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COURT OF COMMON PLEAS
2009 APR -8 P 1:39

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
GENERAL DIVISION**

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

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 Courts' proposed standards for electronic filing, and as approved (provisionally) by the Ohio Supreme Committee on Technology and the Courts on October 15, 2006, all filings submitted for case types designated by the General Division of the Montgomery County Common Pleas Court as eFile case types for the Court's Electronic Filing Pilot Project shall be filed electronically through the court's authorized electronic filing system beginning on or after April 1, 2009, and shall be governed by this administrative order. With the completion of the successful electronic filing project, mandatory electronic filing will continue with all civil and criminal cases under this administrative order or other orders and court rules issued to implement electronic filing court-wide. These 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 shall be issued regarding the implementation of this order.

IT IS THEREFORE ORDERED:

I. APPLICATION OF ADMINSTRATIVE ORDER

Commencing on or after April 1, 2009, the Montgomery County Common Pleas Court, General Division and the Montgomery County Clerk of Courts shall establish and maintain an electronic filing system. The Montgomery County Clerk of Courts shall make the system available to those parties involved with cases that have been designated for mandatory e-filing. Where documents are not filed in an electronic format, the Clerk of the Court shall scan or otherwise convert these paper documents to an electronic format.

II. DEFINITION OF TERMS

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

A. Clerk Review: A review of electronically filed documents by the Clerk of Courts in accordance with court rules, policies, procedures, and practice. Court clerks may review the data and documents electronically submitted to ensure compliance with

court rules, policies, procedures and practices before creating a docket entry or before docketing the case.

B. 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.

C. 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 practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification, which are not susceptible of capture in electronic form.

D. 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 simplification 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.

E. Document: A filing made with the Court or by the Court in either electronic format or paper form becoming the court's official record.

F. DMS: Document Management System. A DMS manages the receipt, indexing, storage and retrieval of electronic and non-electronic documents associated with a case.

G. Electronic Filing (E-Filing): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and/or an images. This definition of electronic filing does not apply to facsimile or email.

H. Electronic Service (E-Service): The electronic transmission of an original 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.

I. Original Document: The electronic document received by the court from the filer.

III. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

On and after April 1, 2009, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders or other documents submitted in designated eFile 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 documents shall be electronically filed on the date specified when the case type is designated

as an eFiled case type. The Clerk shall not accept or file any document in paper form in mandatory eFile cases from litigants represented by counsel.

IV. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS

For designated eFile case types, the Court shall issue, file, 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 eFile case, parties to an assigned eFile 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. By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the Court's electronic filing system.

For designated eFile case types, the Court shall not accept or file any pleadings or instrument in paper form. Parties shall electronically file a document by registering to use the Court's authorized electronic filing system. If a party does not have internet access, the party can use the Clerk's Public Access Terminal 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 authorized electronic filing system shall assign to the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the satisfaction of the Court by clear and convincing evidence that the contrary is demonstrated.

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. Pro se litigants shall be allowed to present a paper copy of a document to the Clerk of Courts. The Clerk of Courts shall scan the paper document and return the paper copy to the pro se litigant.

B. The Clerk of Courts shall provide a secured Public Access Terminal 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 shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders or other documents electronically through the Court's authorized electronic filing system. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the authorized 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 they 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 must be submitted in Word [.doc] or WordPerfect [.wpd] and reference the specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or magistrate.

C. Size of Filing. Submissions shall be limited to four megabytes (4MB) in size. No combination of PDF files in one transmission may accumulate to more than 16 megabytes (16MB) in size.

D. Signatures.

1. Attorney/Filing Party Signature. Documents filed electronically with the Clerk that require 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 a signature on the document for purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and/or any other law.

2. Multiple Signatures. When a stipulation or other document requires two or more signatures:

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 or third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a scanned image.

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 order and it had been entered on the docket 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 day. The Court's authorized electronic filing system is hereby appointed the agent of the Montgomery 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 permitting the document to be filed nunc pro tunc to the date it was sent electronically.

XII. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

All parties shall make service upon other parties who are represented by counsel electronically through the Court's authorized electronic filing system. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the Court's authorized electronic filing system.

A. Service of Original, Counterclaim, or Third Party Complaint and Related Documents. Upon filing the original or counterclaim or 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 Ohio Civil Rules.

B. Effect of Electronic Service of Subsequent Filings. The electronic service of a subsequent pleading, filing or other document in eFile case shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under current rules. Pro se parties who have not subscribed to the Court's authorized electronic filing system shall be served traditionally, in accordance with the applicable Ohio Court rules.

C. Service on Parties: Time to Respond or Act. EService shall be deemed complete at the time a document has been received by the Court's authorized electronic filing system as reflected by the authorized date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of time to respond to the served document or perform any right, duty, or act shall be strictly governed by the applicable rules of the Court. Parties served electronically are entitled to the same three-day extension of time to respond as if they had been served by mail. For the purpose of computing time to respond to documents received via eService, any document served after 5:00 p.m. Eastern Standard Time or Eastern Daylight Time shall be deemed served on the next day that is not a Saturday, Sunday, or legal holiday.

D. Failure of Electronic Service: If electronic service on a party does not occur, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

XIII. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents may 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.

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 eFile 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.

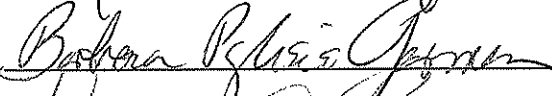
XV. PUBLIC ACCESS TERMINAL


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

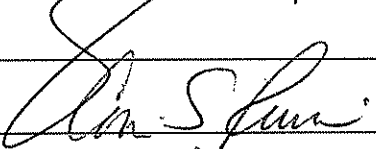
ORDERED, that this Administrative Order shall become effective immediately.

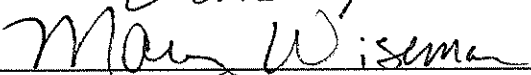
SO ORDERED:




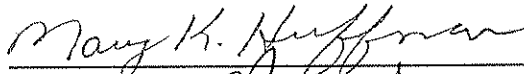


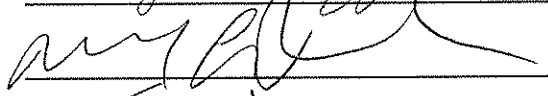


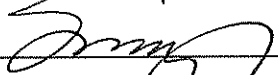


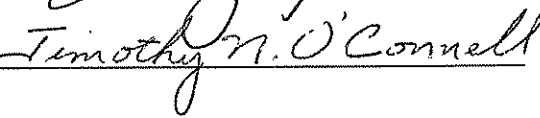












**JUDGES OF THE COMMON PLEAS COURT, GENERAL DIVISION
MONTGOMERY COUNTY, OHIO**