

FILED IN OFFICE  
CLERK OF STATE COURT

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IN THE STATE COURT OF COWETA COUNTY

COWETA COUNTY, GA  
SHEILA W ECHOLS, CLERK

STATE OF GEORGIA

**Standing Order Mandating and Governing Electronic Filing in Civil Cases**

The State Court of Coweta County, sua sponte, hereby orders that electronic filing in civil cases in the State Court of Coweta County shall be mandatory for attorneys and shall be governed by the rules contained herein.

**I. Authority**

Electronic filing shall be conducted in accordance with Uniform Rules of State Court, Rule 36.16 and 36.17, the Statewide Minimum Standards for Electronic Filing, adopted December 7, 2018 by the Judicial Council of Georgia, and the statutory provisions on electronic filing prescribed in the Official Code of Georgia Annotated. Where this Order is, now or in the future, silent or in conflict with any operative law, rule or regulation, including but not limited to the Uniform Rules of State Court, the Judicial Council's Standards or the Georgia Code, this Order shall be superseded and shall construed as intended to give full force and effect to the law.

**II. Effective Date**

This Order applies to new cases filed on or after January 1<sup>st</sup>, 2019, as well as any case pending on the effective date of this Order. Any civil electronic filings prior to this date are discretionary.

### III. Designation of Cases Permitted for Electronic Filing

Documents in all civil cases must be electronically filed pursuant to this Order and the specifications contained herein, except for the following documents: a pauper's affidavit; documents filed under seal or presented in camera or ex parte; or documents to which access is otherwise restricted by law or by an exception as otherwise set out herein. The clerk shall not accept or file any pleadings in paper form.

### IV. Definitions

For purposes of this Order, the definitions to apply to the following terms:

- a) **Case Management System:** The Court's official case management and records management system.
- b) **Court:** The State Court of Coweta County.
- c) **Document:** Any paper, or electronic file of a document that has been scanned or converted to a graphical or image format (PDF), including but not limited to pleadings, petitions, complaints, motions, memoranda of law, orders, or other written papers or instruments; "Documents" shall not include "Non-Conforming Materials."
- d) **Electronic Filing or E-Filing:** The electronic transmission of documents to and from the court for the purpose of creating a court record in PDF format.
- e) **Electronic Filing Service Provider ("EFSP"):** The entity or system authorized to transmit and retrieve court filings electronically, as authorized by The State Court of Coweta County. Tyler E-file is the EFSP for The State Court of Coweta County and can be accessed at [georgia.tylerhost.net](http://georgia.tylerhost.net).
- f) **Electronic Service or E-Service:** The electronic notice that registered filers in a case receive of a document's filing and their ability to access the document electronically. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.
- g) **Non-Conforming Materials:** All non-paper filings, including but not limited to videotapes, x-rays, CDs, audio recordings, and tangible objects that cannot be readily converted to paper form or are illegible when scanned.

- h) **Public Access Terminal ("PAT"):** A publicly accessible computer provided by the Court for the purposes of allowing E-Filing, E-Service, and viewing of public Court records during Clerk's Office's normal hours of operation.
- i) **Registered User:** A registered user is a party, attorney, a member of the public or other authorized user, including judges, clerks, and other court personnel, registered with the EFSP to file, receive service of, or retrieve documents electronically.

#### **V. Authorized Users**

Any person may register with the EFSP.

#### **VI. Public Access**

The public can research and view electronically filed documents on a PAT located in the Office of the Clerk of State Court of Coweta County located at 72 Greenville Street, Newnan, Georgia 30263. The public may request printed copies.

#### **VII. Time for Filing and Effect of Use of E-File**

- a) Time of Filing. Pursuant to Uniform State Court Rule 36.16(D), any pleading filed electronically shall be considered filed when it is received by the EFSP. Any document filed after 11:59 p.m. EST shall be deemed to have been filed on the next Court day.
- b) Technical Problems. In accordance with Uniform State Court Rule 36.16(F), if the electronic filing or service is prevented or delayed due to (1) inaccessibility to the EFSP that was not caused by the filer, or (2) an error in the transmission of the Document to the Case Management System which was unknown to the sending party, or (3) a failure to process the Document when received by the Case Management System, or (4) other technical problems experienced by the filer, the Court may upon satisfactory proof enter an order permitting the Document to be filed nunc pro tunc to the date of the first attempt of electronic transmission.

#### **VIII. Electronic Signatures**

Every pleading, document, and instrument that is E-filed shall be deemed to have been signed by the registered filer submitting the documents, as well as by any other person who has authorized signature by the filer. It shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, email address, and State Bar of Georgia License Number of the signing

attorney(s) (if applicable). Typographical signatures shall be treated as personal signatures for all purposes under the Georgia Rules of Civil Procedure.

## **IX. Electronic Service**

Parties are responsible for electronic service on all other parties in the case, subject to the following rules:

- a) Case Initiation. All parties shall make service upon other parties of Original Petitions and Original Complaints conventionally, i.e., personal service or other means acceptable by the Civil Practice Act of Georgia.
- b) Subsequent Filings. Except as otherwise set forth in this Order, all parties shall make service upon other parties of subsequent Documents electronically through the EFSP. Parties, or their designated counsel, shall receive all Documents EFiled and E-Served upon them through the EFSP.
- c) Effect of Electronic Service. The electronic service of a Document through the EFSP shall be considered as valid and effective service and shall have the legal effect as an original paper document sent via conventional means, U.S. Mail and/or hand delivery. Recipients of electronic service shall receive an email notification of service, which contains an electronic image of the served Document or a hyperlink to the electronic image of the served Document.
- d) Time to Respond or Act.
  - i. E-Service shall be deemed complete when the transmission to the EFSP is completed as reflected by the authorized date and time appearing on the electronic transmittal. Effective with the commencement date of E-Filing, any period of notice or any right or duty to do any act or make any response within any period or date as prescribed by statute or rule of court, shall be strictly governed by the Georgia Civil Practice Act.
  - ii. For the purpose of computing time to respond to Documents received via E-Service, any Document served on a day or at a time when the Court is not open for business shall be deemed served at the time of next day the Court is open for business.
  - iii. Parties who register with the EFSP consent to receive E-Service of all Documents, except service of subpoenas and service of summons.
  - iv. Any registered user consents to accept e-mail notifications of a hearing or trial as valid notice required by Uniform Rule of State Court Rule 8.3.

- e) Courtesy Copies to the Court. Parties may elect to electronically serve courtesy copies of Documents to the judge assigned to the case or may be required to do so at the judge's discretion. Parties are required to electronically provide copies of any documents that require action by the Court.

**X. Payment of Filing Fees**

- a) Registered users shall pay statutory filing fees for E-Filed Documents electronically to the Court through the EFSP. Filing fees are due and payable at the time of filing.
- b) The EFSP may charge registered users additional fees for E-Filing, for access to Documents and/or dockets, and for E-Service. These fees shall be payable to the EFSP at the time of filing and are in addition to the statutory filing fees.

**XI. Electronic Filing and Service of Orders and Other Papers**

The Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order. An Order or other Court-issued Document bearing the electronic signature of a judge that is filed electronically and entered by a judge, a clerk of court, deputy clerk, or other court personnel pursuant to an order of a judge shall have the same force and effect as if the Document contained the handwritten signature of the judge.

**XII. Electronic Record**

The Clerk of State Court is authorized to maintain the original and official case record in electronic format within the Case Management System.

SO ORDERED, this 27<sup>th</sup> day of Feb, 2019.

  
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John Herbert Cranford, Chief Judge  
State Court of Coweta County