

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

### **A. Internet Electronic Filings**

1. Except as provided in (A)(2) of this rule, in conformity with Ohio Revised Code's Civ.R. 5(E) and Crim.R. 12(B), pleadings and other papers in all general civil cases assigned an "A" case number classification and criminal cases assigned a "B" number classification SHALL be filed with the Clerk of Courts electronically via the Internet. Pleadings and other papers in other civil cases may be filed with the Clerk of Courts electronically via the Internet.
2. Individuals who have been declared vexatious litigators, as defined below, will not be permitted to file documents electronically. The e-filing System will not provide an individual who has been declared a vexatious litigator with a user id and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the assigned Judge to file in that case. The Clerk's office will accept the filings from the vexatious litigators in paper format, as needed.

### **B. 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 "efiling") – 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 – The document created and maintained by the filer which is then electronically transmitted to the Court.
  - d. Original Document means the transmitted copy of the source document received by the Clerk of Courts that becomes part of the court record and is maintained in the Court's file.
  - e. Date and Time of Filing means the date and time the Clerk of Courts has received the entire transmission of the filing, unless rejected. (See filing acceptance below.) The date and time of receipt will be indicated on the

sender's computer screen after the document has been uploaded to the Clerk of Courts.

- f. Electronic Signature – An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a party with the intent to sign the electronic record. Or signatures by an attorney or party indicated by the typewritten name of that person preceded by “s/”.
  - g. Vexatious Litigators - Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.
  - h. Personal Identifiers - Shall have the same meaning as provided in Sup. R.44(H).
  - i. PDF/A – An ISO-standardized version of the Portable Document Format (PDF) specialized for the long-term digital preservation of electronic documents.
2. Application of Rules and Orders. Unless modified by approved stipulation or order of the Court or a judicial officer, all applicable 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
- a. Any document filed electronically that requires a filing fee may be rejected by the Clerk of Courts unless the filer has complied with this rule concerning the payment of filing fees.
  - b. Any document and/or court action that requires payment of a Filing Fee will be made by using a valid credit card through the Clerk’s E-Filing System.
  - c. Any entry that must be signed by a judge of the Court for which a party is obligated to settle final court costs will be provisionally accepted for electronic filing. Upon payment of the final court costs, said entry will be forwarded to the judge for review and signature.
  - d. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

- e. All complaints and indictments in criminal cases shall comply with Ohio Crim. R. 3, 6 and 7.
  - f. All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document. The notary seal shall be visible.
4. Filings Not Accepted. Any Civil Protection Order, Notary Public Commission or Notary Public Verification filing must be done in person.
  5. Account Assignment. The user shall be required to fill out the on-line Registration, with a valid email address, and electronically accept the User Agreement and the Credit Card Authorization, and deposit the required funds into the Clerk's copy cost account at the Clerk of Court's office. Upon receipt of the required information, 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. The e-filer shall be notified of the new account information via email, Pro Se filers and all special accounts will not be required to maintain a copy cost account.
  6. 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 Clerk of Courts receives the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement. Time at the Court (Eastern Standard or Daylight) governs, rather than the time zone from which the filing is made.
  7. 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.
    - a. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) or the preferred PDF/A on 8½ x 11 inch pages.
    - b. Proposed Entries and Orders must be submitted in Microsoft Word (.doc or .docx) format and reference the specific motion to which it applies.
    - c. Submissions shall be limited to twenty megabytes (20MB) in size per document. Larger sized documents shall be broken down and filed according to the directions maintained on the Clerk of Courts website e-filing page.

8. Personal and Private Information in Electronically Filed Court Documents.

- a. Document Content. All documents e-filed shall omit personal identifiers as defined in Sup. R. 44(H). The responsibility for redacting personal identifiers rests solely upon the filer. The Clerk and the Court will not review each document for compliance with this rule. When the personal information is omitted from a case filing it shall be submitted or filed separately on a form provided by the Clerk. See also Common Pleas Local Rule 11(K)(6)(a) and (b) for document content of personal identifiers on filings.
- b. Sealed Cases and/or Sealed Documents. In accordance with Rule 45 of the Rules of Superintendence for the Courts of Ohio, and Common Pleas local Rule 11(K)(4) and 11(K)(5) a document may be filed under seal or a filing may be made on a sealed case. E-filings on sealed cases must be clearly marked on the document below the title indicating that the case is sealed. A document to be sealed may be e-filed if there is a court Order on the case docket that allows the document to be sealed. The Order and its date must be noted on the e-filing under the document title (e.g., “Document filed under seal pursuant to Court Order of mm/dd/yyyy”).

9. Fees. Normal filing fees, case deposits, final court costs and any convenience fees will be collected via a valid 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 by Pro Se parties will be charged copy costs via a valid credit card at the time the filing is processed by the Clerk of Courts. Special accounts will be billed for their copy costs. Any document filed electronically that requires a fee may be rejected by the Clerk of Court unless the filer complied with the mechanism established by the Court for the payment or waiver of filing fees. 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.

10. Filing Acceptance. Every new filing will receive a confirmation number at its inception. Upon successful transmission, a confirmation page will be displayed with the corresponding confirmation number and all pertinent filing information. Upon successful processing of the filing by the Clerk of Courts, an electronic mail message containing but not limited to 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

11. 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 Clerk of Courts

received the entire transmission as well as the confirmation number of the filing. Once the document is electronically file stamped and entered on the docket, it is considered a permanent part of the case record. 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 above.)

12. Service of E-filed Documents. Service is not automatically done by using the e-filing system. The filer must make service on all parties as provided in the Civil or Criminal Rules of Procedure.
  - a. Civil complaints and summonses will be served by the Clerk in accordance with Civil R. 4 through 4.6. The filer must serve all other e-filed documents in the manner provided in applicable civil or criminal rules. Each e-filed document transmitted to the Clerk of Courts that is required to be served must be accompanied by a completed certificate of service which shall state the date and manner of service and be signed as provided in this rule.
  - b. The filer may request that the Clerk serve an e-filing by the means provided in the operating procedures for e-filing on the Clerk of Courts website.
13. Disposition and Maintenance of Source 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 the source document in his or her records, and have available for production on request by the Court, the Clerk of Courts or other counsel, the signed source document that was electronically filed. The filer must maintain this source document for five years after the final disposition of the case, including final disposition of all appeals.
14. 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.

15. User or Technical Errors. Any e-filer whose filing is made untimely as the result of a technical failure of the Clerk of Court's system, or of the filer's computer hardware or software, phone lines or internet service provider (ISP), may move for leave to file instant or for other appropriate relief from the court. Such technical failures cannot extend jurisdictional deadlines. The motion shall be accompanied by an affidavit stating the circumstances of and reason for missing the deadline, and must be filed no later than noon of the first day on which the Clerk of Courts is open for business following the original filing deadline. The Court will consider the matters stated in the affidavit and order appropriate relief.

16. Operating Procedures and Instructions. The Clerk of Courts is authorized to prepare and maintain operating procedures and instructions for electronic filing. These are available online at the Clerk's website.

This Local Rule of Practice shall be effective May 2, 2016 and until further order of the Court.