



SUPREME COURT OF GEORGIA

Atlanta December 14, 2018

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that the Statewide Minimum Standards and Rules for Electronic Filing as adopted by the Judicial Council on December 7, 2018, be hereby approved, as follows:

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I 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.

Thiise A. Banne, Clerk

Judicial Council of Georgia
Administrative Office of the Courts
Statewide Minimum Standards and Rules for Electronic Filing
Effective December 7, 2018

1. *Definitions.*

For purposes of these standards:

- (a) *Court or Courts.* Court(s) means all trial courts of the State.
- (b) *Electronic Filing or E-Filing.* Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by these standards.
- (c) *Electronic Filing Service Provider.* An e-filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically.
- (d) *Electronic Service or E-Service.* Electronic service is the electronic notice that registered filers in a case receive of a document's filing and their ability to access the document electronically.
- (e) *Public Access Terminal.* A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents.
- (f) *Registered User.* A registered user is a party, attorney, or member of the public or other authorized user, including judges, clerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically.

2. *Minimum Technical Standards for E-Filing.*

(a) *Minimum Standards for Courts Making E-filing Available.*

A court may make electronic filing available only if:

- 1. *Rules.* The court's class of court has adopted uniform rules for e-filing or the court has itself promulgated such rules by standing order in the form set forth in Proposed Uniform Superior Court Rules 48 & 49, Exhibit A to the Resolution of the Statewide Judiciary Civil E-Filing Steering Committee;
- 2. *EFSP or EFSPs.* The EFSP or EFSPs authorized to conduct e-filing maintain compliance with the standards set forth in paragraph 4 below;
- 3. *E-Filing Alternative.* The clerk provides a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both; and
- 4. *Public Access.* The clerk ensures that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours.

(b) *Minimum Standards for Electronic Filing Service Providers.*

An electronic filing service provider may be authorized to conduct e-filing only if:

1. *Technical Standards and Approval by Judicial Council.* The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);
 2. *Disclaimer of Ownership.* The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;
 3. *Minimum Standards for Courts.* The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;
 4. *Other Requirements.* The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and
 5. *Terms of Use.* The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.
3. *Accommodation of Pro Se Filers.* To protect and promote access to the courts, courts shall reasonably accommodate pro se parties by accepting and then converting and maintaining in electronic form paper pleadings or other documents received from pro se filers.
 4. *Consent to E-Service.*
 - (a) *Automatic Consent.* When an attorney or pro se party files a pleading in a case via an authorized electronic filing service provider, such person shall be deemed to have consented to be served electronically with future pleadings for such case and must include his or her e-mail address to be used for this purpose in or below the signature block of all e-filed pleadings.
 - (b) This section applies to cases filed on or after January 1, 2019, unless the local court has opted into mandatory electronic filing prior to that date, in which case the earlier date applies.
 5. *“Original” and “Official” As Applied to Electronic Court Records.*
 - (a) *Original and Official Files.* Except as provided in paragraph (c) below, the original version of all filed documents is the electronic copy maintained by the court. The official record of the court shall be this electronic file and such paper files as are permitted by Judicial Council standards and rules.
 - (b) *Maintenance of Underlying Documents.* A document that requires original signatures or is believed by a party to maintain legal significance not held by a copied version shall be

e-filed, and the electronic copy maintained by the court shall be considered the original, except that the filing party shall maintain the underlying document for a period of two (2) years following the expiration of the time for filing an appeal and make such document available upon reasonable notice for inspection by another party or the court.

(c)*Non-Conforming Documents.* Exhibits or other materials that may not be readily converted to an electronic format and e-filed may be filed manually. The filing party shall e-file a notice of manual filing to denote that a manual filing has been made. The original version of such manually filed materials shall be the version maintained by the court.

6. *Transfer of Case Files.*

(a)*Method of Transfer.* When transferring a case record to another trial court, a transferor court that maintains its records in electronic form shall transmit such official record to the transferee court in electronic form via CD, DVD, Electronic Filing Service Provider or, if the transferee court so requests, by means of a File Transfer Protocol (FTP) or email application approved for such use by the Administrative Office of the Courts.

(b)*Form of Documents.* Whenever possible, a transferor court that maintains its records in electronic form shall transmit such records in a searchable, PDF/A format as prescribed by the Administrative Office of the Courts.

7. *E-Filing Signature and Authorization Issues.*

(a)*Electronic Signatures.* Any pleading or document filed electronically shall include the electronic signature of the person whose account is used to file the document or on whose behalf the filing is made. Consistent with Georgia law, “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(b)*Multiple Signatures.* An e-filed document may include the electronic signature of additional attorneys or unrepresented parties. In affixing additional signatures to the document, the filer certifies that any such signature is authorized.

(c)*Responsibility for Filings.* No registered user shall knowingly permit his or her login sequence to be used by someone other than an authorized agent or employee. Each registered user is responsible for all documents filed using his or her login and password.

8. *Courts May Maintain Certain Sealed Documents in Electronic Form.* Georgia uniform rules prohibit the filing of records under seal via a court’s e-filing provider or providers. Nevertheless, where sealing is authorized by law or by court order, a court may itself maintain documents in electronic form under seal in the court’s case management system.

9. *Electronic Treatment of Deposition Transcripts.*

(a)*E-filing.* Depositions placed in a sealed envelope pursuant to O.C.G.A. § 9-11-30(f) are not sealed within the meaning of Uniform Superior Court Rule 36.16(B) and may be electronically filed.

(b)*Part of Record*. Absent contrary court order, deposition transcripts on file in a case, whether opened or unopened, and whether sealed by the court reporter or not, shall be included in the case's electronic record.

10. *Redaction Obligations of E-Filers*. All EFSPs shall require e-filers prior to each filing to acknowledge, by way of a checkbox, their obligation to redact personal or confidential information prior to e-filing as required by O.C.G.A. § 9-11-7.1 as follows:

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact personal or confidential information, including Social Security numbers, as required by O.C.G.A. § 9-11-7.1. This requirement applies to all documents, including attachments.

___ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

11. *Procedure for Handling Misfiled or Otherwise Deficient or Defective E-Filings*. Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a clerk shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, reject the filing altogether. In any case, the clerk shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.