



SUPREME COURT OF GEORGIA

Atlanta November 21, 2011

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is hereby ordered that Rule 13 (Filing by Mail and Electronic Filing) and Rule 27 (Motions for Reconsideration) of the Rules of the Supreme Court of the State of Georgia be amended to revise the provisions for determining the date of filings made in the Supreme Court of Georgia, including changing when certain documents filed by mail or commercial carrier will be deemed filed, adding a “mailbox rule” for filings by pro se prisoners, and requiring all motions for reconsideration to be physically received in the Clerk’s office for filing within 10 days of the date of the disputed order or judgment. These amendments do not affect filings made in any other court.

The amendments shall take effect on January 1, 2012, and shall apply to documents filed on or after that date.

The amended Rule 13 shall read as follows:

Rule 13. DETERMINATION OF FILING DATE.

Except as otherwise provided in this rule, a document will be deemed filed in the Supreme Court of Georgia on the date it is physically received in the Supreme Court Clerk’s office and stamped filed by the Clerk’s office staff.

(1) **Electronic Filing.** Counsel are permitted to file documents electronically with the Court and shall follow the policies and procedures governing electronic filing as set out in the Court’s electronic filing instructions at www.gasupreme.us/efile unless the Court determines in a particular case that filing shall be limited to conventional paper filing.

(2) **Filing by Mail or Commercial Delivery.** A document transmitted by priority, express, or first-class (including certified or registered) mail via the United States Postal Service, or by a third-party commercial carrier for delivery to the Supreme Court Clerk within three days, shall be deemed filed on the date shown by the official postmark affixed by the United States Postal Service (not a private or commercial postage meter) or the commercial carrier’s transmittal form on the envelope or package containing the document, but only if the envelope or package is

properly addressed, postage is prepaid, and the postmark or transmittal date is legible.

(3) Filings by Pro Se Prisoners. A document submitted by a prisoner who is not represented by counsel shall be deemed filed on the date the prisoner delivers the document to prison officials for forwarding to the Supreme Court Clerk. In the absence of an official United States Postal Service postmark showing a date on or before the filing deadline, such delivery shall be shown by the date on the certificate of service or on an affidavit submitted by the prisoner with the document stating that the prisoner is giving the document to prison officials with sufficient prepaid postage for first-class mail. Such a certificate or affidavit will give rise to a presumption that the date of filing reflected therein is accurate, but the State may rebut the presumption with evidence that the document was given to prison officials after the filing deadline or with insufficient postage. If the institution has a system designed for legal mail, the prisoner must use it to benefit from this rule.

(4) Motions for Reconsideration. Except when otherwise ordered, all motions for reconsideration, see Rule 27, must be physically received in the Clerk's office within 10 days of the order or judgment for which reconsideration is sought.

The amended Rule 27 shall read as follows (new language underlined):

Rule 27. MOTIONS FOR RECONSIDERATION.

A motion for reconsideration may be filed regarding any matter in which the Court has ruled within 10 days from the date of decision. See Rule 13 (4). A copy of the opinion or disposition to be reconsidered shall be attached. See Rule 61, regarding motions to stay the remittitur.

No second or subsequent motion for reconsideration by the same party after a first motion has been denied shall be filed except by permission of the Court. The Clerk may receive any later motion and deliver it to the Court for direction as to whether it shall be filed.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 Clerk