



## SUPREME COURT OF GEORGIA

Atlanta April 11, 2019

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

It is ordered that Uniform Magistrate Court Rule 6 (relating to withdrawal of papers from the magistrate court), Rule 19 (relating to electronic filing), and Rule 36 (relating to transfer/change of venue), be amended, effective May 9, 2019, as follows:

### **PART I. GENERAL AND ADMINISTRATIVE PROVISIONS**

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#### **Rule 6. Withdrawal of Papers From Magistrate Court**

(A) General Provisions: Except as provided in the Uniform Transfer Rules, no original papers may be withdrawn from the magistrate court.

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#### **Rule 19. Electronic Filing**

(A) Availability. Electronic filing shall be available when required by law and may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards and rules for electronic filing adopted by the Judicial Council.

(B) Documents that may be electronically filed . Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order. Original depositions are not “sealed documents” within the meaning of this paragraph and may be electronically filed.

(C) Signatures. An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic.

(D) Time of filing. An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) Electronic service. Upon filing, an electronically filed document is deemed served on all parties and counsel who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document's filing.

(F) System or user 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.

(G) Force and effect. Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

(H) Pro se parties. Courts must reasonably accommodate pro se filers by allowing paper filing.

(I) 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 court shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, strike the filing altogether. In any case, the court 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.

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### **PART III. CIVIL RULES**

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#### **Rule 36. Transfer/Change of Venue**

In all cases where it is determined by the court that the court in which a case is pending lacks jurisdiction, or venue, or both, that court shall by written order, order the transfer of the original case file in accordance with Article VI, Section I, Paragraph VIII, of the 1983 Constitution of the State of Georgia, or where this rule is not applicable, dismiss said case without prejudice.

**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.

*Theresa A. Bannister* Clerk