

STATE COURT OF FULTON COUNTY'S LOCAL E-FILING RULES

1-101 Short Title

These rules may be cited as “e-filing rules.”

1-102 Definitions

The following terms in this Rule shall be defined as follows:

- (1) “Electronic Filing Service Provider” (EFSP) means the service provided by the (Court or vendor) for e-filing and e-service of documents via the internet. The service may be accessed at (<http://www.lexisnexis.com/fileandserve/> or in person at the Courthouse using a Public Access Terminal.
- (2) “Public Access Terminal” means a publicly accessible computer provided by the Court for the purposes of allowing e-filing and viewing of public Court records. The public access terminal shall be located in the (Clerk’s Office) at the Courthouse and made available during normal business hours.
- (3) “Electronic Filing” (e-file) means the electronic transmission of documents to the Court, and from the Court, for the purposes of filing.
- (4) “Electronic Service” (e-service) means the electronic transmission of documents to a party, attorney or representative under these rules. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.
- (5) “Court” means the State Court of Fulton County and all of its divisions, including Magistrate Court.

1-103 Authority

The rules in this section are adopted pursuant to Ga. Unif. Superior. Ct. Rule 1.2 and by approval from the Clerk of the Georgia Supreme Court.

1-104 Scope of Rules

- (1) The Court may at any time mandate electronic filing and service of pleadings in designated cases.

- (2) The Court and the clerk's office may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these rules.

1-105 Authorized Users

For the purpose of accessing the EFSP over the Internet, the following users are authorized to register as EFSP users:

- a) Licensed attorneys and their staff, including paralegals, secretaries
- b) Pro hac vice attorneys
- c) Judges and their staff
- d) Court administrative staff, including technical support staff
- e) Pro se (pro per) litigants
- f) Other public users, including media representatives

1-106 Effective Date

These rules shall become effective on June 1, 2006.

1-107 Electronic Case File

The Court Clerk may maintain the original and official case file in electronic format.

2-101 Registration Requirements

- (1) Persons who are authorized users and who desire to e-file or e-serve shall register with the EFSP. Upon receipt by the EFSP of a properly executed click-through user agreement, the EFSP shall assign to the user a confidential login and password to the system. Additional authorized users may be added at any time. An attorney who knowingly authorizes or permits his or her username or password to be utilized by his staff or employees is fully responsible for said transmissions and communications over the EFSP.
- (2) Registered users of the system shall notify the EFSP within 10 days of any change in firm name, delivery address, fax number or email address.

2-102 Time and Effect of E-Filing

Litigants may file electronic documents through the EFSP 24 hours a day, seven days per week, except when the EFSP's system is down for maintenance. Any pleading filed electronically shall be considered as filed with the Court when the transmission to the EFSP is complete. Any document e-filed by 11:59 p.m. shall be deemed filed on that date. The EFSP is an agent of the Court for the purpose of electronic filing, receipt, service and retrieval of electronic documents. Upon completion of filing, the EFSP shall issue a confirmation receipt that includes the date and time of receipt. The confirmation receipt shall serve as proof of filing. In the event the Court rejects the submitted documents following review, the documents shall not become part of the official Court record and the filer will receive notification of the rejection. Users may be required to refile the instruments to meet necessary filing requirements. A filing that is rejected by the Clerk receives a filing date of the rejected filing unless the party failed to attempt to transmit the payment.

2-103 Format of Documents

- (1) All electronically filed and served pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings.
- (2) The electronic document title of each pleading or other document shall include:
 - a. Party or parties filing/serving the document
 - b. Nature of the document
 - c. Party or parties against whom relief, if any, is sought, and
 - d. Nature of the relief sought
(e.g. Defendant ABC Corporation's Motion for Summary Judgment.)

2-105 Payment of Filing Fees

- (1) Registered users shall pay statutory filing fees for e-filed documents electronically to the Court through their EFSP. Filing fees are due and payable at the time of filing.
- (2) An EFSP may charge registered users additional fees to deliver, access and use the service. These fees shall be payable to the EFSP at the time of filing and are in addition to statutory filing fees.

2-106 Signatures

Every pleading, document, and instrument electronically filed or served shall be deemed to have been signed by the Judge, clerk, attorney or declarant and shall bear the typed name, address, telephone number, and Bar number of a signing attorney.

2-107 Electronic Service

- (1) Delivery of e-service documents through the EFSP to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access their documents through the EFSP.
- (2) E-service shall be deemed complete when the transmission to the EFSP is completed.
- (3) 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.
- (4) Parties who registered with the EFSP consent to receive e-service documents, other than service of subpoenas or summons.
- (5) Any registered user consents to accept e-mail notifications of a hearing or trial as valid notice required by State Court Rule 8.3.

2-108 System or User Filing Errors

If the electronic filing or service does not occur because of (1) an error in the transmission of the document to the EFSP or served party which was unknown to the sending party, or (2) a failure to process the electronic document when received by the EFSP, (3) the party was erroneously excluded from the service list, 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 it was first attempted to be sent electronically. Or in the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right accrues or any duty or other act must be performed.

2-109 Pro Se Litigants

1. If a pro se litigant does not possess a personal computer, said litigant will file an original and one paper copy of his or her pleading in the State Court of Fulton County Clerk's Office, 185 Central Ave., S.W., Room TG100, Atlanta, Georgia. Upon filing, the clerk will scan the document into the EFSP.
2. If the pro se litigant has a personal computer but does not have internet access, the litigant will hand deliver to the State Court of Fulton County Clerk's Office, 185 Central Ave., S.W., Room TG100, Atlanta, Georgia, a 3.5" diskette with any pleading and/or documents to be filed and a copy of each pleading and/or document on the diskette. The clerk will assist the pro se litigant in uploading the pleading and/or documents into the EFSP's system using the Court's Public Access Terminal.
3. A pro se litigant filing original pleadings on paper or on a diskette will be required by the Clerk to sign a sworn statement affirming that they do not have personal computer and/or internet access.

2-110 Public Access Terminals

Public Access Terminals (PAT) will be located in in the State Court of Fulton County Clerk's Office, 185 Central Ave., S.W., Room TG100, Atlanta, Georgia. PATs will be connected to the Court's EFSP and are available to any person to view public files on the EFSP's system. Individuals may access the public files free of charge. The PATs are also available for litigants to file documents or pleadings on the EFSP's system for free of charge.

2-111 File Size Limitation for All Electronic Filings

No party shall file a pleading or document larger than 1.5 megabytes. To the extent a document or pleading exceeds 1.5 megabytes in its entirety, that document or pleading shall be filed in 1.5 megabyte segments or smaller.

2-112 Prohibition on Scanning Proposed Orders

No party shall scan proposed orders or e-file proposed orders in any format that the Judge cannot amend or edit.

2-113 Responsive Pleadings Must Be Linked

Any responsive pleading must be electronically linked in the EFSP to the pleading to which it is a reply.

2-114 Public Entities Utilizing the EFSP

Public Entities utilizing the EFSP for filing will not be charged any fee.

2-115 Administrative Scanning Fee Charged to Litigants Filing Paper in a Case Ordered to E-filing

In any case or case type ordered by the Court to e-filing status, a litigant who:

1. declines or refuses to use the PATs and files paper via mail to or at the counter of the State Court of Fulton County Clerk's Office, 185 Central Ave., S.W., Room TG100, Atlanta, Georgia; AND
2. declines or refuses to sign an affidavit that he or she does not have access to a personal computer will be charged an administrative scanning fee as follows: \$5 for the first page of the document and \$1 for each additional page of that document. The Clerk's Office will not scan said documents until the litigant has paid the fee in full and will scan and up-load the documents to the EFSP as time and work load allow.