



Superior Court Clerks Association of Georgia

May 24, 2018

Mr. Dave Wills, Executive Director
ACCG
191 Peachtree Street, NE Suite 700
Atlanta, GA 30303

Re: Mandated Civil E-Filing of Superior and State Court Cases as per Senate Bill 407

Mr. Wills:

We hope this letter finds you well. We are writing ACCG in regard to Senate Bill 407, passed in the 2018 legislative session and signed by Governor Deal on May 7, 2018. SB 407 includes the mandate to electronically file civil court cases effective January 1, 2019, and the opportunity to begin mandated electronic filing as early as July 1, 2018. We have learned there are concerns expressed by some that:

- 1) clerks are not ready for mandated e-filing and cannot not change the way they operate
- 2) massive infrastructure upgrades and capital costs are required for e-filing compliance
- 3) civil e-filing is an unfunded mandate the counties cannot afford to provide
- 4) the rural counties will have no vendor willing to take on their work with a low volume of cases

As the leaders of the Superior Court Clerks Association we want to assure ACCG and county commissioners that a large majority of clerks are already e-filing and we do not believe statewide compliance and individual county costs will be issues when the mandate is effective. To answer the concerns we offer the following information:

Clerks are ready for e-filing and are already e-filing in 85% of the counties

Currently 136 of the 159 Superior Courts of counties are e-filing in civil cases. Additionally, 40 of the 61 State Courts are e-filing. Four Superior Court circuits comprising a total of 15 counties are already operating under local orders mandating the electronic filing of all civil cases.

Infrastructure Needed

SB 407 states in lines 98 and 99: *the clerk shall require such pleadings or documents be submitted via a public access terminal in the clerk's office.* The minimum equipment needed for an e-filing *public access terminal* (some call it a kiosk or workstation) is an internet connection, a standard personal computer, a monitor, and a scanner. All 159 clerks currently have the fastest internet available in their area provided by the Georgia Superior Court Clerks Cooperative Authority. Infrastructure is not an issue.

Costs (and revenues) of the mandate

The cost of one *public access terminal* is no more than \$2,000. SB 407 states on line 100 the clerk is not to collect a fee for any filing made physically at the courthouse. However, a fee is collected on filings away from the courthouse. To help offset the cost to a county for mandated *public access terminals* SB 407 directs on lines 83-84 “*the clerk of superior court shall retain \$2.00 of the transaction fee and remit it to the governing authority of the county*”. If both parties filing are attorneys this will mean \$4.00 remitted to the county’s general fund per case. In summary, a fee is collected when an attorney files from any location that is not the courthouse, while no fee is collected when filing in person at the local courthouse. The amount of revenue received by an individual county will vary depending on the number of civil cases filed electronically in the county as directed by SB 407.

The software maintenance, risk, support, programming, and updates for mandated civil e-filing are costs borne entirely by the electronic filing service providers. Other than the need to purchase one or more *public access terminals*, there are no additional mandated costs to a county for civil electronic filing in SB 407.

Vendors working with rural counties

Of the 109 counties in Georgia with a population of less than 35,000 or legislatively designated as rural (source: State Office Rural Health Map), 93 of those counties are currently e-filing. Of the remaining 16 counties, 13 have stated to a vendor they are prepared to begin e-filing per the mandate.

Should you have any questions please contact us at your convenience.

Sincerely,



Dana C. Chastain
President, Superior Court Clerks Association
Clerk of Superior Court
Fannin County, Georgia



Greg G. Allen
Legislative Chairman, Superior Court Clerks Association
Clerk of Superior Court
Forsyth County, Georgia