

IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO

IN THE MATTER OF
THE RULES OF PRACTICE

ORDER AMENDING RULE 8
LOCAL RULES OF PRACTICE
EFFECTIVE January 1, 2024

FILED-COMMON PLEAS
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CLINTON COUNTY CLERK
CYTHIA R. BAILEY

WHEREAS, the Clerk of Court will begin accepting electronic transmission filings on January 1, 2024, a proposed amendment to Local Rule 8 was submitted to the Clinton County Bar Members for comment and review.

IT IS HEREBY ORDERED that the attached amended Local Rule 8 is hereby adopted as of the date of this Order to be incorporated into the Clinton County Local Rules of Practice. Further Clinton County Domestic Relations Local Rule 1.08 is hereby repealed and reserved for subsequent use.

ENTER this 8th day of November 2023.



Judge John W. Rudduck

RULE 8

E-FILING

Electronic Transmission Filing (E-Filing) to be effective January 1, 2024

A. Implementation

1. The Court's goal is to make e-Filing available and required in all case types with limited exceptions. However, to assure a smooth transition between e-Filing and paper filing, e-Filing will be available and required in some case types prior to others. The Clerk will maintain on the Clerk's website a list of all case types that are required to be e-Filed. Counsel and self-represented litigants (pro se parties) shall determine whether e-Filing is required. If required, all documents to be filed are subject to the requirements, exceptions and limitations set forth in these rules.
2. Once e-Filing is implemented for a particular case type, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings and other documents submitted in a mandatory e-File case type shall be submitted electronically through the e-Filing Portal. Subject to applicable exceptions, the Clerk shall not accept for filing or file any document in paper form in mandatory e-Filing case types.
3. Fax filings will not be accepted for cases for which e-Filing has been implemented.
4. Any document filed electronically that requires a filing fee may be rejected by the Clerk of Court unless the filer has complied with the mechanism established by the court for the payment of filing fees in accordance with Civ. R. 5(E)(3).

B. Users/Registration

1. All persons filing documents in the case types designated as mandatory e-File cases shall be registered as users in the e-Filing Portal.
2. All licensed attorneys are expected to use the e-Filing Portal. Any documents received in person, by mail, or fax from a licensed attorney will be returned to the attorney, unfiled, with instructions on how to register as a user of the e-Filing Portal and how submit documents electronically. No such documents shall be considered filed until they are submitted through the e-Filing Portal.
3. At this time, pro se litigants are exempt from being mandatory e-Filers.
4. Parties who are represented by counsel, are not permitted to e-File documents or pleadings on their own behalf. Such filings shall be rejected.
5. If a party or counsel of record does not have internet access, the party or counsel of record may use the Clerk's Public Access Terminal to register to use the Court's e-File Portal and to e-File documents (when implemented). Leave to file other than through the e-Filing Portal may be granted only by the filing of a motion with the Judge assigned to the case, specifically stating the reasons the attorney/party cannot comply with e-Filing Procedures.

C. **Official Court Record.** For documents that have been e-Filed or documents filed in paper format that have been scanned and uploaded to the e-File system by the Clerk, the electronic version constitutes the Official Court Record. E-Filed Documents have the same force and effect as those filed by traditional means.

D. **Form of Documents:**

1. Format: All pleadings, motions, briefs, and other documents shall be formatted in accordance with the following:
 - a) Typewritten or printed, double spaced, on 8 1/2" x 11" paper, not less than 11-point and not greater than 12-point regular type font, paginated sequentially.
 - b) A filed document shall not contain links internal or external to other documents or references to the Court's e-Filing Portal.
2. The Clerk of Courts may establish parameters for the size of filings.

E. **Format of Documents Electronically Filed**

1. Document Types.
All e-Filed documents, pleadings, and papers shall be filed with the Clerk in .pdf (Portable Document Format).
2. Proposed Orders/Entries.
In order to submit a proposed order or entry you must select the "proposed entry" document type in the e-Filing portal. A proposed order or proposed entry submitted for review (or other documents requiring a judge's signature) shall be submitted in Word [.doc] format and reference the specific motion to which it applies. Upon receipt the filer will receive a rejection from the Clerk and a note stating the order has been forwarded to the Court for review.
***All proposed orders/entries shall be submitted separately from any other filings.**
3. Signatures.
 - a) Attorney/Filing Party Signature: e-Filed documents that require the signature of the attorney or filing party shall be signed with a conformed signature of "/s/[name]."
The correct format for an attorney's conformed signature is as follows:
/s/Attorney Name
Attorney Name
Bar Number 1234567
Attorney for [Plaintiff/Defendant] XYZ Corporation
ABC Law Firm
Address
Telephone
Fax number and E-mail address

The conformed signature on an e-Filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and any other law.

- b) Multiple Signatures. When a stipulation or other document requires two or more

Signatures:

The submitting party or attorney shall sign the stipulation or document himself or herself as follows: “/s/ John Smith”

The submitting party or attorney shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.

The submitting party or attorney shall then submit the document electronically, identifying all of the other signatories as follows: “/s/ Jane Doe, per written authorization by John Smith, etc.”

- c) **Third Party Signatures:** A document containing the signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted only as a hand-signed (not a conformed signature) scanned-in PDF document.
- d) Documents requiring an original signature, such as an affidavit or other notarized documents shall be e-Filed as a .pdf.
 - i. The filer shall maintain the signed document in the filer’s records and have it available for production upon request of the Court.
 - ii. The signed document shall be maintained until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief are exhausted.
- e) **Signature of Judge or Judicial Officer:** E-Filed documents may be signed by a Judge or judicial officer via 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 journalized it.

F. Availability of e-Filing-Acceptance of Documents

Definitions: As used in this section:

“Submission” of a document means the act of transmitting a document electronically from a filing party to the Clerk of Courts through the e-Filing Portal for the purpose of causing it to be filed.

“Filed” means the acceptance of a document into the record of a case.

“Rejected Document” refers to a document containing deficiencies such as errors or omissions of a party failing to comply with the procedural aspects of these Local Rules, technical requirements of the e-Filing Portal, or clerical errors while submitting a document for filing. Such document will not be considered filed until deficiencies have been corrected.

- 1. Documents may be submitted to the Clerk for e-Filing 24 hours per day 7 days per week.

2. Documents shall be considered filed upon date of submission and shall receive an electronic stamp that includes the date and time the filer submitted the document to the Court's e-File system. The filer shall receive a confirmation after submission. Once accepted by the Clerk the document will be deemed filed for purposes of Ohio Law and relevant Rules of Court Procedure.

3. Notice of Deficiencies in Submissions:

The Clerk shall notify a submitting party of any deficiencies. That notice is sent from the Clerk's office via email to the submitting party. The notification component of e-Filing must be turned on or you may not be aware that your filing was rejected.

If the document is rejected, the document shall not become part of the Court record and the submitter shall be required to re-submit the document to meet the requirements within 48 business hours. If not submitted within 48 hours, the document will be rejected. The burden for timeliness falls on the filing party.

A rejected document will be considered filed upon resubmission, provided any deficiencies are corrected in a timely manner.

By way of examples, notification of deficiencies may be given for reasons including, but not limited to, the use of incorrect electronic file format; failure to pay correct filing fees, including those for a requested jury demand; submitting multiple documents in one uploaded file; incomplete or inaccurate party information; submission of orders or entries and incorrect case number.

Corrective Orders. Upon motion of a party, or upon its own initiative, the Court shall have discretion to issue orders necessary to correct and cure any deficiencies and to make modification to its records consistent with this Rule.

The Court may deny a motion requesting a corrective order to any party who acts in bad faith or otherwise manipulates the e-Filing system to gain unfair advantage or circumvent legal deadlines.

4. Filing of Initial Pleadings:

When any complaint or third-party complaint is submitted for electronic filing, **the filing party shall file a case designation sheet.** Consistent with Ohio Rules of Civil Procedure, the filing party shall also file instructions for service and the Clerk shall issue a summons and serve the complaint or third-party complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and charge a fee of .10 cents per page, as stated in the Clerk's fee schedule, for production of service copies, which shall be assessed as costs.

5. Documents Filed Subsequent to Complaint or Indictment:

In accordance with Civ. R. 5(B) and Crim. R. 49, the filer not the Clerk, shall be responsible for serving all documents filed subsequent to the original complaint on all parties or their attorneys.

6. Entries and Orders:

After the order or entry has been signed and filed, the Court or Clerk shall serve copies of all entries and orders.

7. Certificate of Service by attorneys or *pro se* parties:

Proof of service of all documents required or permitted to be served shall be made in compliance with Civ. R. 5 and Crim. R.49(C).

8. Effect of Technical Error:

If a submission is not received by the Clerk due to an error caused by the hardware or software of either the Clerk or the submitting party, upon satisfactory proof and for good cause shown, the Court may enter an order permitting the document to be filed *nunc pro tunc* to the date the submitter intended the document to be filed. Ultimately, it shall be the submitting party's responsibility to ensure all documents are properly received, docketed, and served.

9. The availability and utilization of electronic filing shall not serve to eliminate any requirements to serve opposing counsel or parties with filing pursuant to the Rules of Civil Procedure.

G. Missed Deadline as a Result of E-Filers Technical Failure

1. Non-jurisdictional Deadlines: A party who misses a non-jurisdictional deadline because of technical problems with the filer's equipment, software, or internet access may move the Court to file a document *instanter* no later than the next business day following the resolution of the party's technical problems.

- a) The motion must be accompanied by a signed declaration explaining the failure to meet the deadline.
- b) The judge or magistrate assigned to the case may grant or deny such motion in his or her discretion.

2. Jurisdictional Deadlines:

- a) Technical failures, whether the fault of the E-Filing Portal or otherwise, cannot extend jurisdictional deadlines (such as statutes of limitation or deadlines for appeal).
- b) When the E-Filing Portal is subject to a technical failure, filers may file documents in paper format or via the Clerk's Email filing process to comply with jurisdictional and non-jurisdictional deadlines.

H. Exceptions to E-Filing:

1. Exhibits, attachments, or other documents that may not be comprehensibly viewed in .pdf shall be filed in their physical form with the Court.
2. All documents related to Civil Protection Orders, Certificates of Judgments and Executions of Judgment shall be filed in paper form with the Clerk.
3. *Pro se* parties who are not registered users of the Court's e-File system may file documents in paper form with the Clerk in person, by U.S. Mail, or by using the Clerk's Public Access Terminal (when implemented). Documents filed in accordance with this Rule shall be deemed filed and shall become the Court's Official Court Record when they are entered by the Clerk in the Court's e-File system.

4. Bonds filed in criminal cases shall be filed in paper form with the Clerk.
5. Subpoenas which are to be issued by the Clerk shall be filed in paper form with the Clerk.
6. Criminal case documents filed at arraignment and prior to arraignment.
7. Motion, Entry, and Certification for Appointed Counsel Fees.
8. Garnishments
9. QDRO
10. Cognovit Notes

- I. **Collection and Filing Deposit and Fees:** Any document requiring payment of a filing deposit or fee to the Clerk in order to achieve valid filing status shall be filed in the same manner as any other e-Filed document. The e-File system accepts payment of deposits and fees electronically. Alternatively, the e-File system can accommodate the filing of an affidavit of indigence.