

IN THE SUPERIOR COURT OF CHEROKEE COUNTY  
STATE OF GEORGIA

In Re: Certain Litigation In The Superior  
Court of Cherokee County

Administration and Procedure

STANDING ORDER PERMITTING AND GOVERNING  
ELECTRONIC FILING (E-FILING) FOR NON-CRIMINAL CASES

Pursuant to Uniform Superior Court Rule (USCR) 1.2(E) and the Statewide Minimum Standards for Electronic Filing (hereafter "Standards" or "Judicial Council Standards"), the Cherokee County Superior Court hereby orders that electronic filing (e-filing) for civil cases only shall be authorized in the Superior Court of Cherokee County and shall be governed by the following rules:

**1. Authority**

The Court hereby adopts and effects USCR 36.16 and 36.17 (attached as Addendum hereto) (hereafter "Adopted Rule(s)") and incorporate the Rules herein as the Order of this Court.

**E-Filing shall be conducted in accordance with the Adopted Rules and the Judicial Council Standards.** Where this Order is now or in the future silent or in conflict with any operative law, including but not limited to the Adopted Rules and the Judicial Council's Standards, this Order shall be superseded and shall be construed as intended to give full force and effect to the law.

A. Scope: The Court may at any time mandate electronic filing and service of pleadings in designated cases. The Court and the Clerk may issue, file and serve notices, orders, and other documents electronically, subject to the provision of these rules.

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

- 1) Licensed attorneys and their staff, including paralegals and secretaries;
- 2) Pro Hac Vice attorneys;
- 3) Judges and their staff;
- 4) Court administrative staff, including technical support staff;
- 5) Self-Represented litigants; and
- 6) Other public users, including media representatives.

**2. Effective Date**

The Clerk will implement this Order at the beginning of a month not less than 45 days after entry hereof. Subject to this delayed implementation, this Standing Order shall become effective upon entry into the minutes by the Clerk and shall remain in effect until otherwise ordered. The Clerk shall be responsible for the proper notice of this Order in accordance with

Rec: \$0.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

the mandates of USCR 1.2(E) and will provide the Court with a statement certifying such notice.

### 3. Designation of Cases Permitted for E-Filing

All documents in civil cases only may be filed electronically pursuant to this Order and the rules contained herein, except those documents specified as prohibited in the Adopted Rules.

### 4. Definitions

- A. *Court*. "Court" means the Superior Court of Cherokee County.
- B. *Electronic filing or E-Filing*. "Electronic Filing" or "E-Filing" means the electronic transmission of documents to the Court and from the Court for purposes of filing.
- C. *Electronic Filing Service Provider*. An Electronic Filing Service Provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically that is authorized by the Clerk of Superior Court of Cherokee County to transmit electronic filings.
- D. *Electronic Service or E-Service*. "Electronic Service" or "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.
- E. *Public Access Terminal*. "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 Justice Center and made available during normal business hours.
- F. *Registered User*. A "registered user" is a party, attorney or 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.
- G. *Filing party*. A filing party is an attorney, party or other person who files a legal paper by means of electronic filing.
- H. *Case Management System*. The "Case Management System" is the electronic court records management system used by the Clerk of Cherokee County Superior Court.
- I. *Non-Conforming Materials*. "Non-conforming materials" means 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.

### 5. Maintenance of Documents

The filing party shall maintain the signed hard copy of the documents filed for seven (7) years following disposition of the matter or longer if required to do so by applicable law.

Any other party at any time with reasonable notice may inspect the signed hard copy of documents that are maintained by the filing party.

## 6. Request for Correction

A clerk may request a filer to correct an e-filed document for the following reasons. The Clerk will state the reason for the request from among the following:

- a. Insufficient Funds: Credit Card was declined.
- b. Document Addressed to Wrong Court/Clerk: The document is addressed to a court for which this clerk's office does not accept filings.
- c. Incorrect/Incomplete Information: Please resubmit using the correct • Cause number  
• Case Type

If a filing was returned for corrections, the return comment will include information as to why the document is being returned; a party will have Five Calendar Days to correct and resubmit the filing in order to retain the original filing date (When resubmitting a document, the original Envelope Number should be included in the re-submission comment).

## 7. Lead Document

Lead Document is a document in a filing that will receive a file mark; any document that is filed with the Clerk must be filed as a lead document. Cover letters can NOT be the first page of a lead document A LEAD DOCUMENT (also sometimes called a Main Document) is generally the first document filed, will receive a file-stamp and will generate a separate entry in the court's docket. Any document to be file-stamped must be filed as a lead document. This will determine how the document will be recorded on the court's docket. Lead documents are always to be submitted as separate documents and not scanned together. Documents scanned together as one document cannot be separated by the e-filing System. Documents being scanned together may result in the filing being returned for correction and required re-submission.

## 8. The Envelope

The electronic envelope, like a paper envelope, is the vessel in which the documents are placed and transmitted from the Filer's computer to the Clerk's Office via the EFSP. More than one document may be placed in an envelope. Multiple lead documents and supporting documents may be placed in the same envelope during the same transaction as long as they belong in the same case and do not exceed the maximum allowed file size. Only one envelope may be used for each filing transaction.

## 9. Burden of Redaction

- A. In accordance with OCGA 9-11-7.1 and in order to promote public electronic access to case files while protecting sensitive information, pleadings and other papers filed with a court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court shall include only:
  - 1) The last four digits of a Social Security number
  - 2) The last four digits of a taxpayer identification number
  - 3) The last four digits of a financial account number
  - 4) Only the year of an individual's birth

Rec: \$0.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

- B. The burden of redaction of the sensitive data rests with the Filer rather than the Clerk. The Clerk will not review filing for compliance with this rule, however, if non-compliance is discovered it would be a basis for returning the filing for correction.
- C. A party having a legitimate need for the above information may obtain it through the ordinary course of discovery without further order of the court
- D. This rule does not create a private right of action against a court or a clerk or any person employed thereby.

**10. Electronic Filing Stamp**

The transmission will be endorsed with a file stamp setting forth the identification of the Clerk of Court of Cherokee County, its clerk, and the date and time of filing. This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on line. Electronically filed documents so endorsed shall have the same force and effect as documents file stamped in the conventional manner.

**11. Clerk's Signature**

Where the Clerk is required to sign an electronically filed document, the typed name of the Clerk, affixed by the Clerk, shall be deemed to be the Clerk's signature on the electronic document.

**12. Filing Deadlines**

The electronic filing of a document does not alter any applicable filing deadlines.

**13. Acceptance by Clerk**

- A. Any document submitted electronically shall be considered filed with the Clerk's Office if not rejected by the Clerk's Office.
- B. Confirmation of receipt- upon completion of e-filing the EFSP shall issue a confirmation receipt that includes the date and time of submission to the court. In Accordance with Uniform Superior Court Rule 36.16(D) an e-document is presumed filed upon its receipt by the EFSP. The confirmation receipt shall serve as proof of filing.

**14. Access to Electronically Filed Documents**

- A. The Clerk's Office will make available for inspection and copying printed copies of any electronically filed document as maintained in the official court record. Copies of electronically filed documents shall be made available to the public at the same cost as charged for copies of documents filed in the conventional manner.
- B. E-filing Alternative: The Clerk shall provide a no-cost alternative to remote electronic filing by making available at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, and by continuing to accept paper filings or both provided payment of all court costs and filing fees as defined by law will be required.

Rec: \$0.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

**15. Registration Requirements**

- A. 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 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.
- B. The email address of an attorney or unrepresented party who electronically files a document must be included on the document. Any change in email address, delivery address, etc. will be communicated to the EFSP within ten (10) calendar days of the change. For record notice purposes, the record address of the party or attorney whose address changes will not change until the day and time that the notice is communicated to the EFSP.

**16. Signatures**

- A. 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 the signatures are authentic.
- B. All electronically filed documents entered by the court will show the image of the Judge's original signature or the Judge's electronic signature notation. The electronic signature of the Judge and the Judge's physical signature on paper are of the same force and effect.
- C. The party filing the document must obtain the signatures of all parties on a printed form of the document unless all parties that must sign possess acceptable, authenticated electronic signatures.
- D. If a document requires a signature by a court or Judicial Officer, the document may be electronically signed in any manner permitted by law.
- E. Documents requiring signatures of multiple parties
  - 1) When a document to be e-filed, such as a stipulation, requires the signatures of opposing parties, the party filing the document will first obtain the handwritten signatures of all parties on a printed form of the document unless all parties that must sign possess acceptable, authenticated electronic signatures, in which case all parties that must sign may affix their e-signatures to the extent permissible by the technology.
  - 2) A printed document bearing the original signatures will be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of document.

**17. Technical Interruptions**

- A. Both the Clerk and the EFSP must take reasonable steps to provide notice to electronic filers of any problems that impede or preclude electronic filing.

Rec: \$0.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

- B. When technical problems with either the Clerk's system and/or the EFSP system preclude the Clerk from accepting electronic filings on a particular court day, the Court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file on that day.
- C. This provision does not apply to the complaint or other filing that initiates an action or proceeding; that is, it does not extend the time within which an action or proceeding must be filed.
- D. The Clerk, in cooperation with the EFSP will prepare a written log of every hour during each day of the preceding month that problems existed for at least a portion of that hour that impeded or precluded e-filing. The monthly log together with the Clerk's certification to its accuracy will be spread upon the Clerk's Minute Book by the 5<sup>th</sup> of each month.

**18. Electronic Service of Documents**

- A. An electronically filed document is served upon filing to all parties and counsel who have waived any other form of service by registering with the EFSP to receive electronic service in the case and who receive notice via the system of the document filing.
- B. Electronic Service of Documents is NOT permitted for 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.

**19. Electronic Record**

The Clerk of Court is authorized to maintain the original and official case record in electronic format. The Case management System shall be the official case record and the Clerk will provide upon request, written protocols describing the redundant data controls implemented to ensure the quality and integrity of the electronic record.

The record will not be altered without a docket entry describing the alteration, the date and time of the alteration, the identity of the person responsible for the alteration, and the reason therefor.

**20. Maintenance of Documents filed under Seal**

In accordance with Uniform Superior Court Rule 36.16(B) *e-filing is expressly prohibited for documents that must be filed under Seal.* Documents to be filed under seal must be submitted to the Clerk of Court in paper form. The documents must be accompanied by a Court Order sealing the documents submitted.

Filers submitting documents to be filed under seal are required to file a Notice of Submission of Documents Filed Under Seal if the document to be filed under seal constitutes the entire filing. If the document to be filed under seal is an exhibit to another document a notice indicating that this particular document has been filed under seal should be included in the larger filed e-document without separate notice.

Rec: 50.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

**21. Non-Conforming Materials**

Non-Conforming Materials must be filed manually with the Clerk of Court. The filing party shall e-file a notice of manual filing that shall be docketed in the Case Management System to denote that a manual filing has been made and that the material is being held in the Clerk's office. ~~The filing party shall serve the materials conventionally if required.~~

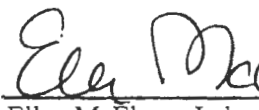
**22. Business Processes**


The Clerk will train and cross train civil clerk staff on business processes as recommended by the EFSP unless otherwise directed by the Court.

Further, the Clerk will help to facilitate unfettered access by the Judicial Staff to the case management and e-filing Vendors for training and support services. Upon request, the Clerk will provide additional vendor software licenses to the Court as the Court deems necessary.


ORDERED this 7<sup>th</sup> day of August, 2017.

  
Jackson Harris, Chief Judge

  
Ellen McElyea, Judge

  
David Cannon, Jr., Judge

Accepted for implementation by

  
Patty Baker, Clerk of Superior Court

[addendum attached]

Rec: \$0.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ADDENDUM TO STANDING ORDER PERMITTING AND GOVERNING  
ELECTRONIC FILING (E-FILING) FOR NON-CRIMINAL CASES

Rule 36.16. Electronic Filing (A) Availability. Electronic filing may be made available in a court, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council. (B) Documents that may be filed electronically. 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. (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. 92 (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. Adopted effective June 4, 2015.

Rule 36.17. Sensitive Information (A) In accord with OCGA § 9-11-7.1 and in order to promote public electronic access to case files while also protecting sensitive information, pleadings and other papers filed with a court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court shall include only: (1) The last four digits of a social security number; (2) The last four digits of a taxpayer identification number; (3) The last four digits of a financial account number; and (4) The year of an individual's birth. (B) The responsibility for omitting or redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review filings for compliance with this rule. (C) A party having a legitimate need for the above information may obtain it through the ordinary course of discovery without further order of the court. (D) This rule does not create a private right of action against a court, a clerk, counsel or any other individual or entity that may have erroneously included identifying information in a filed document that is made available electronically or otherwise. (E) This rule does not amend or modify Uniform Superior Court Rule 21, Limitation of Access to Court Files. Adopted effective June 4, 2015