

IN THE COMMON PLEAS COURT OF CUYAHOGA COUNTY, OHIO

GENERAL DIVISION

IN RE: ELECTRONIC FILING OF COURT DOCUMENTS
TEMPORARY ADMINISTRATIVE ORDER

Pursuant to Ohio Sup. R. 27, Ohio Civ. R. 5(E), Ohio Civ. R. 11, Ohio Crim. R. 12(B), Ohio Supreme Court Advisory Committee on Technology, and the Court's proposed standards for electronic filings, and as approved (provisionally) by the Ohio Supreme Committee on Technology and the Courts, all filings submitted for case types designated by the General Division of the Cuyahoga County Common Pleas Court as e-File case types for the Court's Electronic Filing Pilot Project may be filed electronically through the Court's authorized electronic filing system beginning on or after May 1, 2013, and shall be governed by this temporary administrative order.

Electronic filing will first commence with all Foreclosure matters and at a time determined by the Court. Electronic filing will then continue with designated civil and criminal cases under this temporary administrative order or other orders and court rules issued to implement electronic filing. These temporary administrative orders and/or court rules shall supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Revised Code, and any other applicable authority.

Supplemental administrative orders may be issued regarding the implementation of this order from time to time.

IT IS THEREFORE ORDERED:

I. APPLICATION OF THIS TEMPORARY ADMINISTRATIVE ORDER

Commencing on or after May 1, 2013, the Cuyahoga County Common Pleas Court, General Division, and the Cuyahoga County Clerk of Courts shall establish and maintain an electronic filing system. The Cuyahoga County Clerk of Courts shall make the system available to those parties involved with cases that have been designated for e-Filing. For cases designated for e-Filing, where documents are not filed in an electronic format, the Clerk of the Courts shall scan or otherwise convert these paper documents to an electronic format within twenty-four (24) hours of filing.

II. DEFINITION OF TERMS

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

- A. **e-File Case Type:** A case type that has been designated by the Administrative Order or Local Rules as being one that may be filed electronically.
- B. **Clerk:** The Clerk of Courts for the Cuyahoga County Common Pleas Court, General Division, as defined by the Ohio Revised Code and the Cuyahoga County Charter.
- C. **Clerk Review:** A review of electronically filed documents by the Clerk of Courts in accordance with court rules, policies, procedures, and practice. The Clerk shall review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before officially receiving the documents for filing and creating a docket entry.
- D. **CMS: Case Management System:** A court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
- E. **Confidentiality or Confidential:** All documents submitted for e-Filing shall be confidential until accepted by the Clerk.
- F. **Court Electronic Record:** This is any document that a court will receive in electronic form, record in its case management system and store in its document management system. This will include notices and orders created by the court as well as pleadings, other documents and attachments created by parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification, which cannot be converted to an electronic form. These documents will be considered to be and maintained as Court Records as set forth in the Ohio Rules of Superintendence.
- G. **Court Initiated Filings:** These are official court documents entered into the docket or register of actions, such as notices or orders. The term "court initiated filings" is a catch all to indicate that documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.
- H. **Document:** A filing made with the Court or by the Court in either electronic format or paper form becoming the court's official record.
- I. **DMS: Document Management System:** DMS manages the receipt, indexing, storage, and retrieval of electronic and non-electronic documents associated with a case.
- J. **Electronic Filing (e-Filing):** The electronic transmission, acceptance, and processing of a filing. A filing consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.
- K. **Electronic Service (E-Service):** When implemented, the electronic notice of a filed document to all other electronically-registered case participants via the electronic filing system. Upon the completion of any transmission to the electronic filing system, an

electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

- L. **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.
- M. **Filer/Filing Party:** Any person, agency or entity that is filing a document in a case pending in the Cuyahoga County Common Pleas Court, General Division. The use of the words "filer" and "filing party" shall include party and non-party filers.
- N. **Original Document:** The electronic document received by the Court from the filer and becomes part of the court record.
- O. **Registered User:** A person who has read and agreed to the terms of the Electronic Filing System's User Agreement, has provided his/her credentials through the electronic filing system proving his/her identity, and has been provided with a user name and password through the electronic filing system.

III. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

On and after May 1, 2013, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents submitted in designated e-File case types shall be filed electronically through the Court's authorized electronic filing system. For those cases pending prior to the commencement date of electronic filing, all subsequently filed documents shall be electronically filed when the case type is designated as an e-File case type. The Clerk of Courts shall continue to accept for filing any document in paper form in all cases until further order of the Court. The Clerk of Courts shall continue to maintain a paper file that will contain all court records filed in a case until further order of the Court.

IV. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS

For designated e-File case types, the Court shall issue, journalize, and serve notices, orders, and other documents electronically, subject to the provisions of this Order and Court rules.

V. DESIGNATION OF ELECTRONIC FILING CASES

Upon an order designating any case type as an e-File case, parties to such e-File case, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically. Parties filing electronically or receiving electronic service of any documents filed must become participants in the Court's electronic filing system.

For participants in the Court's electronic filing system, parties shall electronically file a document by registering to use the Court's authorized electronic filing system. A party can use the Clerk's Public Access Terminals to register to use the Court's authorized electronic filing system and to file documents electronically.

VI. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

The Court's electronic filing system shall assign to a party's designated representative(s) a confidential and unique electronic credential that must be used to file, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the e-File case.

Each person who is a registered user of the Electronic Filing System shall be responsible for the security, use and confidentiality of his/her unique user name and password.

All documents filed electronically will be deemed to be made by or with the authorization of the party who is assigned to the unique credential, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

VII. PRO SE LITIGANTS

Pro Se litigants shall be accommodated in one of the following ways:

- A. All filings by parties appearing pro se may be filed and served conventionally in paper form unless the party chooses to file and serve electronically, in which case the party may do so through the Court's authorized electronic filing system. The Clerk of Courts shall accept the paper document for filing, scan the document within twenty-four hours of the filing and retain the original for placement in the case file.
- B. The Clerk of Courts shall provide secured Public Access Terminals from which pro se or other litigants will be permitted to register to use the Court's authorized electronic filing system and electronically file documents.

VIII. OFFICIAL COURT RECORD

For case types designated for electronic filing, parties should file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents electronically through the Court's electronic filing system. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the official court record. Electronically filed papers have the same force and effect as those filed by traditional means.

IX. FORM OF DOCUMENTS ELECTRONICALLY FILED

- A. Format of Electronically Filed Documents:** All electronically filed pleadings 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 from time to time. A filed document shall not contain links to other documents or references in the Court's case management system, unless the links are incorporated into the filed document. External links are prohibited.
- B. Portable Document Format:** 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 orders will not be accepted electronically at this time. Proposed orders shall be presented to the Court as directed by the Judge assigned to the case and in compliance with Loc. R. 11(F).
- C. Size of Filing:** Submissions shall be limited to twenty megabytes (20MB) in size. No combination of PDF files in one transmission may accumulate to more than 20 megabytes (20MB) in size.
- D. Signatures:**
- 1. Attorney/Filing Party Signature:** Documents filed electronically with the Clerk that requires an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney signature is as follows:

/s/Attorney Name

Attorney Name

Bar Number 1234567

Attorney for (Plaintiff/Defendant) XYZ Corporation

ABC Law Firm Address Telephone Email

Fax

The conformed signature on an electronically filed document is deemed to constitute an original signature on the document for purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, Court's Local Rules, and/or any other law.

- 2. Multiple Signatures: When a stipulation or other document requires the signature of two or more individuals:**

- a.** The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

- b. The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
3. **Third-Party Signatures:** Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a hand-signed scanned PDF document.
 4. **Judge/Judicial Officer Signature:** Electronic documents may be signed by a judge or judicial officer via a digitized image of his or her signature combined with a digital signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge had affixed his or her signature to a paper copy of the document and it had been entered on the journal in a conventional manner.

X. TIME FOR FILING AND EFFECT OF USE OF EFILE

- A. Any document filed electronically shall be considered as filed with the Court when the transmission to the Court's authorized electronic filing system is complete ("authorized date and time"). An electronic filing may be submitted to the Clerk twenty-four (24) hours a day, seven (7) days a week. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Time shall be deemed to have been filed on the next Court business day. The Court's authorized electronic filing system is hereby appointed the agent of the Cuyahoga County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.
- B. Upon receipt of a filing, the Court's authorized electronic filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing. A filer will receive subsequent notification from the Clerk of Courts that the filing has been accepted or rejected by the Clerk's office for docketing and filing into the General Division's case management system. Each document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the Court's authorized electronic filing system as well as the unique confirmation number of the filing. In the event the Clerk rejects a submitted document following review, the document shall not become part of the official court record and the filer may be required to re-file the document to meet necessary filing requirements.

XI. SYSTEM OR USER FILING ERRORS

If the electronic filing is not filed with the Court because of an error in the transmission of the document to the Court's authorized electronic filing system, the Court may, upon satisfactory proof, enter an order deeming the document filed on the date it was initially sent electronically.

XII. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

A. Traditional Process for Service.

At this time, all parties using the Court's electronic filing system shall make service upon other parties using the traditional process, in accordance with the applicable Ohio Court Rules, unless otherwise ordered by the assigned Judge. Any period of time to respond to the electronically filed document or perform any right, duty, or act shall be strictly governed by the applicable Ohio Court Rules or Local Rules of Court.

B. Service on Parties. Time to Respond or Act.

Parties traditionally served with documents that have been electronically filed are entitled to respond as if the paper document had been traditionally filed with the Court. The time to respond shall be in accordance with the Ohio Rules of Civil Procedure, unless otherwise ordered by the assigned Judge. For the purpose of computing time to respond to documents received electronically by the Court, any document filed after 4:30 p.m. Eastern Standard Time or Eastern Daylight Time, shall be deemed filed on the next Court business day that is not a Saturday, Sunday, or legal holiday.

C. Service of Original, Counterclaim, or Third Party Complaint and Related Documents.

Upon filing the original of a counterclaim or a third party complaint electronically, the filing party shall also file instructions for service electronically. The clerk shall issue a summons and process the method of service in accordance with the Ohio Civil Rules.

XIII. CONVENTIONAL FILING OF DOCUMENTS

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 motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form unless otherwise directed by the Court.
- B. **Documents to be presented to a Court in Camera:** Documents to be presented to a Court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed in paper form unless otherwise directed by the Court.
- C. **Exhibits:** Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.
- D. **Courtesy Copies:** Paper courtesy copies of documents filed electronically shall not be delivered to the Court unless otherwise directed by the individual Judge.
- E. Any other documents as directed by the Court.

XIV. COLLECTION OF FILING DEPOSIT AND FEES

- A. Any document requiring payment of a filing deposit or a fee to the Clerk of Courts in order to achieve valid filing status shall be filed electronically in the same manner as any other e-Filed document.
- B. The authorized electronic filing system will establish a means to accept payment of deposits and fees electronically, including the process for filing an affidavit of indigency.

XV. PUBLIC ACCESS TERMINAL

The public can view and print electronically filed documents on Public Access Terminals located in the Clerk's Office. Users shall be charged for printed copies of documents at rates established by the Clerk.

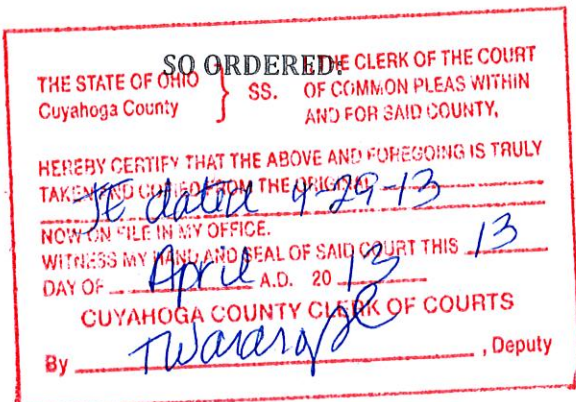
XVI. HELP DESK

The Clerk shall establish a Help Desk in the Clerk's Office for users of the Electronic Filing System and it shall be maintained until further Order of Court. The Help Desk will provide dedicated staff for telephone support and any other support consistent with these Rules, from 8:30 a.m. to 4:30 p.m. each business day that the Clerk and the Court are open. The Help Desk shall:

- A. Answer any questions from the public concerning the Electronic Filing System;
- B. Assist the public with establishing new accounts;
- C. Assist System users with the resetting of passwords;
- D. Coordinate and provide end user training;
- E. Facilitate the resolution of any issues associated with the Electronic Filing System.

XVII. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Temporary Administrative Order, as approved by the Judges of the General Division of the Cuyahoga County Common Pleas Court, shall become effective May 1, 2013.



[Handwritten signature]

Administrative Judge

4/26/13

RECEIVED FOR FILING
Cuyahoga County Common Pleas Court, General Division

APR 29 2013

CUYAHOGA COUNTY
CLERK OF COURTS
By *[Handwritten signature]* Deputy