

IN THE SUPERIOR COURT OF UPSON COUNTY
STATE OF GEORGIA

FILED & RECORDED
SUPERIOR COURT CLERK'S OFFICE
UPSON COUNTY, GEORGIA
Date: 11/7/2014 Time: 11:27 AM
JH
TERESA HARPER, SUPERIOR COURT CLERK

Standing Order Permitting and Governing
E-Filing in Civil Cases

Pursuant to Uniform Superior Court Rule (USCR) 1.2(E) and the Statewide Minimum Standards for Electronic Filing (hereafter "Standards" or "Judicial Council's Standards"), adopted September 25, 2014 by the Judicial Council of Georgia, the Superior Court of Upson County hereby orders that electronic filing for civil cases only shall be authorized in the Superior Court of Upson County and shall be governed by the following rules:

I. Authority

The Court hereby adopts and effects proposed USCR 36.16 and 36.17 (attached as Exhibits 1 and 2) (hereafter "Adopted Rule(s)") and incorporates them herein as the order of this Court. **E-Filing shall be conducted in accordance with the Adopted Rules and the Judicial Council's 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operative law, including but not limited to the Adopted Rules and the Judicial Council's Standards, this Order shall be superseded and shall be construed as intended to give full force and effect to the law.

II. Effective Date

This Order shall not be entered by the Clerk unless and until signed by all four Superior Court Judges. This Standing Order shall become effective upon filing and by being entered into the minutes by the Clerk and shall remain in effect until otherwise ordered.

III. 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.

IV. Definitions¹

For purposes of this Order, the following terms are defined as follows:

- (a) *Court*. Court means the Superior Court of Upson County.
- (b) *Electronic Filing or E-Filing*. Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by [law and the Judicial Council's Standards]."²
- (c) *Electronic Filing Service Provider*. An electronic filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically, [authorized by the Clerk of Superior Court of Upson County to transmit electronic filings]."³
- (d) *Electronic Service or E-Service*. Electronic service is the electronic notice registered filers in a case receive of a document's filing and their ability to access the document electronically."⁴
- (e) *Public Access Terminal*. A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents."⁵
- (f) *Registered User*. A registered user is a party, attorney, or public or other authorized user, including judges, [C]lerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically."⁶

V. Standards for Making E-Filing Available

- (a) *EFSP or EFSPs*. The EFSP or EFSPs authorized [by the Clerk] to conduct e-filing [shall] maintain compliance with the standards set forth in [the Judicial Council's Standards to be and remain authorized to conduct e-filing in the Superior Court of Upson County];"⁷

¹ Brackets found in Sections IV and V of this Order indicate added language to the Adopted Rules and Judicial Council Standards for clarity and local applicability.

² Judicial Council of Georgia, "Statewide Minimum Standards for Electronic Filing," Effective Sept. 25, 2014, p. 1.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id. at p. 2.

(b) "*E-Filing Alternative*. The [C]lerk shall provide a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both, [provided all court costs and filing fees otherwise required by law shall remain in effect]; and"⁸

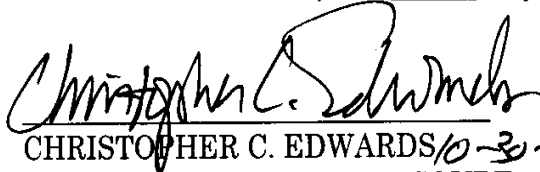
(c) "*Public Access*. The [C]lerk [shall ensure] that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours."⁹

VI. Compliance with Uniform Rules Concerning Standing Orders

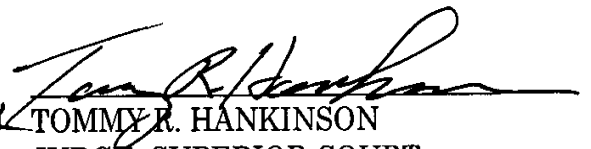
(a) The Clerk shall instanter upon filing comply with the requirements of USCR 1.2(E) (copy attached as Exhibit 3).

(b) The Clerk shall continue to assign cases in full compliance with the rotation and method prescribed in the Case Assignment Standing Order already in effect. The Clerk shall report in writing to all four judges any attempt, request, or method of any person to evade or manipulate the intent of the Case Assignment Standing Order to provide for random assignment of any case, other than as a companion or related case properly noticed under USCR 4.8.

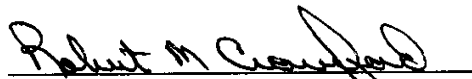
SO ORDERED, this 14th day of November, 2014.




CHRISTOPHER C. EDWARDS
CHIEF JUDGE, SUPERIOR COURT
UPSON COUNTY



TOMMY R. HANKINSON
JUDGE, SUPERIOR COURT
UPSON COUNTY



ROBERT M. CRAWFORD
JUDGE, SUPERIOR COURT
UPSON COUNTY



W. FLETCHER SAMS
JUDGE, SUPERIOR COURT
UPSON COUNTY

⁸ Id.

⁹ Id.

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES OF SUPERIOR COURT
APPROVED FOR FIRST READING, JULY 30, 2014**

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EXHIBIT 1

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. An electronically filed document is deemed served upon filing to 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.

(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.

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EXHIBIT 2

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 in no way creates 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 in no way amends or modifies Uniform Superior Court Rule 21, Limitation of Access to Court Files.

UNIFORM SUPERIOR COURT RULES

Effective July 1, 1985

Including Amendments Received Through
September 18, 2014

Rule 1. PREAMBLE

Pursuant to the inherent powers of the Court and Article VI, Section IX, Paragraph I of the Georgia Constitution of 1983, and in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions, these rules are promulgated. It is not the intention, nor shall it be the effect, of these rules to conflict with the Constitution or substantive law, either per se or in individual actions and these rules shall be so construed and in case of conflict shall yield to substantive law. It is the intention of these rules and the policy of this State that these rules prevail over local practices and procedures and shall be in force uniformly throughout the State.

Amended effective September 19, 1986; October 7, 2010.

Rule 1.1. Repeal of Local Rules

All local rules, internal operating procedures and experimental rules of the superior courts shall expire effective December 31, 2010.

Amended effective May 5, 1994; October 7, 2010; May 23, 2013.

Rule 1.2. Authority to Enact Rules Which Deviate From the Uniform Superior Court Rules

(A) The terms "local rules," "internal operating procedures" and "experimental rules" will no longer be used in the context of the Uniform Superior Court Rules. Any deviation from these rules is disallowed.

(B) Notwithstanding the expiration of local rules, internal operating procedures and experimental rules on December 31, 2010, courts may continue to maintain practices and standing orders to regulate the internal processes of the court in matters which are not susceptible to uniformity, which relate only to internal procedure and which do not affect the rights of any party substantially or materially, either to unreasonably delay or deny such rights. Such internal processes include but are not limited to case management, court administration, case assignment, traverse and grand jury management, court-annexed alternative dispute resolution programs (which are subject to approval by the Georgia Commission on Dispute Resolution), specialty courts, indigent defense programs, court security, emergency planning, judicial assistance requests, appointments of chief judges, law libraries, and other similar matters. The Clerk of Court shall maintain the originals of such standing orders and provide copies of them, upon request.

(C) The above provisions notwithstanding, each superior court may retain or adopt an order establishing guidelines governing excuses from jury duty pursuant to OCGA § 15-12-10.

(D) Notwithstanding these uniform rules, a majority of judges in a circuit may adopt pilot projects, upon approval of the Supreme Court, adequately advertised to the local bar, with copies to the State Bar of Georgia, not to exceed a period of one year, subject to extension for one additional year upon approval of the circuit judges and the Supreme Court. At the end of the

second year, any such pilot projects will either be approved by the Supreme Court or will be allowed to sunset. Programs developed under the Alternative Dispute Resolution Rules of the Supreme Court will be approved by the Georgia Commission on Dispute Resolution before attaining permanent status under these rules.

(E) Notwithstanding the expiration of all local rules, internal operating procedures and experimental rules, effective December 31, 2010, courts may promulgate standing orders as to matters not addressed by these uniform rules and which are not inconsistent with a uniform rule only if actual notice of such order is provided to all parties. Such orders include, but are not limited to, orders to attend educational seminars contemplated by Uniform Superior Court Rule 24.8, orders governing or mandating alternative dispute resolution, orders governing payments into the registry of the court, orders governing electronic filing, and similar matters. "Actual notice" shall be deemed to have been satisfied by providing copies of such orders to attorneys and pro se litigants, service by a party upon opposing parties and publicized dissemination in such locations as the offices of the clerks of court, law libraries, legal aid societies and public libraries. Mere filing of standing orders and posting in prominent places in the courthouse shall not suffice as actual notice.

(F) No person shall be denied access to the court nor be prejudiced in any way for failure to comply with a standing order of which the person does not have actual notice.

Amended effective May 5, 1994; April 3, 1998, October 7, 2010; May 23, 2013.

Rule 1.3. Repeal of Earlier "Rules of the Superior Court"

Each of the "Rules of the Superior Court" set out in (former) Ga. Code Ann. §§ 24-3301 through 24-3389, inclusive, not earlier repealed is hereby expressly repealed.

Rule 1.4. Matters of Statewide Concern

The following rules, to be known as "Uniform Superior Court Rules," are to be given statewide application.

Rule 1.5. Deviation

These rules are not subject to local deviation. A specific rule may be superseded in a specific action or case or by an order of the court entered in such case explaining the necessity for deviation and served upon the attorneys in the case. Nothing herein is intended to prevent the courts from adopting standing orders regarding matters not addressed in these rules so long as they do not conflict with these rules.

Amended effective October 7, 2010.

Rule 1.6. Amendments

The Council of Superior Court Judges shall have a permanent committee to recommend to the Supreme Court such changes and additions to these rules as may from time to time appear necessary or desirable.

The State Bar of Georgia and the Uniform Rules committee chairpersons for the other classes of courts shall receive notice of the proposed changes and additions and be given the opportunity to comment.