

**IN THE COMMON PLEAS COURT OF WAYNE COUNTY, OHIO
PROBATE DIVISION**

**IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS**

ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

In the first quarter of 2014, the Wayne County Common Pleas Court, Probate Division (hereafter, the “Court”) will begin the phased implementation of a new court management system/electronic filing system (“CMS”).

In the first quarter of 2014, the Court will “go-live” to permit e-Filing in all case types. This means that all filings accepted by the Court will either be filed electronically using the CMS and submitted via the internet (“e-Filing”), or may be filed via paper hard copy, which will then be converted into electronic format by the Clerk, and the paper documents will be returned to the Filer (“Over the Counter Filing”), except for such paper documents required by statute to be retained by the Court, such as original wills or other such documents.

At some point in the future, all attorneys filing in the Court must become Registered Users of the CMS, and will be required to submit all* filings electronically, and no longer submit filings “Over the Counter.” Pro Se Filers and non-attorney GALs may, but are not required to, become Registered Users of the CMS. Attorneys may submit a Motion to the Court to request exemption from the requirement to become a Registered User, citing good cause why s/he should be exempted. **Except as otherwise outlined in this Order*

For the foreseeable future, any party wishing to become a Registered User and e-File may do so for any case type (except marriage licenses). However, no Filer will be required to e-File for the time being.

Consistent with Ohio Sup.R.27, Ohio Civ. R.5(E), Crim. R. 12(B), the Ohio Supreme Court Advisory Committee on Technology and the Ohio Supreme Court’s draft Standards for Electronic Filing Processes, the Court hereby adopts the following Administrative Order governing electronic filing (“e-Filing”).

If necessary, the Court may issue additional administrative orders or adopt local rules that supplement this Order or create the Mandatory Case Types or Filers. Case Types or Filers so designated shall e-File after the effective date of such supplemental order or local rule.

This Administrative Order applies to all Filers (party Filers and non-party Filers).

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

- A. Case Management System (“CMS”).** An electronic document filing system (currently, Benchmark[®]) that manages the receipt, indexing, processing, storage, and retrieval of electronic documents and data associated with a case and performs actions on the data.

- B. Case Type.** The designation of a legal matter, which indicates certain legal criteria that may be filed in the Wayne County Probate Court.
- C. Clerk.** The Judge of the Wayne County Common Pleas Court, Probate Division, as defined by the Ohio Revised Code.
- D. Clerk Review.** A preliminary review of electronically filed documents by the Clerk (which includes by reference all properly designated Court employees; hereafter, “Clerk”) in accordance with Court rules, policies, procedures and practices. The Clerk will preliminarily review the data and documents to ensure compliance with Court rules, policies and procedures prior to accepting the documents and sending such documents to the CMS. If the submitted documents comply with the applicable Court rules, policies and procedures, the documents will be accepted and noted as such on the Court docket. If the submitted documents do not comply with the applicable Court rules, policies and procedures, such documents will not be accepted for e-Filing and the Clerk shall mark the document as “Rejected.” *See Rejected Filing.* The Filer may view the status of any pending documents in his/her Registered User Account.
- E. Confirmation Number.** A number that is assigned to a document upon submission to the CMS. A Registered User may log into his/her/its account to review the status of documents filed on cases on which the Registered User is a Filer, and view the number assigned to each filing for receipting/verification purposes.
- F. Confidentiality or Confidential.** All documents submitted for e-Filing shall not be considered a public record until accepted by the Clerk, and shall remain confidential thereafter if so entitled to confidentiality under rule or law.
- G. Court Electronic Record.** Any document received in electronic form, recorded in the Court’s Case Management System and/or stored in the CMS. “Court Electronic Record” will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. “Court Electronic Record” will not include physical evidence or exhibits that are not capable of capture in electronic format.
- H. Document.** A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to an electronic record, not to include electronic media or facsimile.
- I. Electronic.** Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. “Electronic” shall not encompass activities involving facsimile transmission, such as “fax filing.”
- J. Electronic Documents.** Electronic documents shall be part of the official court record. Paper versions of the electronic documents, if maintained, shall be considered copies. Electronic filings shall not be followed up by a paper copy unless otherwise required by the Court.

- K. Electronic Filing (e-Filing).** The electronic transmission, acceptance, and processing of data, one or more documents, and/or images, **exclusively via the CMS system**. This definition of electronic filing does not apply to facsimile or email. Electronic filing processes presume that all Registered Users will view documents on computer screens. Paper copies will be available on demand, but such production will be exceptional, not routine.
- L. E-Mail Service.** The electronic transmission of service of a filing from the Clerk and/or Court to all other Registered User case participants via the CMS, as permitted by Ohio Civ. R. 5(B)(2)(f).
- M. Electronic Record.** A record created, generated, sent, communicated, received or stored by electronic means.
- N. Electronic Signature.** An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- O. Filer/Filing Party.** Any person, agency, or entity filing a document in a case pending in the Wayne County Common Pleas Court, Probate Division. The use of the words “Filer” and “Filing Party” shall include party and non-party Filers. A Filer may or may not be a Registered User. A Filer wishing to receive service by e-mail pursuant to Ohio Civ. R. 5(B)(2)(f) shall be a Registered User.
- P. Hearing Officer:** A Magistrate or Judge.
- Q. Original Document.** A document electronically filed as the original filing that is consistent with Ohio Civ. R. 5(E) and/or Crim. R. 3(B)(1) and Crim. R.12(B), provided the Filer complies with all requirements set forth in this Administrative Order.
- R. Over the Counter (OTC) Filing.** A document received via hard copy from a Filer who is not a Registered User, but wishes to file in a case. The Clerk will scan this filing into the case and return the hard copy to the Filer.
- S. Registered User.** A person who has read and agreed to the terms of the CMS’s User Agreement, has provided his/her credentials through the CMS proving his/her identity, and has been provided with a User ID and password through the CMS. A Registered User, by virtue of his/her/its registration with the CMS, expressly assents to service by email as the default method of service for all documents except Complaints. A Registered User may log in to his/her/its account 24/7 to review cases on which he/she/it is a party, and shall use the CMS to file any documents electronically, at any time of the day, from any location he/she/it chooses, using his/her/its User ID and password.
- T. Rejected Filing.** A document that does not comply with the applicable Court rules, policies and procedures and does not meet the requirements of Clerk Review.
- U. Service of Documents.** All pleadings (unless excluded herein), motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents filed electronically with the Clerk shall be served by the parties to a case and the Court in accordance with Ohio Civ.

R.5. Once a Registered User has entered an appearance in the case, service thereafter shall be provided by email from the Court.

V. Source Document. A document created and maintained by the Filer which is then electronically transmitted, or presented in hard copy, to the Clerk/Court.

W. Submission: A document presented to the Clerk/Court that is intended to be a filing in a court case.

X. User ID. The unique name of Registered User that identifies the user to the Clerk/Court and the CMS.

III. PRIVACY

A. In documents that will become public records on the Court's docket, Filers shall omit, or, where inclusion is necessary, partially redact personal identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the Hearing Officer orders otherwise.

B. Personal identifiers are generally defined as, but not limited to, the following:

1. Social security numbers, except for the last four digits;
2. Financial account numbers, including but not limited to debit card, charge card, and credit card numbers; and
3. Employer and employee identification numbers.

C. With leave of the Court, a Filer may file under seal a document containing the un-redacted personal data identifiers listed above.

D. The Filer seeking to file an un-redacted document shall file a motion to file the document under seal. In granting the motion or application to seal, the Hearing Officer may require the party to file a redacted copy for the public record.

E. The responsibility for redacting personal data identifiers rests solely with the Filer.

F. The Clerk will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

IV. REGISTERED USERS AND AUTHORIZATION

All persons filing documents in any Probate case type may become Registered Users.

A. Documents Submitted in Person. If a pro-se party (see Section VI below), an attorney representing a party, or any other person/Filer presents a document in person to the Clerk's office for filing in hard-copy/paper format, and that person/Filer is not a Registered User of the CMS, any one or more of the following shall occur:

1. The Filer may become a Registered User, if the Filer has an email address and intends to file regularly in his/her/its case, and may receive assistance from the Clerk to establish his/her account.
2. The Filer may present paper documents to the Clerk to be scanned in to the CMS by the Clerk, and returned to the Filer, along with a confirmation of filing (OTC Filing).
3. The Clerk shall provide assistance to the Filer during the registration and/or filing process, if needed, but the Clerk shall not be designated as a Filer of any of these documents.
4. Should a Filer become a Registered User of the CMS, his/her document(s) will be submitted through the CMS using his/her/its User ID.

B. Documents Received by Mail from Pro-se Parties and Attorneys.

1. The party submitting the document(s) for filing shall include a self-addressed stamped envelope with sufficient postage to receive the returned documents.
2. The Clerk shall scan in and upload in PDF format the submitted documents to the CMS on the pro-se party and/or attorney's behalf (OTC Filing).
3. Provided that the required deposit and/or filing fees have been paid, the Clerk will e-File the documents provided by the Filer through the CMS, listing the person submitting the documents as the Filer.
4. Subsequent filings in any case so initiated may be e-Filed by the pro-se party, should the pro-se party choose to become a Registered User of the CMS.
5. Subsequent filings shall include a self-addressed stamped envelope with sufficient postage to receive the returned documents.

C. Authorization. Non-registered Parties, who are represented by an attorney, shall promptly take steps to allow counsel to file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically, should the attorney be or become a Registered User. By definition, parties filing electronically or receiving electronic service of any documents filed shall become Registered Users in the CMS.

V. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER ("USER ID")

Any person who wishes to file electronically in the Court must first become a Registered User. A person or entity may become a Registered User by:

- A.** Reading and agreeing to the terms of the CMS's User Agreement,
- B.** Provide his/her/its credentials through the CMS to establish his/her identity, and
- C.** Receive a User ID and password through the CMS, which will be emailed to the Registered User at the email address provided by the Registered User.

Upon registration, the CMS shall assign to the party and/or the party's designated representative(s), a confidential and unique electronic identifier, i.e., a User ID. Registered Users shall choose a password that will be used, along with the User ID, to file, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case.

USER IDS WILL ONLY BE ISSUED DURING CLERK'S BUSINESS HOURS of 8:00 a.m. to 4:30 p.m., Monday through Friday, unless the Clerk's office is closed for a holiday or other reason. **Issuance of User IDs may take up to ten (10) business days.**

THE CLERK/COURT HAS NO WAY TO REGENERATE OR RESET LOST PASSWORDS. EACH REGISTERED USER IS RESPONSIBLE TO KEEP HIS/HER/ITS PASSWORD IN A SECURE AND AVAILABLE PLACE. NEITHER THE COURT NOR THE CLERK SHALL BE LIABLE FOR, NOR MAKE EXCEPTIONS FOR, ANY MISSED DEADLINES CAUSED BY A USER'S FAILURE TO REMEMBER OR HAVE ACCESS TO HIS/HER/ITS PASSWORD.

Each Registered User of the CMS shall be responsible for the security, use, and confidentiality of his/her/its unique user name and password. All documents filed electronically will be deemed to be made with the authorization of the party assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence. No attorney shall authorize any person to electronically file on that attorney's behalf, other than his or her employee or a service provider retained to assist in electronic filing.

Except as indicated above, no person shall utilize, or allow another person to utilize, the User ID and/or password of another in connection with electronic filing. If the Filer establishes that a document was transmitted without authority, upon motion of such Filer and clear and convincing evidence, the court shall order the document stricken.

VI. PRO-SE PARTIES

Pro-se parties are not required to become Registered Users but are permitted to register. If a pro-se party registers as a Registered User, he/she assents to service by email in any/all cases to which he/she is a party.

Pro-se Parties who present to the Clerk in person, for filing purposes, documents in hard-copy/paper format, shall be accommodated as follows:

- A. The Clerk shall assist the pro-se party, if the pro-se party chooses to become a Registered User, in establishing his/her account with the CMS.
- B. If the pro-se party opts to not become a Registered User, then the Clerk shall scan paper documents presented by the pro-se party for filing, including proposed orders/entries (except as in C below), save such documents in PDF format, time stamp the documents, and return the time-stamped paper copies to the pro-se party. The Clerk shall assist the pro-se party in this manner anytime a pro-se party presents paper copies of filings to the Clerk, regardless of whether the pro-se party is a Registered User.
- C. The pro-se party may present proposed orders/entries in either a Microsoft Word compatible format or Portable Document Format (PDF), or in hard copy, which will be converted by the Clerk and transmitted to the Hearing Officer in PDF format, and shall reference the specific motions to which they apply.

- D. The pro-se party may e-File his/her documents, created or scanned in, and saved in a PDF format, through the CMS, using his/her User ID (if a Registered User), or the Clerk shall file the documents electronically on behalf of the pro-se party (OTC Filing). Any proposed orders/entries can be uploaded to the CMS as outlined above in C.
- E. If the pro-se party has not provided or does not have an e-mail address or chooses not to become a Registered User, he/she will not receive email service but rather will be served with hard copies.
- F. Only individual persons may be pro-se parties. No company, trust, corporation, or other legal entity is permitted to file as a pro-se party.

VII. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and in any other format as the Court may require. All electronically filed documents, pleadings, and papers shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders/proposed entries, which shall be filed in editable Portable Document Format (PDF) or Microsoft Word compatible format and shall reference the specific motions to which they apply. Electronic documents shall, when possible, be searchable and tagged. Each filed document can have references, with links only to itself. External links are prohibited.

- A. **Size of Filing.** Submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size.
- B. **Attachments and Exhibits.** Attachments and exhibits shall be filed electronically. Large attachments or exhibits over thirty (30) megabytes shall be filed electronically by filing in attachments under the megabyte threshold. All documents should be scanned or transmitted in black and white, not color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded.
- C. **Exhibits that Cannot be Captured in Electronic Format.** Such exhibits shall be submitted conventionally, pursuant to the appropriate Ohio Rules of Procedure.
- D. **Font Style and Size.** Documents created for e-Filing shall be double-spaced, in either Times New Roman or Arial font style, and at least 12 point type. An exception is made for state-mandated child support forms, civil protection order forms, or any other mandated court forms.
- E. **Required Information.** Filers shall include the case number, the party's name(s), the filing party, the type of filing, and sufficient other information for identification purposes.
- F. **Signatures.**
 - 1. **Attorney's/Filer's Signature.** Documents filed electronically with the Clerk that require an attorney's or a Filer's signature shall be signed with a conformed signature of "/s/ (name)" (if not an actual physical signature). The correct format for a Filer's signature is as follows:

/s/Attorney/Filer Name

Attorney/Filer Name

(if an attorney:) Ohio Supreme Court ID Number 1234567

(if an attorney:) Attorney for (Plaintiff/Defendant) XYZ Corporation

(if an attorney:) ABC Law Firm

Address

Telephone

Email

Fax (if available)

The conformed signature on an E-Filed document, submitted through the CMS, using the attorney's/Filer's unique User ID and password, is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, and/or any other law.

2. Court investigators appointed or designated under R.C. 2101.11 acting in guardianship and conservatorship cases shall be authorized to electronically sign documents submitted for filing, including but not limited to reports, notices and returns of service. The electronic signature shall be either an electronically produced image of the investigator's signature or shall be designated as "/s/ Investigator Name." The electronic signature shall be deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure and/or any other law.
3. 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.
4. Where a party's original signature is required, such as a fiduciary or adoptive parent, and that party is not a Registered User, no other person, including that party's attorney, may electronically sign on behalf of the party whose original signature is required. *See Original Signatures*, infra.
5. **Multiple Signatures.** When a stipulation or other document requires two or more signatures (that are not statutorily required original signatures):
 - a.) The Filing Party or attorney shall sign the stipulation or document him/herself as follows: "/s/John Smith."
 - b.) The Filing Party or attorney shall confirm in writing that the contents of the document are acceptable to all persons required to sign the document. The Filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, along with the method the Filer obtained the authorization and the date of such authorization, on the signature line (e.g. "/s/Jane Doe, authorized by email on date").

- c.) The Filing Party or attorney shall then file the document electronically, identifying all of the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
 - d.) Failure to indicate all required signatures shall be cause for automatic rejection of the filing.
 - e.) Any party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures contained thereon shall file an objection to the document and/or signature within ten (10) days of receiving the filing.
6. **Original Signatures.** If an original document requires the handwritten signature (such as a fiduciary, adoptive parent, third party's signature, etc.), a signature on an affidavit or stipulation, or a signature on a waiver of notice/service, the Filing Party (or the Clerk for a pro-se party) shall scan the original signed document into PDF format showing the actual handwritten signature, and electronically file the document to which the signature relates. A document containing an original signature must be retained in hard copy format by the Filer and be available for production upon request by the Court or Clerk, throughout the pendency of the case and any appeal periods.
7. **Wills.** If E-Filing a testate estate or other matter requiring the production of a signed Last Will and Testament, the original will shall be submitted to the Court within ten (10) days of the filing of the Application to Probate Will. Letters of Authority shall not issue until the original will is received in hard copy format by the Court.
8. **Hearing Officer Signature.** Electronic documents may be signed by a Hearing Officer via a digitized image of his or her signature (if such documents do not contain an actual physical signature). All decisions, orders, decrees, judgments and other documents signed in this manner, through the use of the Hearing Officer's unique username and password, shall have the same force and effect as if the Hearing Officer had affixed his or her physical, handwritten signature to a paper copy of the document. Because proposed orders and entries submitted via the Court's e-Filing System may be signed electronically, the signature line for the Court must include a signature page for the Hearing Officer, or the submission will be rejected.

VIII. FILING DATE AND TIME OF E-FILED DOCUMENTS

- A. In the first quarter of 2014 and at the time of go-live, the CMS shall become the appointed agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents. Any document submitted electronically to the Court shall not be considered filed until accepted at Clerk Review. Once accepted, the document will be deemed filed for purposes of Ohio law and relevant rules of court procedure, and shall contain an electronic stamp of the date and time it was submitted. A document that is not accepted at Clerk Review is deemed to be a Rejected Filing.
- B. A document that passes Clerk Review will be deemed timely filed when submitted prior to 11:59 pm Eastern Standard Time on the due date, unless the Hearing Officer has ordered the document filed by an earlier time on that date. All time is calculated as Eastern Standard Time. Documents filed later than 11:59 pm Eastern Standard Time shall be deemed to have been filed the following day.

- C. Upon filing documents, the Registered User may review the “My Cases” tab in his/her user account to verify that the documents were received by the Clerk. No other confirmation of receipt will be issued by the Clerk. The confirmation of receipt shall include the date and time of receipt and a confirmation number. The Registered User may monitor the status of acceptance or rejection of his or her filings via the “My Cases” tab. When accepted, each document will receive an electronic stamp. This stamp will include the date and time the document was submitted by the Filer.
- D. While electronic documents may be submitted to the Clerk twenty-four (24) hours a day, seven days (7) days a week (except when the CMS is unavailable due to maintenance, repair, or disaster), documents submitted on a Saturday, or Sunday, or Court holiday will be deemed filed on the following business day regardless of the electronic stamp. This does not in any way alter the provision of Civ. R. 6 that filing deadlines that fall on a Saturday, a Sunday or a legal holiday run until the end of the following day that is not a Saturday, a Sunday, or legal holiday.
- E. In the event the Court rejects a submitted document following Clerk Review, the document shall not become part of the Official Court Record and the Filer will be required to re-submit the document to meet filing requirements.
- F. Subsequent or replacement filings filed to replace a rejected filing shall be considered filed once accepted at Clerk Review, and shall receive the electronic stamp of the date and time the subsequent or replacement filing was submitted.
- G. Any document filed electronically that requires a filing fee may be rejected by the Clerk unless the Filer has complied with the mechanism established by the Court for the payment of filing fees.

IX. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT

The Court shall issue, file and serve all notices, decisions, orders and other documents that are created by the Court, subject to the applicable provisions in the Court’s local rules. The Court shall serve Registered Users by e-mail. The Court shall serve all other parties who are not Registered Users with paper copies of all notices, decisions, orders and other documents that are created by the Court.

The electronic transmission of a document that has been electronically signed by a Judge or Magistrate in compliance with procedures herein adopted by the Court shall, upon the receipt of the same by the Clerk, constitute filing of the document for all purposes of the Rules of Superintendence and the Local Rules of this Court.

X. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

Subject to the exceptions noted in Section A below, the Filing Party is responsible to serve all filings on all other parties in an e-File case. The Filing Party shall make service upon all other Registered Users of the CMS electronically via e-mail. The Filing Party shall make service by hard copy to all other parties who are not Registered Users, in compliance with all rules of procedure.

Unless otherwise modified by approved stipulation or Court order, Ohio Rules of Civil Procedure, as well as Local Rules, Rules of Superintendence, and orders of the Court shall continue to apply to all documents electronically filed.

A. Service of Original Complaint.

When submitting any Complaint or Third-Party Complaint for electronic filing, the Filing Party shall also submit instructions for service as required by the applicable Ohio Rules of Procedure. The Clerk shall issue a summons, and process the method of service requested, in accordance with the applicable Rules of Procedure. E-Mail service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Procedure.

B. Service of Filings Subsequent to the Complaint.

1. A confirmation number will be assigned to each filing when it is received in its entirety by the Clerk's receiving device and the filing is approved via Clerk Review. The confirmation number and the date and time of the filing will be displayed on the "My Cases" tab of the Registered User's account in the CMS upon successful transmission of the filing. For Filers who are not Registered Users, the Clerk will physically time stamp the Original Document to the Filer.
2. Upon successful Clerk Review, the Registered User may log in to his/her account to review all dockets and filed items.
3. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service shall state the manner in which service or notice was accomplished on each party entitled to service. The Certificate of Service shall set forth the date on which the attached document was submitted for e-Filing, and shall designate that date as the date of service of said document.
4. A party who is not a Registered User of the CMS is entitled to a paper copy of an electronically filed document. The Filing Party shall serve the non-registered party with the document in accordance with the applicable rules of the Court.
5. The Filing Party is also responsible for the service of any proposed orders and entries submitted to the Court. Service upon Registered Users of the CMS shall be complete upon transmission by email, in accordance with Civ. R. 5B(2)(f), sent by electronic means to an e-mail address provided in accordance with Civ. R. 11 by the attorney or party to be served, but is not effective if the serving party learns that it did not reach the person served.
6. Service upon a party or an attorney shall be made in accordance with Civ. R. 5(B) and Civ. R. 5(D). The Ohio Supreme Court recently adopted amendments to the Ohio Rules of Civil Procedure, specifically Civ. R.5(B) and Civ. R. 6(D). Pursuant to these amendments, parties served electronically are no longer entitled to the three-day extension of time to respond that they would otherwise be entitled to if they were served by mail or by a commercial carrier series. This limitation to the application of "the three-day rule" applies only to documents served subsequent to the Complaint.

7. A Filer who brings a document to the Clerk's office for scanning and uploading to the CMS shall serve paper copies on all other parties in the case. Such a Filer will have to print out (via the Clerk's print services and at a rate of \$0.05 per page, or via any other computing and/or print station) a copy of the e-Filed document and mail it to the non-registered parties.
8. Documents shall be filed under seal only with prior Court order.

C. Service on Parties: Time to Respond or Act.

1. An electronically transmitted document will be subject to Clerk Review from 8:00 a.m. to 4:30 p.m., Monday through Friday, except for legal holidays or other Clerk/Court closures. Subject to successful Clerk Review, a document transmitted outside of these times will be deemed filed as of the date and time of electronic transmission. A document that fails Clerk Review does not preserve the date and time of electronic submission.
2. Service of a paper copy of an electronically filed document on a non-Registered User shall be deemed complete on the date set forth on the Certificate of Service attached to said document, i.e., the date on which the attached document was submitted to the CMS for e-Filing.
3. The time to respond to documents received via e-mail service or otherwise shall be computed in accordance with the applicable rules of Court, including the Ohio Rules of Civil Procedure.

D. Failure of Electronic Service. If e-mail service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party's response deadline or the period within which any right, duty or act shall be performed.

E. Service Copies.

When serving a pleading, or when, according to Local Rules of the Court, an applicable statute, or the instructions for service filed in an e-File case, the Court is required to serve hard copies of a Complaint, Third Party Complaint, Motion, or Order on one or more of the parties to the case (i.e., a pro se party or a party who is not registered in the CMS), the Court shall cause service copies to be produced at the cost of \$.05 per page, unless the Filer submits the proper number of service copies at the same date and time of filing for the Court to serve.

XI. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court.

- A. Documents Filed Under Seal.** A party shall present the court with documents in paper format along with a Motion that such documents should be filed under seal. Upon the Court's journalized order that the documents may be filed under seal, Clerk will scan the documents into the electronic file and mark such documents as sealed.

- B. Documents to be presented to the Court for in camera review.** Any documents submitted for in camera inspection shall be submitted to the assigned Judge (or Magistrate if appropriate) outside the CMS. The Court will maintain a separate paper/tangible file for any documents so presented.
- C. Exhibits and Transcripts.** Every reasonable effort shall be made to submit all exhibits and transcripts electronically whenever practicable. However, exhibits, transcripts or other items that cannot be captured or stored in an electronic format or that are too large, so it is impractical to file, may be filed and served conventionally. This may include large Certifications from Probate Court. Such exhibits and transcripts shall be identified by a cover page using the caption of the case, the case number and the assigned judge, and shall provide other information identifying the name and party designation of the Filer. Example: “Exhibits in Support of Plaintiff John Doe’s Motion for Summary Judgment.” The Court will maintain a separate paper/tangible file for any documents so presented.
- D. Vexatious Litigators.** Individuals who have been vexatious litigators pursuant to R.C. §2323.52 will not be permitted to file documents electronically. The CMS will not provide an individual who has been declared a vexatious litigator with a username 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 litigator in paper format, as needed.

XII. DEPOSITION TRANSCRIPTS

If a party reasonably believes that deposition transcripts will be needed as evidence pertaining to any motions or other proceeding, those deposition transcripts shall be filed electronically. All deposition transcripts filed with the Clerk must include a witness signature page and statement of changes in form or substance made by the witness pursuant to Civ. R. 30(E).

XIII. OFFICIAL COURT RECORD

For a document that has been electronically filed, or a document that has been presented in paper format that has then been scanned-in and uploaded to the CMS, and the documents have passed Clerk Review, the electronic version of that document constitutes the official Court record.

XIV. USER FILING ERRORS AND TECHNICAL PROBLEMS

A. User Filing Errors

Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the Clerk’s office. A Filer cannot make changes to any document once it has been submitted and accepted via Clerk Review for filing.

A document that is incorrectly submitted for e-Filing (e.g., as a result of entering a wrong case number, attaching an incorrect PDF file to a submission for e-Filing, or where the electronic file is corrupt or unreadable) will be rejected and the Filer will be notified of the error(s) and the need to re-submit.

If the Filer discovers a submission error, made in good faith, that may be corrected, such as having chosen the incorrect document type, the Filer should, as soon as possible after the error is discovered, contact the Clerk's office and provide the case number and document number for which a correction is being requested. If the Clerk discovers the error after it has been accepted, the Clerk shall immediately notify the Filer of the error and the need to resubmit, if appropriate. The Clerk will not delete the relevant docket text, but will annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the Filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.

However, once a document has been accepted via Clerk Review, only a Judge can strike the document in the event it has been filed in error.

B. Technical Failures

The Clerk shall deem the CMS to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one (1) hour after 10:00 a.m. that day. Known system outages will be posted on the Clerks' and Courts' websites, if possible.

Problems on the Filer's end, such as phone line problems, problems with the Filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing.

If a document submitted electronically for filing, in good faith, is not filed with the Court because of an error in the transmission of the document to the CMS, whether that error originates with the CMS or at the Filer's end, the Court may, upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

XV. COLLECTION OF FILING DEPOSITS AND FEES

- A.** The Clerk shall assess normal filing fees and case deposits will be collected via user credit card at the time an e-Filing is processed.
- B.** Cash, personal checks, money orders, and cashier's checks will be accepted. Checks from law firms/businesses will be accepted at the Clerk's sole discretion.
- C.** The Clerk will document the receipt of costs, fees, fines, and other financial transactions as required on the docket.
- D.** The Court will not maintain electronic billing for lawyers or law firms.

XVI. METHOD OF PAYMENT

In all e-File cases, deposits as security for costs, filing fees and all other costs shall be paid by credit card, at the time a document is submitted for e-Filing.

A. Account Assignment

1. A Registered User shall submit a Credit Card Authorization Form.
2. Upon verification of a valid credit card number, the Clerk shall establish permit a Registered User to e-File.

Some government agencies may have costs deferred, and the Clerk and/or the Court will validate that the Filer represents a qualifying government agency.

B. Fee Deferral for Certain Government Agencies. If a Filer is a government agency or other entity from which pre-payments are not required by statute, rule, or practice, the documents submitted for e-Filing by that Filer must include a clear indication that such documents are filed by, or on behalf of, an agency or entity entitled to deferral of, or exemption from, the payment of deposits as security for costs or pre-payments that would otherwise be required in connection with the filing.

C. Filing Rejected for Failure to Pay a Filing Fee: Any document filed electronically that requires a filing fee may be rejected by the Clerk unless the Filer has complied with the mechanism established by the court for the payment of filing fees.

XVII. PUBLIC ACCESS COMPUTER STATIONS AND PRINT CHARGES

The public may view and print public e-Filed documents on public access computer stations located in the Court. Users shall be charged for printed copies of documents at rates established by the Court. Some cases are not public and/or are confidential, and accordingly, shall not be accessible to the public.

XVIII. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective as of the date signed.

SO ORDERED:

Latecia E. Wiles, Administrative Judge
Wayne County Common Pleas Court, Probate Division

Date