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COURTS Magistrate Courts: Provide for the Filing of Actions, Claims, Answers, Pleadings, Postjudgment Interrogatories, and Other Documents by Electronic Means; Provide for the Electronic Signature and Verification of Such Pleadings and Provide for Methods of Service and Docketing of Such Pleadings; Provide for the Burden of Proof If Authenticity Is Challenged; Provide for the Assessment and collection of Fees in Connection with Such Pleadings

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COURTS

Magistrate Courts: Provide for the Filing of Actions, Claims, Answers, Pleadings, Postjudgment Interrogatories, and Other Documents by Electronic Means; Provide for the Electronic Signature and Verification of Such Pleadings and Provide for Methods of Service and Docketing of Such Pleadings; Provide for the Burden of Proof If Authenticity Is Challenged; Provide for the Assessment and Collection of Fees in Connection with Such Pleadings

CODE SECTION: O.C.G.A. § 15-10-52 (new)
BILL NUMBER: SB 403
ACT NUMBER: 912
GEORGIA LAWS: 2000 Ga. Laws 1580
SUMMARY: The Act authorizes electronic filing of actions, claims, answers, pleadings, postjudgment interrogatories, and other documents within the jurisdiction of the magistrate courts. The Act also provides for the use of electronic signatures to verify such electronic pleadings and provides the burden of proof if an electronic document's authenticity is challenged. Further, the Act prescribes fees to be assessed in connection with such documents.
EFFECTIVE DATE: May 1, 2000¹

History

Prior to the enactment of SB 403, various court systems throughout Georgia experimented with systems to allow electronic filing of court documents.² For example, Fulton State Court successfully tested an electronic filing system in

1. See 2000 Ga. Laws 1580, §§ 2-3, at 1582. The Act took effect upon approval by the Governor. See *id.*

2. See Trisha Renaud, *New Problems, Old Disputes Dominate Fulton's Courts*, FULTON COUNTY DAILY REP., Dec. 29, 1999, at 8.

connection with asbestos litigation, and the result was increased efficiency.³ The idea of instituting an electronic filing system for courts, as embodied in SB 403, was promoted as a “win-win’ for attorneys, litigants and taxpayers.”⁴ Warren Davis, the chief magistrate of Gwinnett County, suggested that electronic filing:

[1] frees attorneys and litigants from the “paper” filing constraints of physical courthouse location and traditional business hour operations; [2] [r]elieves traffic and parking congestion at courthouse locations; [3] [i]ncreases government efficiency by decreasing the need to have electronic data reentered by government clerical staff; and [4] [i]ntegrates and reconciles payments with financial software to provide government and parties with prompt, accurate bookkeeping.⁵

SB 403

Senators Billy Ray, Rene D. Kemp, and Daniel Lee of the 48th, 3rd, and 29th Districts, respectively, supported SB 403.⁶ The Senate assigned the bill to its Judiciary Committee, which favorably reported the bill, as substituted, on February 10, 2000.⁷ The Committee substitute made one change by adding “dispossessory,” “foreclosure,” and “abandoned motor vehicle” to Code section 15-10-52(a), which provides the list of permissible documents that may be electronically filed in the magistrate court.⁸ The Senate adopted the Committee substitute and unanimously passed the bill on February 22, 2000.⁹

The House assigned SB 403 to its Judiciary Committee, which favorably reported the bill, as substituted, on March 9, 2000.¹⁰ The House Committee substitute modified the point at which a document or pleading submitted electronically is deemed filed.¹¹ The Senate version of the bill would have deemed electronic

3. *See id.*

4. Donald F. Valtman & Warren Davis, *Reader's Letters*, ATLANTA J. & CONST., Feb. 13, 2000, at 4JJ.

5. *Id.*

6. *See* SB 403, as introduced, 2000 Ga. Gen. Assem.

7. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

8. *Compare* SB 403, as introduced, 2000 Ga. Gen. Assem., *with* SB 403 (SCS), 2000 Ga. Gen. Assem.

9. *See* Georgia Senate Voting Record, SB 403 (Feb. 22, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

10. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

11. *Compare* SB 403 (SCS), 2000 Ga. Gen. Assem., *with* SB 403 (HCS), 2000 Ga. Gen. Assem.

filings outside normal business hours to be “filed at the commencement of the court’s next business day;” however, the House Judiciary Committee modified the language to read “filed as of the time the clerk of court gains electronic control of the document.”¹²

The House adopted the Committee substitute and passed the bill on March 16, 2000.¹³ The Senate agreed to the House version,¹⁴ and Governor Roy Barnes signed SB 403 into law on May 1, 2000.¹⁵

The Act

The Act changes Georgia law, which previously required all documents to be on filed on paper, to allow for the electronic filing of court documents and pleadings in the magistrate court system.¹⁶ The Act creates new Code section 10-15-52, relating to civil proceedings within the jurisdiction of the magistrate courts.¹⁷ Subsection (a) provides that “[a]ny magistrate court may provide for the filing of civil, garnishment, distress warrant, dispossessory, foreclosure, abandoned motor vehicle, and all other noncriminal actions, claims, answers, counterclaims, pleadings, postjudgment interrogatories, and other documents by electronic means.”¹⁸ The Act requires that the electronic format must conform to that suggested by the courts and mandates that all electronically filed documents contain the electronic signature of the person filing the document.¹⁹

The Act provides four possible methods by which an electronically filed document can be verified.²⁰ The Act also provides the form for electronic certificate of service.²¹ In the event the filing’s authenticity is challenged, the proponent of the electronic pleading or document has the burden of proving

12. Compare SB 403 (SCS), 2000 Ga. Gen. Assem., with SB 403 (HCS), 2000 Ga. Gen. Assem.

13. See Georgia House of Representatives Voting Record, SB 403 (Mar. 16, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

14. See Georgia Senate Voting Record, SB 403 (Mar. 22, 2000).

15. See 2000 Ga. Laws 1580, § 3, at 1582.

16. See O.C.G.A. 15-10-52 (Supp. 2000).

17. See *id.*

18. *Id.* § 15-10-52(a).

19. See *id.* § 15-10-52(b)-(c).

20. See *id.* § 15-10-52(d).

21. See *id.* § 15-10-52(e).

that the pleading, document, or signature is authentic.²² The Act provides that all electronic filings made outside the normal business hours are deemed filed when the clerk gains electronic control of the document and requires the clerk to notify the sender of receipt.²³ Finally, the Act allows the clerk of the magistrate court to establish a method by which electronic filers can pay any applicable filing fees, plus any additional transaction fees imposed by the court for electronic filing and payment.²⁴

Scott Masterson

22. *See id.* § 15-10-52(g).

23. *See id.* § 15-10-52(h)-(i).

24. *See id.* § 15-10-52(j)-(k).