

**IN THE SUPERIOR COURTS OF HOUSTON JUDICIAL CIRCUIT
STATE OF GEORGIA**

**Order Mandating and Governing Electronic Filing
for Civil Cases in the Superior Courts of Houston Judicial Circuit**

The Superior Court of Houston Judicial Circuit, *sua sponte*, hereby orders that electronic filing in civil cases in The Superior Court of Houston Judicial Circuit 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 Superior Court, Rules 36.16 and 36.17, the Statewide Minimum Standards for Electronic Filing, adopted September 25, 2014, by the Judicial Council of Georgia, and the statutory provisions on electronic filing proscribed in the Official Code of Georgia Annotated. Where this Order is, now or in the future, silent or in conflict with any operative law, including but not limited to the Uniform Rules of Superior Court, the Judicial Council's Standards or the Georgia Code, this Order shall be superseded and shall be construed as intended to give full force and effect to the law.

II. Effective Date

This Order is mandatory for all new cases filed on and after **September 1, 2017**, as well as any case pending on the effective date of this Order. From June 5, 2017 until September 1, 2017 electronic filing in civil cases for attorneys and pro se litigants is discretionary.

III. Designation of Cases Permitted for Electronic Filing

All documents in all civil cases must be electronically filed and electronically served pursuant to this Order and the rules contained herein, except documents filed in connection with adoption proceedings, documents filed under seal or presented to a court in camera or ex parte, or documents to which access is otherwise restricted by law or court order. Except as otherwise set out herein, the clerk shall not accept or file any pleadings or documents in paper form.

IV. Definitions

For purposes of this Order, the following terms are defined as follows:

- a) *Case Management System*. The Court's official case management and records management system.
- b) *Clerk's Office*. The office of the Superior Court Clerk in the Houston Judicial Circuit.

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CS
Secretary of the Court
Clerk

- c) *Court*. Individually, and collectively, the Superior Courts of the Houston Judicial Circuit.
- d) *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."
- e) *Electronic Filing or E-Filing*. The electronic transmission of electronic documents to and from the court via an electronic filing service provider.
- f) *Electronic Filing Service Provider (EFSP)*. The system authorized to transmit, retrieve, serve and make available court filings electronically in the Houston Judicial Circuit. The EFSP for the Houston Judicial Circuit is PeachCourt (www.peachcourt.com).
- g) *Electronic Service or E-Service*. The electronic notice of service provided by PeachCourt to a set of one or more case parties as defined by the filer. This notice includes the details of the document(s) that were filed and provides the recipient with access to those documents at no additional cost.
- h) *Manual Filing or Conventional Filing*. The process of filing a paper document with a Clerk's Office.
- i) *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.
- j) *Party*. A person appearing in any case or proceeding, whether represented or appearing pro se, or an attorney of record for a party in a case or proceeding.
- k) *Public Access Terminal ("PAT")*. One or more computers provided by the Clerk's Office for use by attorneys or the general public specific to electronic filing, electronic service and electronic access to court records during Clerk's Office's normal hours of operation.
- l) *Registered User*. A party, attorney or public or other authorized user, including judges, clerks and other court personnel, registered with PeachCourt to file, receive service of, or retrieve documents electronically.
- m) *Self-Represented Litigant*. A person appearing in a court or filing without representation by or the assistance of a licensed attorney.

V. Authorized Users. The following users are authorized to register with PeachCourt:

- a. Members of the Georgia Bar and their staff;
- b. Pro hac vice attorneys and their staff;
- c. Judges and their staff;
- d. Clerks of court and their staff;
- e. Self-represented litigants; and
- f. Other public users, including media representatives.

VI. Public Access Terminal

- a. The public can E-File, research, download, view and print electronically filed documents on a PAT located in or near the Clerk's Office.
- b. When filing electronically from a PAT, Registered Users shall not be required to pay an E-Filing transaction fee.

VII. Self-Represented Litigants

- a. Self-Represented Litigants are required to E-File.

VIII. Manual Filing is Required for Certain Documents

- a. The following types of documents may not be E-Filed and must be filed on paper:
 - i. Pleadings or documents in an Adoption case
 - ii. Temporary Protective Orders
 - iii. Pleadings or documents filed under seal
 - iv. Documents to be presented to the Court in camera or ex parte
 - v. Requests for waiver of fees and related documents
 - vi. Any other document to which access is otherwise restricted by law or court order

IX. Document Format

- a. The filer of an electronic document shall, to the extent practicable, format the document in accordance with the applicable rules of the Georgia Rules of Civil Procedure governing formatting of paper pleadings and other documents, including page limits.
- b. The filer of an electronic document shall submit the document in the Portable Document Format (PDF). This includes primary documents such as complaints and petitions, supporting documents such as exhibits, and any other documents submitted to the Court through PeachCourt.
- c. The filer shall ensure that the resolution of each page of the electronic document is at least 200 dots-per-inch (DPI).
- d. The filer shall ensure that the electronic document is not password-protected or encrypted. The filer shall also ensure that the electronic document does not contain embedded files, scripts, tracking tags or executable files.

X. Electronic Signatures of Attorneys and Parties

- a. Every document electronically filed or served shall be deemed signed by signatures, where appropriate.
- b. Unless an original, sworn or notarized signature is required, the following signatures are acceptable:
 - i. Handwritten signatures appearing on scanned documents.
 - ii. Conformed signatures.
 - 1. A conformed signature constitutes an original signature of the person.
 - 2. The correct format for the conformed signature of an Attorney is as follows:

/s/ Jane Doe
JANE DOE
Georgia Bar No. 12345
Attorney for Plaintiff
Doe & Associates, LLC
678 Main Street
Atlanta, Georgia 30314
Phone: 123-456-7890
Email: jdoe@example.com

3. The correct format for the conformed signature of a Non-Attorney is as follows:

/s/ John Smith
JOHN SMITH
123 East Street
Plainville, Georgia 10292
Phone: 123-456-7890
Email: jsmith@example.com

- iii. Signatures captured using a digital interface (e.g., signature pad, tablet or stylus).
- c. Documents for which an original, sworn or notarized signature is required must include an accurate representation of the original signature(s) of the declarant or notary public.
- d. By electronically filing a document, the filer attests that the document and signature(s) are authentic.

XI. Filing Date and Time of E-Filed Documents

- a. Following a review by the Clerk, accepted documents become an official document of record with the Court and receive an electronic stamp with the date and time at which the document was received by PeachCourt.
- b. Following a review by the Clerk, rejected documents do not become an official document of record with the Court and do not receive an electronic stamp.
- c. If a document is rejected, PeachCourt will notify the filer via email with the Clerk's reason for rejection.
- d. Following the resubmission of a rejected filing and review by the Clerk, accepted documents become an official document of record with the Court and receive an electronic stamp. In the situation of a resubmission, the electronic stamp will reflect the date and time at which the document was resubmitted and received by PeachCourt, not the date and time of the original submission.
- e. E-Filing a document does not alter any filing deadlines.
- f. The calculation of time for reply under Georgia law is neither expanded nor contracted by this section.

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

- a. 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. Except as otherwise set forth in this Order, all parties shall make electronic service upon other parties of subsequent electronic Documents through PeachCourt. PeachCourt shall be the vehicle through which all Parties, or their designated counsel, shall receive all E-Filed and E-Served Documents.
- c. The electronic service of an electronic Document through PeachCourt 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 electronic Document or a hyperlink to the electronic image of the served E-Document.

XIII. Time to Respond or Act

- a. E-Service shall be deemed complete when the transmission to PeachCourt 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 is prescribed by statute or rule of court, shall be strictly governed by the Georgia Civil Practice Act.
- b. 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.
- c. Parties who register with the PeachCourt consent to receive E-Service of Documents, other than service of subpoenas or summons.
- d. Any Registered User consents to accept e-mail notifications of a hearing or trial as valid notice required by Uniform Rule of Superior Court Rule 8.3.
- e. An electronic service address is presumed valid for a Party if the Party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.

XIV. Courtesy Copies to the Court. Parties may elect to mail courtesy copies of Documents to the Judge assigned to the case or may be required to do so in the Judge's discretion.

XV. Access to Court Documents. Every Clerk's Office shall make available for viewing by attorneys and the general public a copy of every document of record within that Court that is not sealed, privileged or otherwise restricted by the Court for access. Access to Documents shall be available online at PeachCourt.com or via the Clerk's PAT.

XVI. Time for Filing and Effect of Use of E-File

- a. Pursuant to Uniform Superior Court Rule 36.16(D), any pleading filed electronically shall be considered filed when it is received by PeachCourt. Any document filed after 11:59 p.m. EST shall be deemed to have been filed on the next Court day.
- b. Pursuant to URSC 36.16(F), "System filing errors," if electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond. A filer wishing to seek relief related to a system filing error may do so by filing motion for appropriate relief with the Clerk at the earliest available opportunity.

XVII. Payment of Filing Fees

- a. Registered Users shall pay statutory filing fees for E-Filed Documents electronically to the Court through PeachCourt. Filing fees are due and payable at the time of filing.
- b. PeachCourt may charge a fee which shall be a recoverable court cost and include the following:
 - i. A Transaction fee for electronically filing pleadings or documents in any civil action and the electronic service of pleadings, which shall not exceed \$7.00 per transaction, regardless of how many documents are included with the specific transaction or how many parties shall be served; and
 - ii. A convenience fee for credit card and bank drafting services, which shall not exceed 3.5 percent plus 30¢ per transaction.
- c. As used in this subsection, the term "per transaction" means a single upload to PeachCourt for filing:
 - i. A pleading or document within an individual case; or

- ii. Multiple pleadings or documents within an individual case so long as they are filed concurrently.


XVIII. Electronic Filing and Service of Orders and Other Papers

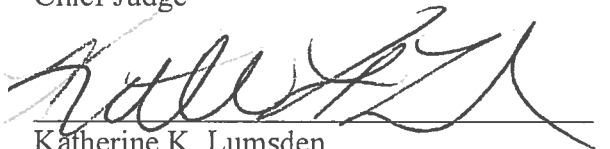
The Court may issue, file and serve notices, orders and other documents electronically, subject to the provisions of this Order. An Order or other Court-issued Document bearing the signature of a Judge filed electronically and entered by a Judge, Clerk of Court, Deputy Clerk or Court personnel per the order of a Judge shall have the same force and effect as if the Document contained the handwritten signature of the Judge.

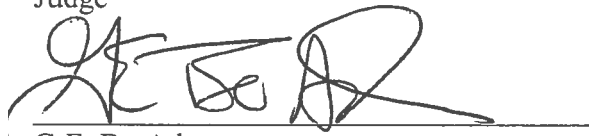
XIX. Electronic Record

The Clerks of Superior Court of the Houston Judicial Circuit Courts are authorized to maintain the original and official case record in electronic format within the Case Management System.

SO ORDERED, this 24th day of May, 2017.


Edward D. Lukemire
Chief Judge


Katherine K. Lumsden
Judge


G.E. Bo Adams
Judge