

Wayne County Municipal & Common Pleas Courts

E-filing Local Rule

1. Definitions.

- a. **Original Document:** the electronic document received by the Court from the filer
- b. **PDF:** portable document format
- c. **Source Document:** document created and maintained by the filer which is then electronically transmitted to the Court
- d. **Submission:** a document sent as a court filing.
- e. **Effective Date and Time of Filing:** means the date and time the filing is received after the document is uploaded to the Clerk of Courts. If a filing is rejected it is not received.
- f. **Electronic Filing (e-filing):** The process of transmitting a source document electronically via the Internet to the Clerk's office for the purpose of filing the document.
- g. **TIFF:** Tagged Image File Format
- h. **Microsoft Word Document:** A document with an extension of .doc or .docx.
- i. **"s/" signature:** For documents filed electronically through the Wayne Courts Case Management System (WCMS), and for use of the e-filer's user ID and password when filing documents electronically, combined with the use of the required signature format, serves as the e-filer's signature for purposes of the Local Rules of this Court.

2. Electronic Filing Policy

a. In conformity with Ohio Revised Code, Ohio Civil Rule 5(E), Criminal Rule 12(B), Rule of Superintendence 27, and as approved by the Ohio Supreme Court on Technology and the Courts, pleadings and other documents may be filed with the Clerk of Courts electronically via the Internet, subject to the following conditions:

b. Accepted Filings.

i. All pleadings, including initial pleadings opening a new case, shall be accepted via electronic filing except those filings that are not in compliance with these rules. Criminal complaints shall comply with Criminal Rule 3.

ii. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or, by a party if the party is not represented by an attorney.

1. Any signature on an electronically transmitted document shall be considered that of the attorney or party it purports to be.

2. The electronic filing of a document by an attorney or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.

iii. No attorney shall authorize any person to electronically file on that attorney's behalf.

1. Except as indicated herein above, no person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

2. If it is established that a document was transmitted without authority, the court shall order the document stricken.

c. Filings Not Accepted.

i. Any filing that does not comport with the requirements of this rule.

d. Account Assignment.

- i. Upon receipt of a properly executed and signed Registered User Agreement Form the Clerk of Courts shall set up an electronic filer user account and assign a user-id and password to be used for electronically filing documents.

e. Hours of Operation.

- i. The Clerk of Courts shall receive electronic documents 24 hours per day, seven (7) days per week, regardless of whether or not the Clerk's office is open.
- ii. A document will be deemed timely filed prior to midnight on the due date, unless the assigned judge has ordered the document filed by an earlier time on that date.
 1. The time at the Court (Eastern Standard) governs, rather than the time zone from which the filing is made.
- iii. All electronically filed documents shall receive a confirmation of the time and date filed.

f. Document Format.

- i. Documents must be submitted in PDF, Word (.doc, .docx) or TIFF format.

g. Fees.

- i. The Clerk of Courts shall assess normal filing fees.
- ii. Case deposits will be collected via user credit card or escrow account at the time the filing is processed.
- iii. No personal checks will be accepted.
- iv. The Clerk's Office will document the receipt of fees on the docket with a text entry and electronic image of receipt.
- v. The Court will not maintain electronic billing for lawyers or law firms.

- vi. 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 of filing fees.
- h. Filing Acceptance or Rejection Cycle.
- i. A confirmation number will be assigned to each filing when it is received in its entirety by the Clerk of Courts' receiving device.
 - ii. The confirmation number will be displayed on the screen of the filer's computer upon successful transmission of the filing.
 - iii. Upon successful processing of the filing by the Clerk of Courts, parties may view the status of filings in the "My Open Cases" tab within the e-filing portal.
 - iv. A rejected filing may be resubmitted via electronic filing to the Clerk of Courts with a new date and time of filing assigned.
 - v. If a filer has in good faith attempted to electronically file a document and it is rejected, or not received by the Clerk of Courts due to no fault of the filer, and the filer wishes to have the corrective filing relate back to the date and time of the original attempted filing, the filer must file a motion with the Court seeking such relief.
 - vi. Any attorney or party who elects to file any document electronically shall be responsible for any delay, disruption, or interruption of electronic signals affecting the readability of the document, and accepts the full risk that the document may not be properly filed with the Clerk of Courts as a result.
- i. Electronic Filed Stamp.
- i. Upon successful completion of acceptance processing by the Clerk of Courts, a document filed electronically will be electronically stamped.
 - ii. This stamp will include the date and time that the receiving device of the Clerk of Courts received the document.

- iii. A document electronically filed that is not successfully processed by the Clerk of Courts will be listed in the “My Open Cases” tab indicating rejection status.
 - iv. After a document is electronically file stamped, the document cannot be altered.
- j. Disposition and Maintenance of Source Documents.
- i. A document electronically filed shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E), and Criminal Rule 12(B), and this Local Rule.
 - ii. The person filing electronically need not file a conventional copy with the Clerk of Courts but must maintain in his or her records, and have available for production upon request by the Court, the Clerk of Courts or other counsel, the source document of any document electronically filed.
 - iii. The filer must maintain this source document until the final disposition of the case and through any appeal period.
- k. Public Method of Access to Electronically Filed Public Documents.
- i. Members of the public may obtain copies or review electronically filed documents in the same manner as documents filed on paper via the Clerk of Courts website at <http://www.waynecourts.org/clerkofcourts/>
 - ii. Public access to electronically filed public documents will be available via the internet web site of the Clerk of Courts as soon as the Clerk has processed the document.
 - iii. If the internet website is unavailable or is not provided by the Clerk of Courts, the document will be available for review at the office of the Clerk of Courts, either by computer terminal, in paper form or on microfilm.
 - iv. If a document or case record is sealed or expunged, it is unavailable for public disclosure.

- l. Service of Documents.
 - i. Documents filed electronically with the Clerk of Courts shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.
 - ii. Once a party has entered an appearance in the case, the party shall furnish his or her email address, and service thereafter shall be electronic when possible.
- m. Attachments and Exhibits.
 - i. Attachments and exhibits are to be filed electronically.
 - ii. A threshold of 30 megabytes per image has been established. Large attachments or exhibits over 30 megabytes may be filed electronically if they are filed in separate attachments under the 30 megabyte threshold.
- n. Signatures.
 - i. If an original document requires a signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, and then electronically file it on the System.
 - ii. A pleading or other document requiring an attorney's signature may be physically signed or electronically signed in the following manner: "s/ (typewritten name)." The "s/ (typewritten name)" format is also acceptable as a substitute for the original signature of a party. The required format appears below:
 - 1. s/(Typewritten Name of E-Filer)
 - 2. Ohio Attorney Bar Number (1234567) – If applicable
 - 3. Attorney for (Plaintiff/Defendant)
 - 4. Name of Law Firm – if applicable
 - 5. Street Address
 - 6. City, State, Zip Code
 - 7. Telephone: (xxx) xxx-xxxx
 - 8. Fax: (xxx) xxx-xxxx
 - 9. Email: xxxx@xxxxx.com

- iii. Any attorney or party challenging the authenticity of an electronically filed document or signature on that document must file an objection to that document within ten (10) days of receiving the notice of electronic filing.
- iv. For documents containing multiple signatures, such as stipulations or documents requiring two or more signatures, the following procedure applies:
 - 1. Signatures other than the electronic filer's signature, shall be scanned and submitted electronically so the original signature(s) appear as opposed to the typed signature(s).
- o. Orders.
 - i. A moving party, at the time of filing a motion, shall submit to the Clerk of Courts, via conventional means or the Clerk's designated email address, a proposed order granting the motion and setting forth the requested relief.
- p. Privacy.
 - i. Parties, with leave of the Court, may file under seal a document containing the unredacted personal data.
 - ii. Filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:
 - 1. Social security numbers;
 - 2. Minors' names;
 - 3. Medical records, treatment and diagnosis;
 - 4. Employment history;
 - 5. Individual financial information; and
 - 6. Proprietary or trade secret information.

iii. With leave of the Court, a party may file under seal a document containing the un-redacted personal data identifiers listed above.

1. The party seeking to file an un-redacted document shall electronically file a motion to file the document under seal.

2. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

iv. The responsibility for redacting personal data identifiers rests solely with counsel and the parties.

1. The Clerk's Office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

q. Technical Failures.

i. The Clerk of Courts may deem the Wayne County Clerk of Courts System site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the website, if possible.

ii. A filer, who cannot file a document electronically due to problems on the filer's end, must file the document conventionally in paper format with the Clerk of Courts.

iii. A filing party whose filing is made untimely as a result a technical failure of the Court's system or site, or as a result of the problems on the filer's end, may seek appropriate relief from the Court.

r. Correction of Docket Entries / Documents Filed In Error.

- i. Once a document is electronically submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk of Courts.
- ii. The System does not permit a filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
- iii. If a document has been filed in error, the filing party should not attempt to re-file the document.
- iv. As soon as possible, after the error has been discovered, the filing party should submit a motion to the Clerk of Courts with the case number and document number for which the correction is being requested.
- v. If appropriate, the Court will make an entry indicating that the document was filed in error and, the filing party will be advised if the document needs to be re-filed.
- vi. If a document is filed in error (e.g. a document is filed in the wrong case or the electronic file is corrupt or unreadable), upon motion submitted to the judge, the judge may order said document stricken from the record.
- vii. The Clerk of Courts shall immediately notify the filer of the error and inform the filer if the document needs to be re-filed.
- viii. The Clerk will not delete the relevant docket text, but will annotate the docket to identify the error and to show that the filer has been so notified.

s. Exhibits Not In Support of a Motion.

- i. A party may conventionally submit exhibits which are not available in electronic format.
 1. Documents submitted to the Clerk's Office in paper format should not be bound.

2. The Clerk's Office will note on the docket the receipt of the non-electronic document(s) or exhibit(s) with a text-only entry.
 - ii. A filing party should scan a paper exhibit and submit the exhibit as a .pdf or .tiff file.
 - iii. All documents should be scanned or transmitted in black and white, not color.
 1. Documents appearing in color in their original form, such as color photographs, may be submitted in color.
- t. Exhibits In Support Of Motion.
 - i. In general, exhibits in support of motions filed electronically, should also be filed electronically.