of the following ways:

(i) The clerk of court may print the electronic summons and complaint and the sheriff or the sheriff’s designee shall serve the documents in such manner as required by Georgia law for the specific pleading; or

(ii) The clerk of court may deliver the electronic summons and complaint to the sheriff or the sheriff’s designee; the sheriff or the sheriff’s designee shall print the summons and complaint and shall serve the documents in such manner as required by Georgia law for the specific pleading; or

(iii) The clerk of court may deliver the electronic summons and complain to a private process server approved by the court; the private process server shall then print the summons and complaint and shall serve the documents in the manner required by Georgia law for the specific pleading.

(b) In all cases, the summons and complaint shall have affixed or logically associated to it the court’s seal, signature, or some other evidence of authenticity.

(c) Except for service of a complaint or other document requiring personal service, electronic service is complete at the time of successful transmission, but any period of notice or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic transmission by two business days. The extension shall not apply to extend the time for filing notice of intention to move for a new trial, notice of intention to move to vacate judgement, or notice of appeal. This extension applies in the absence of a specific exception provided for by any other statute or rule of court.

5. Exhibits

Exhibits or other attachments shall accompany the document being filed in one of the following ways:

- (i) As a paper document filed over the counter into the court,
- (ii) As a facsimile transmission in accordance with local court rules, or
- (iii) As an electronically filed image in Adobe PDF format.

6. Time of Filing, Confirmation of Filing, Notices, Service Interruptions

(a) Any document that is electronically filed with the court after the close of business on any day, but before midnight, shall be deemed to have been filed on the same business.

(b) “Close of business” as used in paragraph a., shall mean 12:00 p.m. or the time at which the court would not accept a filing at the court’s counter, whichever is earlier.

(c) The precise time of filing of an electronically filed document is when the document is first received without error by the court or the court’s agent, whichever entity receives it first, provided the received document is eventually accepted by the court and filed.

(d) The court receiving a document filed electronically shall issue one or more confirmations that the document has been received and filed. The confirmation or confirmations shall serve as proof that the document has been received or filed, as the case may be.

(e) Notice of an electronically filed document shall be given to other parties in the following ways:

(i) An electronic filer may give non-electronic filers notice in accordance with traditional paper-base court rules and civil procedure; or

(ii) Either the court or the electronic filer may give notice to other electronic filers by sending electronic mail to the registered email address of the electronic filers requiring notice. Whether the filer or the court is responsible for sending notice shall be determined by local court rule. Attorneys shall be responsible for obtaining an email account and registering their email address, including changes to the email address, with the court and the State Bar of Georgia.

7. Service Interruption

A service interruption occurs when the system used for electronic filing is not operational for more than one hour in a given day after 12:00 noon. In the case of a service interruption, a filing due on the day of the service interruption that was not filed solely because of the service interruption shall be due on the following business day. Delayed filings shall be accompanied by a declaration or affidavit attesting to the filer’s failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay due to the service interruption.

8. Privacy

(a) In the interest of justice and privacy, a court or a judge may limit access to electronic documents to parties in the case, attorneys in the case, attorneys not in the case, court administrators or other staff, or to others as the court or judge deems appropriate.

(b) No party shall electronically file a document that contains a personal identification number, unless the personal identification number is redacted or there are appropriate controls to limit access of the document to the public and others not involved in the case.