

## **RULE 34: Electronic Transmission Filings**

### **(A.) Internet Electronic Filings**

In conformity with Ohio Revised Code's Civ.R. 5(E) and Crim.R. 12(B) and as approved (provisionally) by the Ohio Supreme Court Committee on Technology and the Courts on June 5, 2002, pleadings and other papers in all general civil cases assigned an "A" case number classification SHALL be filed with the Clerk of Courts electronically via the Internet. Pleadings and other papers in criminal and other civil cases may be filed with the Clerk of Courts electronically via the Internet. All electronic filings shall be subject to the following conditions:

#### **1. Definitions. The following terms in this Rule shall be as follows:**

a. **Electronic Filing – (E-filing or e-filing)** The process of transmitting a digitized source document electronically via the Internet to the Clerk's office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.

b. **Electronic Mail – (Email or e-mail)** Messages sent by a user and received by another through an electronic service system utilizing the public Internet.

c. **Source Document -** means the document transmitted to the Court via the Internet.

d. **Original Document -** means the transmitted copy of the source document received by the Clerk of Courts and maintained in the Court's file.

e. **Date and Time of Filing -** means the date and time the filing has been received, as indicated on the sender's computer screen after the document has been uploaded to the Clerk of Courts, unless rejected and not corrected. (See filing acceptance or rejection cycle below.)

**2. Application of Rules and Orders.** Unless modified by approved stipulation or order of the Court or a judicial officer, all Federal Rules of Civil and Criminal Procedure, Ohio Rules of Civil and Criminal Procedure and Local Rules, and orders of the Court shall continue to apply to documents electronically filed.

**3. Filings Not Accepted.** Any Entry that must be signed by a Judge of the court or any filing for which a party is obligated to settle final case costs will not be accepted for electronic filing.

**4. Account Assignment.** Upon receipt of the properly executed and signed User Agreement Form and Credit Card Authorization Form and the deposit of required funds into the Clerk's copy cost account at the Clerk of Court's office, the Clerk of Courts shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filing documents. Electronic filers using third party electronic filing providers will not be assigned a user-id or password and will not be required to maintain a copy cost account.

5. Hours of Operation. Electronic filings may be submitted at any time. The electronically filed document will be considered filed as of the date and time that the receiving device of the Clerk of Courts received the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement.

6. Document Format. Documents submitted must be in a digitized format specified by the Clerk of Courts as set forth in the online guide to electronic filing.

7. Fees. Normal filing fees and case deposits will be collected via user credit card at the time the filing is processed by the Clerk of Courts. Copy costs will be charged against the copy cost account at the time the filing is processed by the Clerk of Courts. Filings made using third party electronic filing providers will be charged copy costs via credit card at the time the filing is processed by the Clerk of Courts. The Clerk of Courts will, from time to time, establish and publicize the rules and regulations governing the requirements for maintaining the copy cost accounts.

8. Filing Acceptance or Rejection Cycle. A confirmation number will be assigned to each filing when it is received in its entirety by the receiving device of the Clerk of Courts. The confirmation number and the date and time of the filing will be displayed on the screen of the filer's computer upon successful transmission of the filing. Filers using third-party electronic filing providers will not have the confirmation number and date and time of filing displayed on the screen, but must wait for the confirmation electronic mail message from the Clerk of Courts to obtain the confirmation number and date and time of filing. Upon successful processing of the filing by the Clerk of Courts, an electronic mail message containing the confirmation number and case number assigned, if any, will be sent to the filer. Filers will be notified via electronic mail if the filing is rejected for any reason. A rejected filing may be resubmitted via electronic mail to the Clerk of Courts in order to retain the original date and time of filing. Rejected filings which are resubmitted via electronic mail must be received by the Clerk of Courts within twenty-four (24) hours of the time that the rejection electronic mail message was sent by the Clerk of Courts in order to retain the original date and time of filing and confirmation number. A corrective filing may, however, be sent at a later time if the filer elects to do so, but after the twenty-four (24) hours period expires such a filing will be considered a new filing and the prior confirmation will have expired.

9. Electronic Filed Stamp. Upon successful completion of acceptance processing by the Clerk of Courts a document filed electronically will be electronically filed stamped. This stamp will include the date and time that the receiving device of the Clerk of Courts received the entire transmission as well as the confirmation number of the filing. A document electronically filed that is not successfully processed by the Clerk of Courts will not receive an electronically filed stamp but the filer will receive a rejection e-mail. (See Filing Acceptance or Rejection Cycle above.)

10. Disposition and Maintenance of Original Documents. A document electronically filed shall be accepted as the original filing, consistent with Ohio Revised Code Civ. R. 5(E) and Crim.R. 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule. The person filing electronically need not file any original copy with the Clerk of Courts but must maintain in his or her records, and have available for production on request by

the Court, the Clerk of Courts or other counsel, the original copy of any document electronically filed. The filer must maintain this original document until the final disposition of the case and through any Notice of Appeal or, if appealed, appeal period.

11. Public Method of Access to Electronically Filed Public Documents. Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public documents will be available via the Internet web site of the Clerk of Courts as soon as the Clerk of Courts has processed the document. If Internet web site access is unavailable or is not provided by the Clerk of Courts, or if the Clerk of Courts is prohibited by the Court or by any law from making the document available via the Internet web site, the document will be available at one or more offices of the Clerk of Courts, either by computer terminal or in paper form in the case jacket or on microfilm. However, if a document or case record is sealed or expunged it is unavailable for public disclosure.

12. Operating Procedures and Instructions. The Clerk of Courts is authorized to prepare and maintain operating procedures and instructions for electronic filing.

[This Rule to be effective January 1, 2012, and until further order of the Court.](#)