

*Tips for E-Filing in the State Court of Fulton County:*

**---Effective June 1, 2006, Chief Judge Albert L. Thompson signed an order mandating certain case types to e-filing status. These designated case types are:**

- Asbestos
- Fen-Phen
- Mercury/Lead
- Silicosis Welding Rod Litigation
- Medical Malpractice
- Legal Malpractice
- Any civil action with four (4) or more plaintiffs
- Any civil action with four (4) or more defendants
- Any civil action where damages sought (exclusive of interest and attorney's fees) exceeds \$50,000.00
- All tort cases
- All personal injury cases
- Any case where the claim value information on the summons is left blank or marked as "TBD".

**-- Before Filing a Case with the State Court of Fulton County**

1. If your case fits any of the above case types, it is considered an e-filed case. This case will have to be e-filed with our provider, LexisNexis.
2. If you attempt to mail in a case that fits the above case types, it will be mailed back to your office with instructions to e-file the case.
3. If you come into our office with any of the above case types, you will be instructed to use the Public Access Terminal (PAT) located in our office.

**-- Service of an E-Filed Suit**

1. You will file the same paperwork with the Court as if this were a paper-filed case.
2. The following documents will be needed when you are preparing the file:
  - General case initiation form*
  - E-filing summons* (located in the Resource Center on LexisNexis)

□ *Complaint*

*Any exhibits or discovery filed with the original complaint (If you have original discovery that needs to be filed with your initial filing, please scan/upload that information into the LexisNexis system.*

**3. Please understand that if you are utilizing the services of the Fulton County Marshal's Office to perfect service, you must use the e-summons valid for e-filed cases only listed in the Resource Center on Lexis File & Serve. The e-summons has language that notifies the defendant that it is an e-filed case and directs the defendant to contact Lexis.**

4. If you choose ***not*** to use this e-summons, it will be your responsibility to have a clerk issue and sign a ***paper e-summons*** and then e-file it with the complaint. The e-summons listed in the Resources Center is already signed by a clerk. An e-summons must be used for any defendant in an e-file case.

5. The deputy marshal will not serve a complaint in an e-filed case unless an e-summons signed and electronically file-stamped via the LNCL is used, so it is important that you e-file a correct summons. The Court and Lexis ***will not*** transmit your Summons to the Marshall's Office. It is the responsibility of the filing party to print an e-filed stamped copy of the Summons form off the File & Serve website and send the appropriate number of copies to the Marshall for service.

6. When the Marshal's Office returns service, it is the responsibility of the Clerk's Office to e-file the return of service and e-serve copies. If you choose to use a private process server, it will be the responsibility of the plaintiff, plaintiff's attorney or that process server to e-file the service. If you submit an affidavit of service to our office, you will be instructed to e-file the service. If the service is received via mail, it will be returned to you instructing you to e-file the case.

*7. The summons listed in the Resource Center is to be used for e-filed cases ONLY. It cannot be used for a paper-filed case.*

8. E-filed cases cannot be rushed.

9. If you initiate a case on Lexis File & Serve, you ***MUST*** add all parties (both plaintiffs and defendants) at the time of case initiation on Lexis.

**-- Signature Requirement on an E-Filed Case**

Per the E-filing rules (2-106), every pleading, document, instrument electronically filed or served shall be deemed to have been signed by the judge, clerk, attorney or declarant and shall bear the typed name, address, telephone number, and bar number of a signing attorney.

**-- Statutory Cost Associated with Filing**

The cost to file a State Court Civil suit is \$242.50, with no service. Service of each defendant is \$25.00 and an additional \$8.00 for every defendant named beyond the first defendant. These fees are the same as filing a paper case. Once you have completed your LexisNexis transaction, you will receive an email from LexisNexis File and Serve giving you the case number and, if applicable, you will find information letting you know that your costs have been adjusted. The Clerk's Office will review the parties and service request and edit the costs appropriately; however your filing will be accepted with edits.

In the event you file a suit that does not meet the minimum requirements listed above, it will be rejected by a clerk in the Clerk's Office. Do not become alarmed when a suit is rejected; make the corrections and resubmit the suit. The filing date of a rejected suit will still be the date of your original filing as long you provide the transaction number for the correction. The clerk uses that transaction to link the corrected filing to your original filing date. It is listed in the State Court Rules that you are to make the corrections in a timely manner. Please do not wait until a statute runs to inform the Court of your corrections. Clerks are available for questions concerning court procedures. Clerks do not answer technical questions concerning the LexisNexis system and these questions should be addressed to Lexis customer support.

We encourage you to take complete advantage of the e-file training provided by LexisNexis online or arrange for an in-house training with our local Lexis representative.

**-- Filing Incorrect Documents**

If an incorrect document is e-filed with the Court, then an amended or corrected document should be filed. Incorrect or erroneously filed documents will not be rejected by the Court. Please do not ask the Clerk's Office or Lexis to have an incorrect document rejected. If you feel the document must be removed from the Website you must first contact the Clerk's Office and the judge's staff attorney for permission. Lexis must receive this permission from the Court directly and in writing before any documents may be removed from the Website via a rejection or a "tombstone," which is a complete deletion.

**-- Depositions and Other Transcripts In E-Filed Cases in Fulton County State Court**

Pursuant to Local e-file Rule 1-104, approved by the Supreme Court of Georgia and the e-file Case Management Order, pp. 3-4, Paragraph 5(B), the Clerk's Office is unable to take any type of paper filing, including

depositions and transcripts, in an EV case or other e-filed case unless specifically requested by the judge or the judge's staff attorney. E-file a copy of the deposition and/or transcript and retain the sealed original in your office until it is requested by the Court.

If you feel the paper deposition must be filed and cannot be e-filed, you may contact the assigned judge's staff attorney and he or she can request via e-mail that the Clerk's Office accept the filing in paper form.

-- **Late Answers and Motions/Requests to Open Default**

If you are filing a late answer and opening default as a matter of right or with a motion in an e-file case, and you decide to pay costs, you will need to pay the costs in person at court and acquire a receipt. We suggest that you e-file your receipt with your answer. When you pay costs on a late answer, however, is entirely your decision. When calling the Clerk's Office to ascertain the amount of costs the plaintiff paid, please do not ask the clerk how much you should pay to open a default or how much you should pay with your late answer. Simply ask what costs the plaintiff has paid and how much.

--- **Public Access Terminals**

Public Access Terminals (PAT's) are available at the court for filing documents via Lexis File & Serve. These terminals are available at no cost and filers will not be charged Lexis File & Serve fees in order to submit their documents. You must ask the clerk for a PAT id and password.

**If you initiate a case on the PAT, you MUST add ALL parties (plaintiffs and defendants) to the case during the initial filing.**