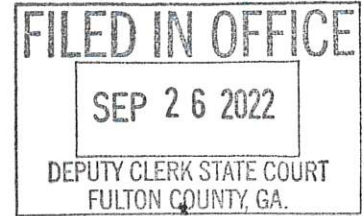


IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA



In re: :
: ADMINISTRATIVE ORDER NO.
CERTAIN LITIGATION : 22EX000176
:
In the State Court of Fulton County :
:

ORDER IMPLEMENTING ELECTRONIC FILING FOR CRIMINAL CASES

1. APPLICATION OF ORDER. Effective immediately, all criminal cases filed in the State Court of Fulton County must be electronically initiated or filed.

All documents in criminal cases must be e-filed pursuant to this Order and are governed by this Order. No party will be permitted to file paper documents in any case except for incarcerated individuals without legal representation and except as otherwise provided herein.

This order shall apply to ALL CRIMINAL CASES filed in the State Court of Fulton County. The Court hereby authorizes any party to electronically initiate or file using eFileGA, File & ServeXpress, or any other vendor authorized by the State Court (“Vendor”). A list of authorized vendors can be found on the State Court’s website (www.fultonstate.org) or by contacting the Clerk of the State Court of Fulton County. The Vendor is an agent of the Court for the purposes of electronic filing, receipt, service, and retrieval of electronic documents.

2. DEFINITIONS. The following terms in this Order are defined as follows:
 - A. Case Management System. The Court’s official case management and records management system.
 - B. Court. The State Court of Fulton County, Georgia.
 - C. Document. Any paper filing, including, but not limited to, pleadings, motions, memoranda of law, orders, or other written papers or instruments. “Documents” shall not include “Non-Conforming Materials”.
 - D. E-Document. An electronic file of a Document that has been scanned or converted to a graphical or image format (PDF) or any other file format as directed by the Vendor.
 - E. E-File. Electronic transmission of an original document to the State Court by the Vendor.

- F. E-Service. Electronic transmission of an original document to all designated recipients via Vendor. E-Filers must still comply with the applicable law to perfect 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, video recordings, x-rays, CD's, 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 E-Filing, E-Service, and viewing public Court records.
3. PUBLIC ACCESS TERMINAL. PATs will be located in: the State Court of Fulton County Clerk of Court's Office, Self Help Center, Fulton County Courthouse, 185 Central Avenue SW, Room TG300, Atlanta, Georgia and any other designated locations. PATs will be connected to Vendor and the Case Management System. PATs are available to any person to view public records via the Case Management System. Individuals may access the public files free of charge. The PATs are also available to E-File Documents or Pleadings with the Vendor free of charge. There may be charges for printed copies of documents accessed through the PAT.
4. AUTHORIZED USERS.
- A. Users. For the purpose of accessing Vendors, the following users are authorized to register:
 - i. Licensed attorneys and their staff, including paralegals and secretaries;
 - ii. Pro hac vice admitted attorneys for the purpose of receiving E-Service only;
 - iii. Judges and their staff;
 - iv. Court administrative staff, including deputy clerks, court reporters, and technical support staff.
 - v. Self-represented litigants; and
 - vi. Other public users, including media representatives.
 - B. It is the responsibility of every registered user to have a valid, working email address that is checked regularly. The Court assumes no responsibility for inoperable email addresses or unread email.
 - C. Assignment by the Vendor of personal identification numbers. Upon receipt by the Vendor of a properly executed E-File Usage Agreement, the Vendor shall assign to the authorized user a username and confidential Personal Identification Number (PIN). The authorized user may then E-File, E-Serve, receive, review, and retrieve electronically filed pleadings, orders, and other Documents.
 - D. Utilization of PIN. No attorney shall knowingly authorize or permit his/her PIN to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel, where it has been established in writing that such other

person may file Documents on behalf of assigned counsel. An attorney who knowingly authorizes or permits his/her username and/or password to be utilized by others is fully responsible for all transmissions, communications, and notifications through the vendor.

- E. Change in Information. Registered users are required to update their contact information with Vendors, including changes in employer, firm name, delivery address, fax number, telephone number, and/or email address within ten (10) days of such change. Failure to update one's email address for service in a timely manner may result in the failure to receive E-Service of Documents. A change in address with Vendor does not substitute for the electronic filing of the appropriate pleading with the Clerk of Court or vice versa.
 - F. Self-Represented Litigants.
 - i. If a Self-Represented Litigant does not have access to a computer to prepare an E-Document or e-File an E-Document, the litigant can file his/her Document by coming to the Court and filing the same using Vendor at one of the PATs. Filing at a PAT does not require registering for a Vendor account and usage and convenience fees for Vendor are waived.
 - ii. If a Self-Represented Litigant does not have an email address and therefore cannot register for a Vendor account, the parties to the litigation must serve the Self-Represented Litigant via the traditional mail or personal service. The Self-Represented Litigant must make a certification in his/her initial filing that he/she does not have an email address and therefore cannot register for a Vendor account.
5. ELECTRONIC FILING OF DOCUMENTS. As of the effective date of this Order, except as expressly provided herein, all Documents shall be filed electronically through Vendor.
- A. Discovery. Discovery referenced in any E-Document may be attached electronically as exhibits or may be E-Filed separately. If the discovery is E-Filed separately, a Notice of Filing shall be E-Filed with the discovery.
 - B. Maintenance of Original Documents. Unless otherwise ordered by the Court, originals of all evidentiary Documents, including original signatures, shall be maintained by the party E-Filing the evidentiary Document and shall be made available, upon reasonable notice, for inspection by the other party or the Court. Unless otherwise requested by the Court, the parties shall maintain the original sealed paper depositions.
 - C. Filings of Documents Under Seal. In accordance with OCGA 9-11-7.1 Uniform State Court Rules 21.6 and 36.17, filers must redact certain sensitive information and protected information from filings..
 - i. Protected Identifiers. Protected identifiers are items of identifying information subject to protection from placement on the public record as described in OCGA 9-11-7.1.

- ii. Protected Identifiers in Family Violence and Stalking Protective. Protected identifiers that must be included to qualify a protective order for entry into the Georgia Protective Order Registry or the National Crime Information Center Registry shall be placed on a separate page to follow the other pages of the order. The Clerk of Court shall utilize the protected identifiers as necessary to process the protective order and then seal the protected identifiers page in the case file without further order of the court. The protected identifiers page shall not be unsealed except upon order of the court or as required by law.
 - iii. Sealing of Filings With Unredacted Protected Identifiers. Any party seeking to make a filing under seal without redaction shall first file a redacted version of the filing with the clerk of court for the public record and then submit the request for the filing under seal directly to the assigned judge via email to the judge's staff attorney, along with a copy of the filing without the redaction and a proposed order to file under seal.
 - iv. Sealing of Filings Containing Personal and Confidential Information. Any party seeking to make a filing under seal which contains additional personal or confidential information other than the protected identifiers shall first file a redacted version with the clerk of court for the public record and then submit a request for filing under seal directly to the assigned judge via email to the judge's staff attorney, along with a copy of the filing without redaction and a proposed order to file under seal.
 - v. Effect of Redacted Filings. A party's designation of "confidential" and /or filing under seal does not constitute an order of the Court permitting the sealing of filings. Only by order of the court shall redacted and unredacted filings be sealed.
- D. 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 which shall be docketed in the Case Management System to denote that a manual filing has been made and that the material is being held by the Clerk of Court. The filing party shall serve the materials conventionally if required.
- E. Court Docket. Paper copies of Documents from the official court docket are available for a fee in the Clerk of Court's office.
6. FORM OF DOCUMENTS ELECTRONICALLY FILED
- A. Format of Electronically Filed Documents. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other and further format as the Court may require from time to time. The documents shall be E-filed via Vendor in a pdf file format, preferably in searchable format, or such other file format as directed by the Vendor. Proposed Orders should be filed in Word format or in an editable format.

B. Typographical Signature. In accordance with Uniform Superior Court Rule 4.2, every pleading, document, and instrument filed in the E-File system shall be deemed to have been signed by the attorney or party and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, email address, and the State Bar of Georgia number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under the Georgia Rules..

7. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS.

A. Case Initiation. The State shall initiate all cases electronically.

B. Subsequent Filings. Except as otherwise set forth in this Order, all registered users are deemed to have accepted service electronically with the email address used to register with the Vendor associated with the case. All registered users shall make service upon other registered users of subsequent pleadings electronically through vendor or by statutory electronic service pursuant to OCGA 9-11-5(b).

C. Effect of Electronic Service. The electronic service of a pleading or other document via a Vendor shall be considered valid and effective service and shall have the same legal effect as an original paper document sent via traditional means, e.g., U.S. mail and hand delivery. Recipients of electronic service shall receive an email notification of service from the Vendor, which contains an electronic image of the document electronically served.

D. Service on Self-Represented Litigants. If a Self-Represented Litigant does not have an email address, then the parties to the litigation must serve the Self-Represented Litigant via traditional mail or personal service. The Self-Represented Litigant must make a certification in his or her initial filing that he or she does not have an email address.

E. Court Docket. Recipients of E-Service documents via Vendor can access the online official court docket, accessible via the Odyssey portal on the official website of the Court, www.fultonstate.org.

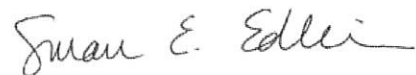
F. Service on Parties: Time to Respond or Act.

i. E-Service via Vendor shall be deemed effected at the time the pleading or document has been received by Vendor and, if applicable, accepted by the Clerk of Court following review. This service dates is reflected in the date stamp of the electronic notification parties receives via the Vendor. It is from this date that the parties should measure the period during which they may have a right or duty to respond or otherwise act in response to pleadings or documents electronically served via Vendor. Any period of notice or any right or duty to do any act or make any response within any period prescribed by status or rule of court remains governed by applicable law.

ii. Registered users consent to receive E-Service documents, other than service of subpoenas or summons.

- iii. Registered users consent to accept E-Service notifications of a hearing or trial.
8. 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.
9. COURTESY COPIES TO THE COURT. Parties may elect to mail courtesy copies of Document to the Court or may be required to do so in the Judge's discretion. Parties shall provide courtesy copies of Documents filed under seal and Non-Conforming Materials to the Court.
10. COLLECTION OF FEES FOR INSTRUMENTS REQUIRING FEE PAYMENT.
- A. Fees may be charged by the Vendor to parties or attorneys for E-Filing of E-Documents, access to Documents and/or dockets, and E-Service of Documents. These fees shall be payable to the Vendor at the time of the filing and are in addition to any statutory filing fees.
- B. Attorneys, or their designated representatives, e.g. paralegals or investigators, employed with the Office of the Solicitor General, and the Office of the Public Defender, shall be exempt from E-Filing fees.
- C. Attorneys in private practice who have been appointed to represent indigent defendants shall file proof of their appointment, along with their entry of appearance, in order to be exempt from E-Filing fees.
- D. If a party is exempt from paying statutory filing fees or other fees because the Court has determined that the party is indigent, the party shall E-File an in forma pauperis Order along with his/her entry of appearance. The indigent party shall select the waiver code as payment and the statutory filing fees, E-Filing fees, and E-Service fees shall be waived for parties with in forma pauperis status in that particular case.
11. ELECTRONIC RECORD. The Clerk of State Court is authorized to maintain the official case record in electronic format. The Case Management System shall be the official case record.
12. EFFECTIVE DATE OF ORDER. This Order applies to new cases filed on or after September 23, 2022, as well as to any case pending on the effective date to this Order.

SO ORDERED, this 23rd day of September, 2022.



Chief Judge Susan Edlein
State Court of Fulton County
Atlanta Judicial Circuit