

36-2019

IN THE STATE COURT OF HENRY COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
STATE COURT  
HENRY COUNTY, GA

JAN 10 2019

Standing Order Mandating and Governing  
Electronic Filing in Civil Cases

*Ag*  
MICHELE B. GARDNER FOR  
STATE COURT, HENRY COUNTY, GA

The State Court of Henry County, *sua sponte*, hereby orders that electronic filing in civil cases in The State Court of Henry County shall be mandatory for attorneys and self-represented litigants and shall be governed by the rules contained herein.

**I. Authority**

Electronic filing shall be conducted in accordance with Uniform Rules of State Court, Rules 36.16 and 36.17, the Statewide Minimum Standards for Electronic Filing, adopted December 7, 2018 by the Judicial Council of Georgia, and the statutory provisions on electronic filing proscribed in the Official Code of Georgia Annotated. Where this Order is, now or in the future, silent or in conflict with any operative law, rule or regulation, including but not limited to the Uniform Rules of State Court, the Judicial Council's Standards or the Georgia Code, this Order shall be superseded and shall be construed as intended to give full force and effect to the law.

**II. Effective Date**

This Order applies to new cases filed on or after January 1, 2019, as well as any case pending on the effective date of this Order. Any civil electronic filings prior to this date are discretionary.

**III. Designation of Cases Permitted for Electronic Filing**

All documents in all civil cases must be electronically filed pursuant to this Order and the rules contained herein, except a pauper's affidavit, documents filed under seal or presented to a court in camera or ex parte, 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.

**IV. 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) *Court*. The State Court of Henry County.
- c) *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."

- d) *Electronic Filing or E-Filing.* The electronic transmission of documents to and from the court for the purpose of creating a court record in PDF format.
- e) *Electronic Filing Service Provider ("EFSP").* The entity or system authorized to transmit and retrieve court filings electronically, as authorized by The State Court of Henry County. PeachCourt is the EFSP for The State Court of Henry County and can be accessed at [www.peachcourt.com](http://www.peachcourt.com).
- f) *Electronic Service or E-Service.* The electronic notice registered filers in a case receive of a document's filing and their ability to access the document electronically. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.
- g) *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.
- h) *Public Access Terminal ("PAT").* A publicly accessible computer provided by the Court for the purposes of allowing E-Filing, E-Service, and viewing of public Court records during Clerk's Office's normal hours of operation.
- i) *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.

## V. Authorized Users

Any person may register with the EFSP.

## VI. Public Access

The public can research and view electronically filed documents on a PAT located in Office of The Clerk of The State Court of Henry County located at 44 John Frank Ward Drive, McDonough, Georgia 30253. Printed copies of pleadings may be requested from the Clerk.

## VII. Time for Filing and Effect of Use of E-File

- a) Time of Filing. Pursuant to Uniform State 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.
- b) Technical Problems. In accordance with Uniform State Court Rule 36.16(F), if the electronic filing or service is prevented or delayed due to (1) inaccessibility to the EFSP that was not caused by the filer, or (2) an error in the transmission of the Document to the Case Management System which was unknown to the sending party, or (3) a failure to process the Document when received by the Case Management System, 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 transmitted electronically.

### **VIII. Electronic Signatures**

Every pleading, document, and instrument that is E-filed shall be deemed to have been signed by the registered filer submitting the documents, as well as by any other person who has authorized signature by the filer. It shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, email address, and State Bar of Georgia License Number of the signing attorney(s) (if applicable). Typographical signatures shall be treated as personal signatures for all purposes under the Georgia Rules of Civil Procedure.

### **IX. Electronic Service**

Parties are responsible for electronic service on all other parties in the case, subject to the following rules:

- a) Case Initiation. 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.
- b) Subsequent Filings. Except as otherwise set forth in this Order, all parties shall make service upon other parties of subsequent Documents electronically through the EFSP. Parties, or their designated counsel, shall receive all Documents E-Filed and E-Served upon them through the EFSP.
- c) Effect of Electronic Service. The electronic service of a 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 Document or a hyperlink to the electronic image of the served Document.
- d) Time to Respond or Act.
  - i. 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.
  - ii. 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.
  - iii. Parties who registered with the EFSP consent to receive E-Service of Documents, other than service of subpoenas or summons.

