

IN THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

LOWNDES COUNTY, GEORGIA
FILED IN OFFICE

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Standing Order Mandating and Governing Electronic Filing in Civil Cases

Beth C. Green

CLERK OF SUPERIOR STATE
JUDICIAL COUNCIL

Electronic filing shall be conducted in accordance with Uniform Rules of Superior Court, Rules 36.16 and 36.17, the Statewide Minimum Standards for Electronic Filing, adopted September 25, 2014, by the Judicial Council of Georgia, and the statutory provisions on Electronic filing prescribed in the Official Code of Georgia Annotated §§ 15-6-11 and 15-7-5. 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to the Uniform Rules of Superior Court, the Judicial Council's Standards or the Georgia Code, this Order shall be superseded and shall be construed as intended to give full force and effect to the law.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. Effective Date

This Standing Order applies to new cases filed on or after January 1, 2019. In civil filings commenced before January 1, 2019, the Clerk may still accept paper filings.

II. 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 as otherwise listed below. The Clerk shall not accept or file any pleadings or documents in paper form except from self-represented individuals. The Clerk may advise self-represented individuals to file via the public access terminal.

III. Manual Filing is Required for Certain Documents

The following types of documents may not be E-Filed and must be filed on paper:

- a) Pleading or documents in an Adoption case
- b) Temporary Protective Order
- c) Pleading of documents under seal
- d) Documents to be presented to the Court in camera or ex parte
- e) Requests for paupers affidavits and related documents
- f) Any validation of bonds as provided by law
- g) Any other documents to which access is otherwise restricted by law or Court Order

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) *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) *Court*. The Superior Court of Lowndes County.

d) *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."

e) *Electronic Filing or E-Filing*. The electronic transmission of electronic documents to and from the Court via an electronic filing service provider.

f) *Electronic Filing Service Provider (EFSP)*. The system authorized to transmit, retrieve, serve and make available court filings electronically. Odyssey is the current EFSP for the Lowndes County Superior Court and can be accessed at www.odysseyfilega.com

g) *Electronic Service or E-Service*. The electronic notice of service provided by Odyssey 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.

h) *Manual Filing or Conventional Filing*. The process of filing a paper document with the Clerk's Office.

I) *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.

j) *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.

k) *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.

l) *Registered User*. A party, attorney or public or other authorized user, including judges, clerks and other court personnel, registered with Odyssey to file, receive service of, or retrieve documents electronically.

m) *Self-Represented Litigant*. A person appearing in Court or filing documents without representation by a licensed attorney.

V. Authorized Users

Any person who properly registers with Odyssey is an Authorized User.

VI. Access to Court Documents

The Clerk's Office shall make available for viewing by attorneys and the general public a copy of every document of record with that Court that is not sealed, privileged or otherwise restricted by the Court for access. Access to documents shall be available online at www.odysseyfilega.com or via the Clerk's Public Access Terminal.

VII. Public Access Terminal ("PAT")

a) PAT will be located in the Clerk's Office or other designated locations within the courthouse. Any person who wishes to view or research the Court's official record may do so on a PAT in the Clerk's office at no additional cost.

b) Fees will be applicable for printing and downloading 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.

VIII. Clerks' Responsibility to Provide Technical Support

The Clerk of Court shall provide technical support to filers using the PAT. However, neither the Clerk, nor any Deputy Clerk, nor any court personnel may provide any legal advice.

IX. Self-Represented Litigants

a) Self-Represented Litigants are strongly encouraged, 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 United States Mail, etc.

X. 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 Odyssey.

c) The filer shall ensure that the resolution of each page of the electronic document is at least 200 dots-per-inch (DPI).

d) 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.

XI. Electronic Signatures

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.

XII. Electronic Service of Documents

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).

b) Except as otherwise set forth in this Order, all parties shall make electronic service upon other parties of subsequent electronic documents through Odyssey. Odyssey shall be the vehicle through which all parties who have signed in to Odyssey, or their designated counsel, shall receive all E-Filed and E-Served Documents.

c) The electronic service of an electronic Document through Odyssey shall be considered as valid and effective service and shall have the legal effect as an original paper document sent via conventional means, United States mail, fax 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. While electronic service of documents is valid, parties should be mindful of technical difficulties. Delays in the system processing, accepting filings, court issued deadlines, or court proceeding dates will determine if service should also be perfected by conventional means, United States mail, fax or hand delivery.

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

a) Time of filing. Pursuant to Uniform Superior Court Rules 36.16 (D), any pleading filed electronically shall be considered filed when it is received by Odyssey. Any document filed after 11:59 p.m. Eastern-Standard time shall be deemed to have been filed on the next day. A document filed electronically will not be electronically distributed to other Counsel or parties nor be viewable until the Clerk of Court physically accepts the document into the electronic filing system.

b) Technical Problems. Pursuant to Uniform Superior Court Rule 36.16 (F), “System filing errors,” if electronic filing or service is prevented or delayed because of a failure of the electronic filing system, the 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 a motion for appropriate relief with the Clerk at the earliest available opportunity.

XIV. Filing Procedures 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 Odyssey.

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, Odyssey will notify the filer via email with the Clerk’s reason for rejection.

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 Odyssey, 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.

XV. Time to Respond or Act

a) E-Service shall be deemed complete when the transmission to Odyssey 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 Odyssey consent to receive E-Service of Documents, other than service of subpoenas, summons or initial actions.

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.

XVI. Copies to the Judge's Office

The Superior Courts in the Southern Judicial Circuit do not automatically assign civil actions to a particular Judge or at the time of filing of the action. DO NOT electronically serve the Judge by e-filing documents. If it is a party's intention that the presiding Judge should receive and consider an e-filed document, a cover letter and a hard copy of the document should be mailed directly to that Judge. DO NOT e-mail documents directly to the Judge. Contact the Judicial Secretary and receive permission to e-mail and request the proper address to which said document should be e-mailed.

XVII. Payment of Filing Fees

a) Registered Users shall pay statutory filing fees for E-Filed Documents electronically to the Court through Odyssey. Filing fees are due and payable at the time of filing.

b) Odyssey may charge a fee which shall be a recoverable court costs and include the following:

i. A transaction fee for electronically filing pleadings or documents in any civil action and the electronic service of pleadings, which shall not exceed \$7.00 per transaction, regardless of how many documents are included with the specific transaction or how many parties shall be served; and

ii. A convenience fee for credit card and bank drafting services, which shall not exceed 3.5 percent plus 30¢ per transaction.

c) The term "per transaction" means a single upload to Odyssey 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.

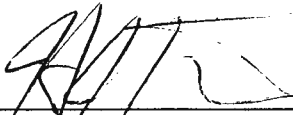
XVIII. Electronic Filing and Service of Orders and Other Papers

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.

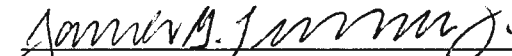
XIX. Electronic Record

The Clerk of Lowndes County Superior Court is authorized to maintain the original and official case record in electronic format within the Case Management System.

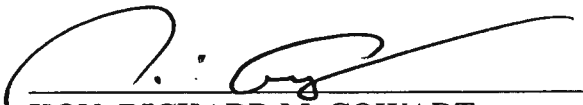
SO ORDERED, this 1st day of May, 2019.



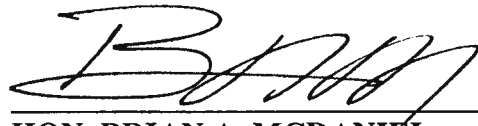
HON. HARRY JAY ALTMAN, II
Chief Judge, Superior Courts
Southern Judicial Circuit



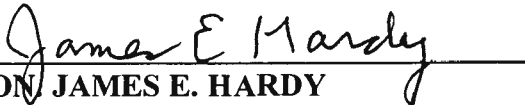
HON. JAMES G. TUNISON, JR.
Judge, Superior Courts
Southern Judicial Circuit



HON. RICHARD M. COWART
Judge, Superior Courts
Southern Judicial Circuit



HON. BRIAN A. MCDANIEL
Judge, Superior Courts
Southern Judicial Circuit



HON. JAMES E. HARDY
Judge, Superior Courts
Southern Judicial Circuit