

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 Civil Rule 5(E) and Criminal Rule 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) Conditions

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 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 (e-mail or email)

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

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

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 signature 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 Revised Code §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 of 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 Criminal Rules 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 online registration with a valid email address, and electronically accept the User Agreement and the Credit Card Authorization. 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 use for electronically filing documents. The e-filer shall be notified of the new account information via email.

(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 8 ½ 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)(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 depositions, final court costs and any convicence fees will be collected via a valid user credit card at the time the filing and processed by the Clerk of Courts. Any document filed electronically that requires a fee may be rejected by the Clerk of Courts unless the filer complied with the mechanism established by the Court for the payment or waiver of filing fees.

(10) Electric Filed Stamp

Upon successful completion of acceptance processing by the Clerk of Courts a document filed electronically will be electronically file 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 email. (See Filing Acceptance above.)

(11) 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 Rule 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.

(12) Disposition and Maintenance of Source Documents

A document electronically filed shall be accepted as the original filing, consistent with Ohio Revised Code Civil Rule 5(E) and Criminal Rule 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule. Filing is effectuated when the Clerk's office file-stamps a document and docket it in a case. Documents filed with the Court shall be available for public access pursuant to Sup. R. 44 through 47. A document that has been sealed pursuant to a court order, administrative agency order, or board order, or is the subject of a motion to seal pending in the Supreme Court, shall remain under seal and not be made available for public access unless ordered by the Supreme Court. The electronic version of documents whether filed through e-filing, or received by the Clerk's office in paper format and subsequently scanned into electronic format, constitutes the official record in the case. 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 until the case is closed.

(13) 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 website of the Clerk of Courts as soon as the Clerk of Courts file-stamps a document and docket the document in a case. 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 of by any law from making the document available via the Internet website, 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.

(14) 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 instanter 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.

(15) Operating Procedures and Instructions

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

Effective: (March 1, 2023)