


Rebecca Keaton
Clerk of Superior Court Cobb County

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

Order Mandating and Governing Electronic Filing for Civil Cases

Pursuant to Rule 1.2 of the Uniform Rules of Superior Court and the authority given to superior courts under O.C.G.A. § 15-6-11(b)(3)(B) to advance the effective date of the mandatory electronic filing provisions codified in O.C.G.A. § 15-6-11, the Superior Court of Cobb County hereby orders that that on and after **October 1, 2018**, all pleadings and any other document related thereto filed by an attorney to initiate a civil action, or in a civil action that was initiated on or after October 1, 2018, in the Superior Court of Cobb County, shall be filed by electronic means through the court's electronic filing service provider in accordance with the rules governing electronic filing hererin and pursuant to O.C.G.A. § 15-6-11. 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to the Uniform Rules of Superior Court, the Judicial Council's Standards or the Georgia Code, this Order shall be superseded and shall be construed as intended to give full force and effect to the law.

I. 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*, documents filed in open court, 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 except from self-represented individuals.

II. Maintenance of Original Documents

Unless otherwise ordered by the Court, originals of all documents filed electronically, including original signatures, shall be maintained as required by law by the party filing the document and shall be made available, upon reasonable notice, for inspection by the other party or the Court.

III. 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) *Case Party(ies)*. Individually, and collectively, each named or unnamed party to a Case, including, but not limited to, each third-party, non-party, witness and other individual or entity that may have a legal interest in a Case (whether such party is appearing pro se or is represented by counsel) along with each representative and agent of the foregoing acting in such capacity.

- c) *Clerk's Office*. The office of The Clerk of the Superior Court of Cobb County.
- d) *Court*. The Superior Court of Cobb County.
- e) *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."
- f) *Electronic Filing or E-Filing*. The electronic transmission of electronic documents to and from the court via an electronic filing service provider.
- g) *Electronic Filing Service Provider (EFSP)*. The system or systems authorized to transmit, retrieve, serve and make available court filings electronically in The Superior Court of Cobb County. The current EFSP for the court is PeachCourt (www.peachcourt.com) but may change or expand to additional EFSPs in the future.
- h) *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.
- i) *Manual Filing or Conventional Filing*. The process of filing a paper document with the Clerk's Office.
- j) *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.
- k) *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.
- l) *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 the Clerk's Office's normal hours of operation.
- m) *Registered User*. A party, attorney or public or other authorized user, including judges, clerks and other court personnel, registered with the EFSP to file, receive service of, or retrieve documents electronically.
- n) *Self-Represented Litigant*. A person appearing in a court or filing without representation by or the assistance of a licensed attorney.

IV. Authorized Users. The following users are authorized to register with the EFSP:

- 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.

V. Unauthorized Access

No attorney shall knowingly authorize or permit his/her login credentials to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel, where it has been established in writing that designated counsel may file documents on behalf of the assigning counsel. An attorney who knowingly authorizes or permits his or her username and/or password to be utilized by his/her staff is fully responsible for all transmissions, communications and notifications through the EFSP.

VI. Public Access Terminal

- a) PATs will be located in the Clerk's Office or any other designated locations at the respective courthouses. PATs will be connected to the EFSP and the Case Management System. Any person who wishes to view the court's official record may do so via a PAT in the Clerk's office or via the Clerk's website (www.cobbsuperiorcourtclerk.com) at no additional cost.
- b) The public may E-File, research, download, view or print electronically filed documents on a PAT.
- c) Registered Users shall not be required to pay E-Filing transaction fees when filing from a PAT. Registered Users shall be required to pay standard court fees when filing from a PAT.

VII. Self-Represented Litigants

- a) Self-Represented Litigants may, but are not required to, E-File.
- b) The Court shall continue to accept filings from Self-Represented Litigants via paper, whether delivered to the court in person or through means such as the U.S. Mail, overnight delivery, etc.

VIII. 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 the EFSP.
- c) Exhibits to an electronic document may be attached to the main document and filed as a single PDF. In the event that the Registered User encounters a technical limitation that prevents exhibits and supporting materials to be attached to the main document as a single PDF, the Registered User may separate the materials into multiple PDFs for electronic filing. When separating a single document into multiple PDFs, the Registered User must insert a "Notice of Filing" as the first (cover) page for each PDF.
- d) The filer shall ensure that the resolution of each page of the electronic document is at least 200 dots-per-inch (DPI).
- e) 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.
- f) To the extent practicable, the filer shall keep the upper right-hand corner of the first page of all pleadings clear of text so as to not interfere with the court's electronic file stamp.

IX. 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.
- e) Prior to the submission of a filing to the court, the filer must confirm via an affirmative notation recorded by the EFSP that he/she has complied with O.C.G.A. § 9-11-7.1 and Uniform Rule of Superior 36.17 regarding the redaction of confidential information from the pleadings being submitted.

X. 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 the EFSP.
- 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 by the Clerk, the EFSP will notify the filer via email with the Clerk's reason for rejection. If the filing party wishes to dispute the rejection, they need to do so by filing a motion with the Court.
- 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 the EFSP, 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.

XI. Filing and Service of Executed Orders by Attorneys. Attorneys of record may submit executed orders through the EFSP if permitted to do so by the judge assigned to the case.

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). If, during the filing of an Original Petition or Original Complaint through the EFSP, a party chooses "Sheriff's Service Coordinated by Clerk" as the method of service, the EFSP shall charge and collect on behalf of the Clerk \$0.25 per page for each page contained in the service packet that Clerk prints on the filer's behalf.
- b) Except as otherwise set forth in this Order, all parties shall make electronic service upon other parties of subsequent electronic Documents through the EFSP. The EFSP 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 the EFSP 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 the EFSP 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 EFSP 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 electronically deliver 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. Each Clerk's Office shall make available for viewing by attorneys, judges and self-represented litigants, copies of electronically filed documents that are not sealed, privileged or otherwise restricted by the Court for access. The Clerk of Court may elect to make electronic documents available online or at the courthouse for the general public in the Clerk's discretion.

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

- a) Filers may submit filings through the EFSP 24 hours a day, seven days a week.
- b) Pursuant to Uniform Superior Court Rule 36.16(D), any pleading filed electronically shall be considered filed when it is received by the EFSP. Any document filed after 11:59 p.m. EST shall be deemed to have been filed on the next Court day.
- c) 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 Court 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 the EFSP. Filing fees are due and payable at the time of filing.
- b) With respect to cases initiated **AFTER October 1, 2018**, the EFSP may charge a fee which shall be a recoverable court cost and include the following:
 - i. A one-time Per-Party Transaction Fee of \$30.00 for electronically filing on behalf of a Case Party for the first time from a non-PAT computer.

- ii. A Volume E-Filing Transaction Fee of \$5.00 per transaction for each E-File Transaction after the tenth filing on behalf of a given Case party in a given case.
 - iii. 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 the EFSP 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. Official Record

The OFFICIAL RECORD and/or OFFICIAL COURT DOCKET is held and maintained by the Superior Court Clerk only. It is maintained within the Clerk’s Office at 90 Haynes Street, Marietta, GA 30060. The official record is also available via the Clerk’s website at www.cobbsuperiorcourtclerk.com.

The EFSP maintains a record of its own which does NOT represent the official court record or docket.

XX. Non-exclusivity

In compliance with O.C.G.A. 15-1-22., this order does not prohibit or limit Cobb County Superior Court’s authority to enter into multiple agreements with additional electronic filing service providers.

SO ORDERED, this 18th day of September, 2018.



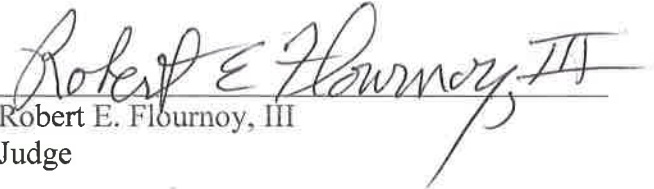
C. LaTain Kell, Sr.
Chief Judge



Mary Staley Clark
Judge



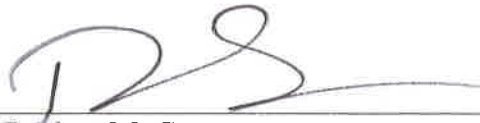
S. Lark Ingram
Judge



Robert E. Flournoy, III
Judge



J. Stephen Schuster
Judge



Reuben M. Green
Judge



Robert D. Leonard
Judge



A. Gregory Poole
Judge



Ann B. Harris
Judge



Kimberly A. Childs
Judge