

## **RULE 13.1 Filing and service—electronic-transmission filings**

(A) **Facsimile filings.** In conformity with App.R. 13, pleadings and other papers may be filed with the Hamilton County Clerk of Courts by facsimile transmission subject to the following conditions:

(1) **Definitions.** As used in this rule:

(a) Facsimile transmission—means the transmission of a source document by a facsimile machine that encodes a document into signals and transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

(b) Facsimile machine—means a machine that can send and receive a facsimile transmission either as a stand-alone device or as part of a computer system.

(c) Fax or faxes—is an abbreviation for facsimile and refers, as indicated by the context, to a facsimile transmission or to a document so transmitted.

(d) Source document—means the document transmitted to the court by facsimile machine/system.

(e) Effective-original document—means the facsimile copy of the source document received by the Clerk of Courts and maintained as the original document in the court's file.

(f) Effective date and time of filing—means the date and time the filing has been received as indicated at the top of each page of the incoming fax transmission as printed out by the Clerk of Courts facsimile equipment.

(2) **Application of rules and orders.** This local rule has been instituted solely for the convenience of those filing documents with the Clerk of Courts. Neither the Clerk of Courts nor the court assumes any new or additional responsibilities, obligations, or liabilities by virtue of this local rule, except as expressly provided for herein. Further, this local rule pertains only to the method of filing; it does not override, alter, amend, revoke, or otherwise change any local or appellate rule respecting the requirements of any filings, such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel.

(3) **Filings not accepted.** This rule authorizes the filing of

facsimile transmissions of all pleadings, motions, and other documents not exceeding ten pages [see Loc.R. 13.1(A)(6)] that may otherwise be filed with the Clerk of Courts; except the following documents may not be filed by facsimile transmission:

(a) any filing commencing an appeal or action (e.g., notice of appeal, notice of cross-appeal, or original action) for which the Clerk of Courts must collect an initial case deposit against costs or a specific filing fee; and

(b) briefs and/or records.

(4) **Cover page.** The person filing a document by fax shall provide therewith a cover page containing the following information: (a) the case number; (b) the caption of the case; (c) the assigned judge (or indicate none); (d) a description of the documents being filed; (e) the date of transmission; (f) the transmitting fax number; and (g) an indication of the number of pages included in the transmission, including the cover page. If a document is sent by fax to the Clerk of Courts without the cover page information listed above, it will be deposited in the case jacket, but shall not be entered into the case docket and shall be considered to be a nullity and thereby stricken. The Clerk of Courts is not required to send any form of notice to the sender of a failed fax filing.

(5) **Facsimile machine.** The telephone number of the facsimile machine available for receiving fax filings for the appellate division of the Clerk of Courts is 513-946-3744. These lines are available 24 hours a day, seven days a week. Fax filings may not be sent directly to the court for filing, but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts. Transmissions sent to any other location are not covered by or permitted under this local rule. Copies of filings otherwise properly filed with the Clerk of Courts, however, such as courtesy copies for the court, may be sent by facsimile directly to the court, but any such transmittals shall not be considered as having been filed thereby.

(6) **Document restrictions.** A fax transmission, as referred to in this local rule, may contain more than one document, but may not apply to more than one case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall not be accepted for fax filings. Motions and other filings shall not exceed ten pages.

(7) **Fees.** There are no additional costs or fees related to facsimile

transmissions, except to the extent that the filings are taxed as costs to any case.

- (8) **Filing acceptance or rejection.** The Clerk of Courts is hereby authorized to reject any facsimile-transmission filing if the sender fails to provide the cover page required under Loc.R. 13.1(A)(4) or if the transmission contains a filing not acceptable under Loc.R. 13.1(A)(3).
- (9) **Date and time.** Subject to the other provisions of this local rule, all documents filed by fax shall be considered filed with the Clerk of Courts as of the date and time that the fax transmission has been received by the Clerk of Courts. For purposes of this provision and for entering such filings into the electronic case docket system, a facsimile filing shall be deemed to have been received by the Clerk of Courts as of the date and time printed at the top of each page of the incoming fax transmission as printed out by the Clerk of Courts facsimile equipment. There shall be no other date and time stamp required for the filing of a fax document with the Clerk of Courts. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sender. Anyone using a facsimile filing is urged to verify receipt of such filings by the Clerk of Courts through whatever technological means are then available, such as the activity register or report function of the transmitting equipment.
- (10) **Original filing.** A document filed by fax shall be accepted as the effective-original filing if the person sending the fax complies with all of the requirements set forth in this rule. The person making a fax filing need not file any source document with the Clerk of Courts. However, until the case is closed and all opportunities for postjudgment relief are exhausted, the filer must maintain in their records, and must have available for production on request by the court or clerk, the source document of any document filed by fax, with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.
- (11) **Signatures.** Facsimile filings shall contain a signature or an /s/ notation, followed by the name of the person signing the source document.

(B) **Internet electronic filings.** In conformity with App.R. 13, pleadings and other papers may be filed with the Clerk of Courts electronically via the internet, subject to the following conditions:

(1) **Definitions.** As used in this rule:

- (a) Electronic filing—(e-filing or e-filing) means the process of transmitting a digitized source document electronically via the internet to the Clerk of Court's office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.
- (b) Electronic mail—(email or e-mail) means a message sent by a user and received by another through an electronic service system utilizing the public internet.
- (c) Source document—means the document created and maintained by the filer which is then electronically transmitted to the Court.
- (d) Original document—means the transmitted copy of the source document received by the Clerk of Courts and maintained in the Court's file.
- (e) Date and time of filing—means the date and time the Clerk of Courts has received the entire transmission of the filing. (See filing acceptance below.) The date and time of receipt will be indicated on the sender's computer screen after the document has been uploaded to the Clerk of Courts.
- (f) Electronic Signature – An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a party with the intent to sign the electronic record, or signatures by an attorney or party indicated by the typewritten name of that person preceded by "s/".
- (g) Vexatious Litigators - Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.
- (h) Personal Identifiers - Shall have the same meaning as provided in Sup. R.44(H).
- (i) PDF/A—a specialized version of PDF (Portable Document Format) for the digital preservation of electronic

documents

- (2) **Application of rules and orders.** Unless modified by approved stipulation or by order of the court or a judicial officer, all rules of procedure, local rules, and court orders shall continue to apply to documents electronically filed.

(3) **Filings**

- (a) Any document filed electronically that requires a filing fee may be rejected by the Clerk of Courts unless the filer has complied with this rule concerning the payment of filing fees.
- (b) Any document and/or court action that requires payment of a Filing Fee will be made by using a valid credit card through the Clerk's E-Filing System.
- (c) Any entry that must be signed by a judge of the Court for which a party is obligated to settle final court costs will be provisionally accepted for electronic filing. Upon payment of the final court costs, said entry will be forwarded to the judge for review and signature.
- (d) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
- (e) All complaints and indictments in criminal cases shall comply with Ohio Crim. R. 3, 6 and 7.
- (f) All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document.

(4) **Account assignment.**

- (a) The user shall be required to fill out the on-line Registration, with a valid email address, and electronically accept the User Agreement and the Credit Card Authorization, and deposit the required funds into the Clerk's copy cost account at the Clerk of Court's office. Upon receipt of the required information, the Clerk of Courts shall set up an electronic filer user account and assign a user-id and initial password to be used for

electronically filing documents. The e-filer shall be notified of the new account information via email, Pro Se filers and all special accounts will not be required to maintain a copy cost account.

(b) Individuals who have been declared vexatious litigators, as defined below, will not be permitted to file documents electronically. The e-filing System will not provide an individual who has been declared a vexatious litigator with a user id and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the assigned Judge to file in that case. The Clerk's office will accept the filings from the vexatious litigators in paper format, as needed.

(5) **Hours of operation.** Electronic filings may be submitted at any time. The electronically filed document will be considered filed as of the date and time that the Clerk of Courts receives the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement. Time at the Court (Eastern Standard or Daylight) governs, rather than the time zone from which the filing is made.

(6) **Document format.** Documents submitted must be in a digitized format specified by the Clerk of Courts as set forth in the online Guide to Electronic Filing.

- a. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) or the preferred PDF/A on 8½ x 11 inch pages.
- b. Proposed Entries and Orders must be submitted in Microsoft Word (.doc or .docx) format and reference the specific motion to which it applies.
- c. Submissions shall be limited to twenty megabytes (20MB) in size per document. Larger sized documents shall be broken down and filed according to the directions maintained on the Clerk of Courts website e-filing page.

(7) **Personal and Private Information in Electronically Filed Court Documents.** All documents e-filed shall omit personal identifiers as defined in Sup. R. 44(H). The responsibility for redacting personal identifiers rests solely upon the filer. The Clerk and the Court will not review each document for compliance with this rule. When the personal information is

omitted from a case filing it shall be submitted or filed separately on a form provided by the Clerk.

- (8) **Fees.** Normal filing fees, case deposits, final court costs and any convenience fees will be collected via a valid user credit card at the time the filing is processed by the Clerk of Courts. Copy costs will be charged against the copy cost account at the time the filing is processed by the Clerk of Courts. Filings made by Pro Se parties will be charged copy costs via a valid credit card at the time the filing is processed by the Clerk of Courts. Special accounts will be billed for their copy costs. Any document filed electronically that requires a fee may be rejected by the Clerk of Court unless the filer complied with the mechanism established by the Court for the payment or waiver of filing fees. The Clerk of Courts will, from time to time, establish and publicize the rules and regulations governing the requirements for maintaining the copy cost accounts.
- (9) **Filing acceptance.** Every new filing will receive a confirmation number at its inception. Upon successful transmission, a confirmation page will be displayed with the corresponding confirmation number and all pertinent filing information. Upon successful processing of the filing by the Clerk of Courts, an electronic mail message containing but not limited to the confirmation number and case number assigned, if any, will be sent to the filer. Filers will be notified via electronic mail if the filing is rejected for any reason.
- (10) **Electronic file stamp.** Upon successful completion of acceptance processing by the Clerk of Courts a document filed electronically will be electronically filed stamped. This stamp will include the date and time that the Clerk of Courts received the entire transmission as well as the confirmation number of the filing. Once the document is electronically file stamped and entered on the docket, it is considered a permanent part of the case record. A document electronically filed that is not successfully processed by the Clerk of Courts will not receive an electronically filed stamp but the filer will receive a rejection e-mail. [See Loc.R. 13.1(B)(10)]
- (11) **Disposition and maintenance of source documents.** A document electronically filed shall be accepted as the original filing if the person filing electronically complies with all of the requirements set forth in this rule. The person filing electronically need not file any copy with the Clerk of Courts, but

must maintain the source document in his or her records, and have available for production on request by the court, the Clerk of Courts, or other counsel, the signed source copy of any document electronically filed. The filer must maintain this source document until the final disposition of the case and through any appeal period.

- (12) **Public method of access to electronically filed public documents.** Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public documents will be available via the internet website of the Clerk of Courts as soon as the Clerk of Courts has processed the document. If internet website access is unavailable or is not provided by the Clerk of Courts, or if the Clerk of Courts is prohibited by the court or by any law from making the document available via the internet website, the document will be available at one or more offices of the Clerk of Courts, either by computer terminal or in paper form in the case jacket or on microfilm. However, if a document or case record is sealed or expunged, it is unavailable for public disclosure.
- (13) **User or Technical Errors.** Any e-filer whose filing is made untimely as the result of a technical failure of the Clerk of Court's system, or of the filer's computer hardware or software, phone lines or internet service provider (ISP), may move for leave to file instanter or for other appropriate relief from the court. Such technical failures cannot extend jurisdictional deadlines. The motion shall be accompanied by an affidavit stating the circumstances of and reason for missing the deadline, and must be filed no later than noon of the first day on which the Clerk of Courts is open for business following the original filing deadline. The Court will consider the matters stated in the affidavit and order appropriate relief.
- (14) **Operating procedures and instructions.** The Clerk of Courts is authorized to prepare and maintain operating procedures and instructions for electronic filing.

[This Rule to be effective May 2, 2016 and until further order of the Court.](#)