

DEC 13 2019

*A. J. Allen*  
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF FORSYTH COUNTY  
STATE OF GEORGIA

In Re:	)	ADMINISTRATIVE ORDER NO.:
	)	<u>19-19</u>
CERTAIN CIVIL LITIGATION	)	
	)	
In the Superior Court of Forsyth County.	)	
	)	
	)	

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**STANDING ORDER GOVERNING ELECTRONIC FILING IN CIVIL CASES**

On January 1, 2019, the Superior Court of Forsyth County implemented mandatory electronic filing in accordance with the requirements of O.C.G.A. § 15-6-11, Rule 36.16 of the Uniform Rules of Superior Court ("USCR"), and the Statewide Minimum Standards for Electronic Filing, adopted December 7, 2018 by the Judicial Council of the State of Georgia.<sup>1</sup> The undersigned will comply with these requirements and, therefore, all counsel of record and pro se litigants are likewise expected to familiarize themselves with the requirements so that they too can comply.

**1. APPLICATION OF ELECTRONIC FILING REQUIREMENTS TO PRE-2019 CIVIL ACTIONS**

Superior Court cases filed prior to January 1, 2019, also referred to as "legacy cases" in this Administrative Order, are subject to the electronic filing requirements set forth in O.C.G.A. § 15-6-11. Therefore, any civil filing made on or after January 1, 2019 in a legacy case shall be electronically submitted, either through an Electronic Filing Service Provider ("EFSP") or a Public Access Terminal ("PAT"), to the Clerk of Superior Court (hereinafter "Clerk") for electronic filing.

**2. CLERK'S REVIEW AND ACCEPTANCE OF ELECTRONICALLY FILED PLEADINGS, DOCUMENTS AND ORDERS**

Pursuant to Section 11 of the Statewide Minimum Standards and Rules for Electronic Filing, the Clerk must review all documents and pleadings submitted for electronic filing via an EFSP or PAT to determine if the document or pleading is deficient or defective so that the Clerk can either accept, reject, or afford the person submitting the document or pleading an opportunity

<sup>1</sup> The Statewide Minimum Standards for Electronic Filing are incorporated into USCR 36.16(A) as contemplated by O.C.G.A. § 15-6-11(b)(4).

to cure the noted deficiency or defect.<sup>2</sup> Documents and pleadings submitted for electronic filing via an EFSP or PAT create an electronic document queue.

The Clerk shall review the electronic document queue to make the necessary acceptance or rejection determinations as follows:

- Any document or pleading submitted for electronic filing from 8:30 a.m. until 4:00 p.m., when the courthouse is open, shall be reviewed by the Clerk and either accepted for filing or rejected by the Clerk no later than 5:00 p.m., that same business day.
- Any document or pleading submitted for electronic filing on a weekday after 4:00 p.m. or on a weekend, shall be reviewed by the Clerk and either accepted for filing or rejected by the Clerk no later than 5:00 p.m. the next business day. For electronic submissions made during Court holiday closures or Court closures due to a declared judicial emergency, the Clerk shall process those documents on the next business day when the Court resumes its normal operations.
- Any emergency order executed by the Court, and electronically submitted by the Court through an EFSP for electronic filing, shall be reviewed by the Clerk and either accepted for filing or rejected by the Clerk no later than 5:00 p.m., the same business day.

### **3. ELECTRONIC FILING REQUIREMENTS CONCERNING PRO SE CIVIL LITIGANTS**

The Clerk shall not accept for filing paper pleadings, motions, or other documents by pro se litigants except in those classes of cases excluded from electronic filing as identified in O.C.G.A. § 15-6-11(b)(3)(A)(i)-(iv). The Clerk shall accommodate pro se filers by directing said litigant to electronically submit his/her paper pleadings, motions, or other documents for filing via: (1) remote submission through an EFSP; or (2) a PAT located within the Forsyth County courthouse.<sup>3</sup>

Electronic submission of documents for filing at a PAT does not require registering for an EFSP account; moreover, when submitting documents or pleadings through an EFSP via the PAT, usage and convenience fees are waived.<sup>4</sup> To facilitate the use of the PAT by pro se litigants, the Clerk shall accommodate the pro se litigant by converting and maintaining in electronic form, paper pleadings or other documents received from pro se litigants.<sup>5</sup> If a pro se litigant does not have an email address and cannot, therefore, register for an EFSP account, then

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<sup>2</sup> The undersigned consider this process to qualify as the Clerk's "physical acceptance determination" contemplated by O.C.G.A. § 15-6-11(e) and Section 11 of the Statewide Minimum Standards and Rules for Electronic Filing.

<sup>3</sup> See, e.g., Statewide Minimum Standards and Rules for Electronic Filing at § 3.

<sup>4</sup> At this time, "Non-Registered" users of EFSPs in Forsyth County use PATs to electronically "submit" pleadings, motions, documents via EFileGA's KIOSK mode without registering with an EFSP. This qualifies as electronic "submission" of documents envisioned by O.C.G.A. § 15-6-11(b)(3)(A)(ii) and USCR 36.16(E).

<sup>5</sup> See Statewide Minimum Standards at Section 3.

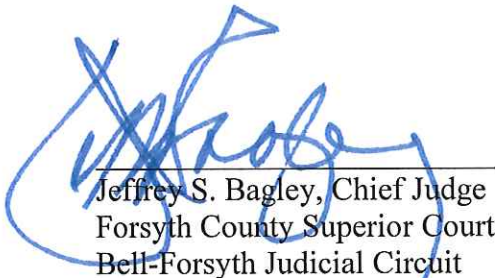
all other parties to the litigation must serve the pro se litigant via traditional United States Postal Service mail or personal service unless the person submitting documents via the PAT has expressly consented to electronic service and/or includes an email address in his/her signature block as contemplated by O.C.G.A. § 9-11-5(f).<sup>6</sup> The pro se litigant must make a certification in his or her initial filing that he or she does not have an email address and therefore cannot register for an EFSP account. The Clerk shall make an appropriate annotation within the Superior Court's Electronic Case Management System<sup>7</sup> for pro se litigants who have made the appropriate certification.

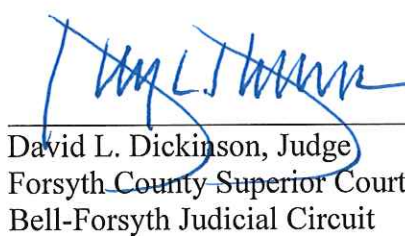
**4. SUBMISSION OF COURTESY COPIES OF MOTIONS AND PROPOSED ORDERS TO ASSIGNED JUDGE**

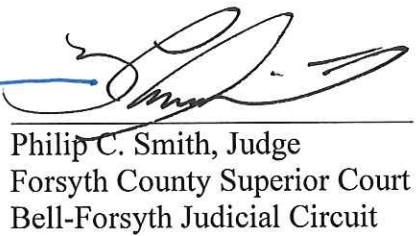
A party electronically filing the following motions shall provide the Court with a printed courtesy copy of the motion, supporting brief, and/or proposed order: Motions for Summary Judgment; Motions to Dismiss; Emergency Motions; Motions for Ex Parte Relief;<sup>8</sup> Motions for Temporary Restraining Order filed pursuant to O.C.G.A. § 9-11-65 or otherwise seeking immediate injunctive relief; and Petitions or motions seeking habeas relief.

All proposed orders submitted in conjunction with a hearing shall be electronically filed no later than 4:00 p.m. on the last business day preceding the scheduled hearing.

SO ORDERED this 13<sup>th</sup> day of December, 2019, *nunc pro tunc* to January 1, 2019.

  
Jeffrey S. Bagley, Chief Judge  
Forsyth County Superior Court  
Bell-Forsyth Judicial Circuit

  
David L. Dickinson, Judge  
Forsyth County Superior Court  
Bell-Forsyth Judicial Circuit

  
Philip C. Smith, Judge  
Forsyth County Superior Court  
Bell-Forsyth Judicial Circuit

<sup>6</sup> See Pursuant to USCR 36.16(E), if a pro se party or counsel has not registered with an EFSP, then they have not otherwise waived "any other form of service" as contemplated by the Civil Practice Act. USCR 36.16(E) provides: "Electronic Service. Upon filing, an electronically filed document is deemed served on all parties 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." (Emphasis supplied). The term "Registered User" means ". . . 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." Statewide Minimum Standards at § 1(f).

<sup>7</sup> Tyler Technologies' Odyssey Case Manager.

<sup>8</sup> This does not include motions or petitions seeking ex parte relief under the Family Violence Act. Those motions or petitions are to be presented directly to the Clerk of Superior Court who will immediately deliver said motion or petition to the presiding Superior Court Judge, sitting by designation, for expedited review.