

Proposed Amendments
To Rules of Practice and
Procedures-General Division
Court of Common Pleas

7.02 Civil Cases

There shall be, for case administrative purposes within the Common Pleas Court-General Division, two classifications of civil cases – foreclosure cases, which are so designated and otherwise addressed in Local Rule 11, and all other civil cases filed with the General Division.

The Clerk of Courts shall establish and maintain a tracking system where all foreclosure cases can be identified by case number so case administration of foreclosure cases can be tracked as a separate category of civil cases from all other civil case filings.

At the time of filing a complaint, the Clerk shall, through its electronic filing system, accept for filing all civil cases and cause an assignment of judge by the electronic random selection process. The assigned judge's name will be stamped on all documents submitted through the electronic filing system.

A party who cannot file their cause electronically must file a request to be exempt from electronic filing and must state the reason for the requested exemption. The request must be approved by the duty judge or judge of assignment.

7.04 Form of Pleadings

(D) Attorney Registration Number

All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio, office address, phone number, email address and fax number on all documents filed with the Court.

(E) Personal and Private Information in Documents filed with the Clerk of Courts

1. Personal and private information includes, but is not limited to:
 - a. Social Security Numbers
 - b. Financial account numbers
 - c. Names of Minor Children
 - d. Information protected by law from public disclosure
2. Filing parties and/or legal counsel shall not include personal and private information in any document filed with the Court unless such inclusion is necessary and relevant to the case. This requirement extends to and includes exhibits or addenda attached to filings, such as financial reports which use social security numbers as case numbers or medical records.
3. If personal and private information is necessary and must be included in a document, the filing party shall partially redact the following personal and private information from the pleadings as follows:
 - a. Social Security Numbers: If the individual's Social Security number must be included in a document, only the last four digits of that number should be used
 - b. Financial Account Numbers: If financial account numbers are relevant, only the last four digits of these numbers should be used.
 - c. Names of Minor Children: If the involvement of a minor child must be mentioned, only the initials of the child should be used.
 - d. The responsibility for redacting these personal identifiers rests solely with counsel and their parties. The Clerk will not review each document for compliance with this rule.
4. Entries and orders that necessarily include personal and private information shall partially redact the personal and private information as outlined in (E) (3) of this rule unless it is absolutely necessary to include all digits or other data in that information. In the event it is absolutely necessary to include all digits or other data in that information, the Clerk will have the authority to redact the personal and private information from public view.

5. The Clerk of Courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this rule.

(F) Written Deposition Transcripts Filed Electronically

All written deposition transcripts that are to be used in trial or hearing or in support of any motion, including attachments and/or exhibits, shall be electronically filed by the attorney of record through the Clerk's electronic filing system. Pursuant to Sup. R. 45(D), the attorney of record shall omit or redact all personal and private information from the written deposition transcript prior to filing the deposition.

(G) Filing of Audio/Video of Deposition Transcript

The Court will not accept or permit the audio/video version of a deposition transcript to be presented during trial or hearing unless a written transcript of the deposition has been filed by the attorney of record through the Clerk's electronic filing system.

(H) Electronic Filing of Court Documents

1. DEFINITION OF TERMS:

- a. Clerk Review: A review of electronically filed documents by the Clerk of Courts in accordance with Court rules, policies, procedures and practices. Court Clerks may review the data and documents electronically submitted to ensure compliance with rules, policies, procedures and practices before acceptance and creating a docket entry or new case filing.
- b. CMS (Case Management System): The Clerk of Courts 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: Any document that the Clerk receives in electronic form, record in its case management system and stores in its document management system. This includes notices and orders created by the Court and/or Clerk, as well as pleadings, other documents and attachments created by practitioners or parties. It does not include physical exhibits brought into the courtroom for the court's or jury's review, which are not susceptible of capture in electronic form.

- d. Document: A filing made in either electronic format or paper form that will become the official record of the Court.
- e. Electronic Filing (E-Filing): The electronic transmission, acceptance and processing of a filing. A single filing consists of data, one or more documents, and/or images.
- f. Electronic Service (E-Service): The electronic transmission of an original document or notice to all other electronically-registered case participants via the electronic filing system.
- g. Original Document: The electronic document received by the Clerk from the case participant/filer.

2. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

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 Clerk's authorized electronic filing system. The Clerk shall not accept or file any document in paper form in mandatory eFile cases from parties represented by counsel.

3. ACTIONS EXEMPT FROM E-FILING PROCESS

All civil cases are designated eFile cases, except for the following, which are exempt from the E-Filing process:

Civil Protection/Anti-Stalking Petitions
Miscellaneous Court Actions including Discovery Actions
Certificate of Qualifications for Employment Actions.

The above listed court actions can be filed in the Summit County Clerk of Courts' Office during normal business hours of Monday thru Friday 7:30am to 4:00pm.

4. ELECTRONIC FILING AND SERVICE OF ORDERS AND NOTICES

For designated eFile case types, the Clerk shall serve notices, orders and other documents electronically subject to the provisions of Civ R.4.

5. OFFICIAL COURT RECORD

Documents that have been electronically filed or documents filed in paper form that have been scanned and uploaded to the Clerk's electronic filing system will constitute the official Court record. Electronically filed papers have the same force and effect as paper records filed by conventional means.

6. 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.

A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. 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.

7. PROPOSED ORDERS

All electronically filed documents shall be filed with the Clerk in PDF format with the exception of proposed orders. A proposed order must be submitted in Word format (.doc\docx) with reference to the specific motion to which it applies.

8. SIZE OF FILING

Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size.

9. SIGNATURES FOR DOCUMENTS FILED ELECTRONICALLY

a. 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 conformed signature on an electronically 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.

The correct format is as follows:

s/Attorney Name
Typed Attorney Name

Ohio Supreme Court Number **9. SIGNATURES FOR DOCUMENTS**
FILED ELECTRONICALLY

a. 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 conformed signature on an electronically 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.

The correct format is as follows:

s/Attorney Name
Typed Attorney Name
Ohio Supreme Court Number
Attorney for (plaintiff or defendant name)
Law Firm Name
Address (full address)
Telephone
Email
Fax

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

- i. The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filing party will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.
- ii. The filing party then shall file the document electronically, indicating the signatories, e.g., /s/Jane Doe.

Attorney for (plaintiff or defendant name)
Law Firm Name
Address (full address)
Telephone
Email
Fax

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

- i. The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filing party will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.
- ii. The filing party then shall file the document electronically, indicating the signatories, e.g., /s/Jane Doe.

d. Judge/Magistrate/Judicial Officer Signature:

Electronic documents may be signed by a Judge, Magistrate 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, Magistrate or Judicial Officer 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.

10. E-FILE TIMESTAMP

Documents filed electronically shall be considered as filed with the Clerk of Courts when the document submission is complete. The Clerk's Electronic E-Filing System will acknowledge date and time on all submissions.

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 Clerk's electronic filing system is hereby appointed the agent of the Summit County Clerk of Courts for the purpose of electronic filing, receipt, service and retrieval of electronic documents.

Upon receipt of an e-filing, the Clerk's 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 temporary case number will be assigned for all new case filings. 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 CMS. Each document will receive an electronic stamp that includes the date, time, case number, assigned judge name. In the event the Clerk rejects a submitted document, 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.

If the electronic filing is not filed with the Clerk because of an error in transmission of document to the Clerk's electronic filing system, the Clerk may, upon satisfactory proof, enter a nunc pro tunc order to the date it was sent electronically.

11. SERVICE OF ELECTRONICALLY FILED DOCUMENTS

Whenever a document is filed electronically and has been accepted into the Clerk's E-filing system, the system will generate a notification of electronic filing to the filing parties or their designated counsel, the Court and any other party who is a registered user of the electronic filing system. The notification of electronic filing via the Clerk's electronic filing system shall constitute service under Civ.R. 5 and Crim. R. 49.

Upon filing the original complaint, cross claim complaint, counterclaim complaint 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 local rules and Civ. R. 4.

Service of documents after the complaint shall be considered as valid and effective on all parties and shall have the same legal effect as an original paper document served under former rules. Pro Se parties or attorneys who have not registered in the Clerk's electronic filing system shall be served a paper copy by the filing party and/or the Clerk or Courts in accordance with the applicable Ohio Court Rules.

The copies of complaints used for service will be prepared by the Clerk of Courts Office and will be taxed as costs to the case.

A Certificate of Service on all parties entitled to service is required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled.

Service of proposed entries and orders upon all parties that are not registered users of the system and must be served by regular U.S. Mail shall be the responsibility of the filing party, not the Clerk of Courts.

If there is a failure of electronic service on a party, the party to be served may be entitled to an order extending the date for any response or period within which any right, duty or act must be performed.

12. COURTESY COPIES

When documents are filed electronically, courtesy copies will not be required to be given to the Court. However, when documents are not filed electronically, a courtesy copy is required to be provided to the Court.

13. PRO SE PARTIES

Pro Se Parties will be required to follow all of the electronic filing rules. If a Pro Se Party does not have access to the Clerk's electronic filing system, the filer may submit paper documents to the Clerk of Courts Office during normal business hours of Monday thru Friday 7:30 AM to 4:00 PM. The Clerk will accept paper documents and scan them into the Clerk's Case Management System. If a Pro Se Party does not file electronically, the party will be responsible for service of all documents as stated under Civ R. 5 and must attach the proper proof of service before filing with the Clerk.

14. MOTION TO PROCEED IN FORMA PAUPERIS

The Clerk's Electronic Filing system will accept a new case for filing without the payment of a filing fee, only if the new case includes a court-approved poverty affidavit. A Motion to Proceed in Forma Pauperis must be prepared with a notarized poverty affidavit stating the party's economic hardship. Also, a proposed order must be prepared for the judge to sign and should be submitted for signature at the same time as the motion and affidavit. The filing party must

follow all E-filing rules, local Court Rules, Rules of Civil Procedure and Rules of Superintendence.

The approval of the Motion to Proceed in Forma Pauperis only allows the party the ability to initiate a new case without the payment of a filing fee. It does not relinquish the party's obligation to pay the court costs due on the action.

15. PAYMENT OF FILING FEES

Any document and/or court action that requires payment of a Filing Fee will be made by credit card through the Clerk's E-Filing System. The Clerk will not store credit card information at any level of processing. A confirmation receipt will be provided to the filing party upon submission of the action.

The Clerk of Courts will continue to accept payment of Filing Fees from litigates that are not able to use the e-filing system during regular business hours of Monday thru Friday 7:30AM to 4:00 PM.

16. SEALED DOCUMENTS

All motions and or proposed orders asking that documents be covered by a protective order or be filed under seal shall include language designating a specific level of access. Pursuant to Sup. R. 44 the designated levels of access are as follows:

- i. Public Access – means both direct and remote access.

- ii. Direct Access - means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the place where the record is made available.
- iii. Remote Access – means the ability of any person to electronically search, inspect and copy a court record at a location other than the place where the record is made available.

The Clerk of Courts shall not accept any document to be filed under seal unless there is a previously signed protective order or order authorizing that a document be filed under seal and the order designates a level of access as defined in this section. If a protective order or order authorizing that a document be filed under seal does not include a designated level of access, the filer will be required to file a proposed order designating a specific level of access for the protective order or the order to seal. The Clerk will accept the documents to be filed under seal once an order is approved and filed with the Clerk of Courts.

Parties who attempt to file a sealed document without an approved order may have their document rejected by the Clerk and be forced to re-submit the document pursuant to the procedures outlined in this rule.