



FILED IN OFFICE  
PUTNAM CO. STATE COURT  
8/11/2017 9:25 AM  
ERIN HAWKINS  
CIVIL DEPUTY CLERK  
PUTNAM COUNTY, GA

**R. MICHAEL GAILEY, JR.**  
STATE COURT JUDGE  
100 S. JEFFERSON AVENUE, SUITE 218  
EATONTON, GEORGIA 31024  
(706) 485-4056 • FAX (706) 923-2341

August 10, 2017

RE: Mandatory Attorney eFiling in Putnam State Court Civil Cases – Effective October 1, 2017

Effective October 1, 2017, all attorneys will be required to electronically file all pleadings and other documents in all Putnam County State Court civil cases. Pro se litigants may continue to file their pleadings and other documents on paper in the Putnam State Court Clerk's Office, however, they may also elect to electronically file same. Enclosed, please find a copy of the Order entered by the Court concerning electronic filing of civil cases. Please note the following important information about this mandate and civil eFiling in general for Putnam County State Court:

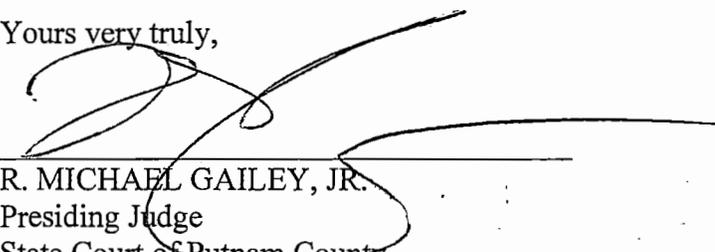
1. Attorneys (and their staff) and pro se litigants can register for a free account by visiting [www.peachcourt.com](http://www.peachcourt.com).
2. All eFilings by attorneys must be submitted via PeachCourt, the same eFiling system that has been in use in our judicial circuit since 2015. The enclosed Order identifies the exceptional and emergency circumstances, as determined by the Clerk of Court, that will permit an attorney to file paper documents instead of filing electronically. Additionally, this Court retains the discretion to waive this electronic filing requirement whenever deemed necessary by the Court to effectuate justice.
3. Attorneys and pro se litigants shall continue to use traditional methods (e.g., Sheriff's Office, private process server, etc.) to effectuate personal service of original petitions, complaints, etc. on each defendant prior to October 1, 2017. Until October 1, 2017, the State Court Clerk will continue to coordinate paperwork with the Sheriff's Office to produce and serve the appropriate documents on behalf of the filing attorney/pro se litigant whenever requested to do so. However, as of October 1, 2017, at the time of initial electronic filing, the filing attorney may select for service of process to be coordinated by the Clerk of Court, and PeachCourt will then collect on behalf of the Clerk of Court a fee of \$0.50 per page to cover the cost of preparing documents for service by the Sheriff's Office. This fee will not be charged if the filing attorney/pro se litigant elects to be responsible for coordinating service without assistance of the Clerk of Court.

All Attorneys Who Practice & Pro Se Litigants in the  
State Court of Putnam County, Georgia  
August 10, 2017  
Page 2

4. Prior to October 1, 2017, you will continue to have the choice to provide service of documents (other than the original petition, complaint, etc.) on opposing counsel either via PeachCourt (“eService”) or via paper (U.S. Mail, etc.). However, as of October 1, 2017, all service on opposing counsel must be conducted using PeachCourt.
5. Each eFiling transaction will carry a fee of \$7.00. This \$7.00 fee covers an unlimited number of documents filed at the same time into the same case. This \$7.00 fee also includes eService of those same documents on an unlimited number of opposing counsel and case parties as long as it is done in the same transaction. Any attorney or pro se litigant may eFile without incurring the \$7.00 fee by using a Public Access Terminal provided in the Putnam County courthouse by the State Court Clerk.
6. Pro Se (self-represented) litigants are permitted, but not required, to eFile and eServe electronically. Regardless of whether Pro Se litigants are utilizing the PeachCourt system, all attorneys of record will be required to continue sending any self-represented litigants copies of all pleadings (subsequent to service of the Original Petition, Complaint, and other initial pleadings) via U.S.P.S. regular mail.
7. We encourage you to register every attorney and staff member in your firm and seek training from PeachCourt sooner rather than later. Visit [webinar.peachcourt.com](http://webinar.peachcourt.com) to register for a free online training session.
8. Our Clerk of Court is working with the Ocmulgee Judicial Circuit Bar Association to coordinate local information and training sessions for all attorneys and their staffs throughout our judicial circuit’s eight (8) counties. Please look forward to more details from our local bar association.

Thank you for the cooperation during this period of transition.

Yours very truly,



R. MICHAEL GAILEY, JR.  
Presiding Judge  
State Court of Putnam County

IN THE STATE COURT OF PUTNAM COUNTY  
STATE OF GEORGIA

**Order Mandating and Governing Electronic Filing  
for Civil Cases in the State Court of Putnam County**

The State Court of Putnam County, *sua sponte*, hereby orders that electronic filing in civil cases in The State Court of Putnam County shall be mandatory for attorneys and shall be governed by the rules contained herein.

**I. Authority**

The Court is authorized to enter this Order pursuant to Rule 1.2 (E) of the Uniform Rules of State Courts. Electronic filing shall be conducted in accordance with Uniform Rules of State 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 proscribed in the Official Code of Georgia Annotated. 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 State Courts, the Judicial Council's Standards or the Official Code of Georgia Annotated, this Order shall be superseded by and shall be interpreted as intended to give full force and effect to said uniform rules and statutes.

**II. Effective Date**

This Order applies to new cases filed on and after **October 1, 2017**, as well as any case pending on the effective date of this Order.

**III. 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 documents filed under seal or presented to a Court in camera or ex parte, documents filed in open court, or 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) *Clerk's Office*. The Office of the Clerk of the State Court of Putnam County.
- c) *Court*. The State Court of Putnam 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 in Putnam County State Court. The EFSP for Putnam County State Court is PeachCourt (www.peachcourt.com).
- g) *Electronic Service or E-Service*. The electronic notice of service provided by PeachCourt 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 a 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 who is represented by a licensed attorney, 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 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 PeachCourt to file, receive service of, or retrieve documents electronically.
- m) *Self-Represented Litigant*. A person appearing in a Court or filing without representation by or the assistance of a licensed attorney.

**V. Authorized Users.** The following users are authorized to register with PeachCourt:

- a) Members of the Georgia Bar and their staff;
- b) Pro hac vice attorneys and their staff;
- c) Judges and their staff;



- d) Clerks of court and their staff;
- e) Self-represented litigants; and
- f) Other public users, including but not limited to media representatives.

**VI. Public Access Terminal**

- a) PATs will be located in the Clerk's Office or any other designated locations at the respective courthouses. PATs will be connected to PeachCourt and the Case Management System.
- b) The public may E-File, research, download, view and print electronically filed documents on a PAT.
- c) When filing electronically from a PAT, Registered Users shall not be required to pay an E-Filing transaction fee.

**VII. Self-Represented Litigants**

- a) Self-Represented Litigants may, 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 regular means such as the U.S. Mail, overnight delivery, etc.
- c) Notwithstanding the provisions contained within "*Paragraph XIII. Electronic Service,*" all attorneys of record shall send any Self-Represented Litigant copies of all pleadings subsequent to service of the Original Petition, Complaint, and other initial pleadings, via U.S.P.S. regular mail.

**VIII. Exceptional or Emergency Circumstances**

- a) If exceptional or emergency circumstances prevent an attorney or individual from filing electronically, the person may ask the Clerk to accept the filing on paper. The Clerk may accept such paper filing if the Clerk determines in his or her discretion that such exceptional or emergency circumstances exist that would prevent the attorney or individual from filing electronically. The Judge of the Putnam County State Court also retains discretion to instruct the Clerk of Court to accept any filing of any pleading or document of any kind on paper.
- b) Exceptional circumstances include the exercise of this Court's discretion, the unpreventable unavailability of a case or cases through PeachCourt to the person needing to file into such case or cases.

**IX. Manual Filing is Required for Certain Documents**

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



- i. Pleadings or documents filed under seal;
- ii. Documents to be presented to the Court in camera or ex parte;
- iii. Pauper Affidavits, requests for waiver of fees and related documents; and
- iv. Any other document to which access is otherwise restricted by law or court order.

**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 PeachCourt.
- 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 of Attorneys and Parties**

- 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. Filing Date 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 PeachCourt.
- 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, PeachCourt 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 PeachCourt, 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.

**XIII. Electronic Service.** 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). If during the filing of an Original Petition or Original Complaint through PeachCourt, a party chooses "Sheriff's Service Coordinated by Clerk" as the method of service, PeachCourt shall charge and collect on behalf of the Clerk \$0.50 per page for each page contained in the service packet that Clerk prints on the filer's behalf.
- b) Except as otherwise set forth in this Order, all parties shall make electronic service upon other parties of subsequent electronic documents through PeachCourt. PeachCourt shall be the vehicle through which all Parties, or their designated counsel, shall receive all E-Filed and E-Served documents.
- c) The electronic service of an electronic document through PeachCourt shall be considered as valid and effective service and shall have the legal effect as an original paper document sent via conventional means, U.S. mail and/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.

**XIV. Time to Respond or Act**

- a) E-Service shall be deemed complete when the transmission to PeachCourt 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 the PeachCourt consent to receive E-Service of documents, other than service of subpoenas or summons.
- d) Any Registered User consents to accept e-mail notifications of a hearing or trial as valid notice required by Uniform Rule of State 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.

**XV. Courtesy Copies to the Court.** Parties may elect to electronically deliver courtesy copies of documents to the Judge assigned to the case or may be required to do so in the Judge's discretion.

**XVI. Access to Court Documents.** The Clerk's Office shall make available for viewing by attorneys, judges and self-represented litigants copies of any and all electronically filed documents that are not sealed, privileged or otherwise restricted by the Court for access. The Clerk of Court may elect to make electronic documents available online or at the courthouse for the general public in the Clerk's discretion.

**XVII. Time for Filing and Effect of Use of E-File**

- a) Pursuant to Uniform State Court Rule 36.16(D), any pleading filed electronically shall be considered filed when it is received by PeachCourt. Any document filed after 11:59 p.m. EST shall be deemed to have been filed on the next Court day.
- b) Pursuant to URSC 36.16(F), "System 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. A filer wishing to seek relief related to a system filing error may do so by filing motion for appropriate relief with the Clerk at the earliest available opportunity.

**XVIII. Payment of Filing Fees**

- a) Registered Users shall pay statutory filing fees for E-Filed documents electronically to the Court through PeachCourt. Filing fees are due and payable at the time of filing.
- b) PeachCourt may charge a fee which shall be a recoverable court cost 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) As used in this subsection, the term "per transaction" means a single upload to PeachCourt 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.

**XIX. 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.

**XX. Electronic Record**

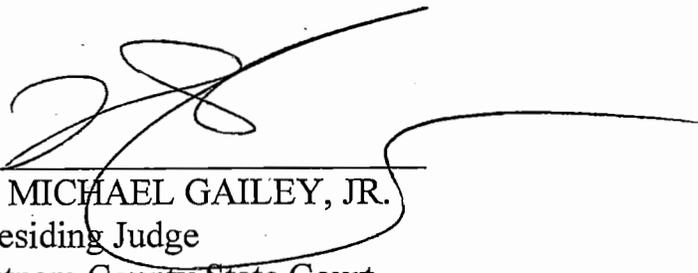
The Clerk of Court is authorized to maintain the original and official case record in electronic format. The Case Management System shall be the official record.

**XXI. Distribution of this Order to Pro Se Parties and Attorneys Practicing in this Court by Clerk of Court**

The Clerk of Court shall ensure that a copy of this Order is promptly provided to the following persons:

- a) All attorneys practicing law within the Ocmulgee Judicial Circuit;
- b) All pro se parties and attorneys with cases currently pending in this Court; and
- c) All attorneys who have represented any party in any civil case in this Court within the past twelve months.

**SO ORDERED**, this 10<sup>th</sup> day of August, 2017.



\_\_\_\_\_  
R. MICHAEL GAILEY, JR.  
Presiding Judge  
Putnam County State Court