

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

**IN RE: E-FILING
ADMINISTRATIVE ORDER II**

)
) **2019 IR 358**
)
) **JUDGE ANDREW D. LOGAN**
) **ADMINISTRATIVE JUDGE**
)
) **JUDGMENT ENTRY**

The Administrative Order contained within this Judgment Entry shall set forth the terms, definitions and procedures for the implementation of an electronic filing ("e-filing") system. This Administrative Order is consistent with Ohio Civ.R. 5(E) and the Ohio Supreme Court Advisory Committee on Technology and the draft for Standards for Electronic Filing Processes.

This Administrative Order II shall be amended as necessary throughout the phased implementation of the e-filing system. In addition, the Court may amend the Local Rules upon complete implementation of each case type and as necessary throughout the implementation process. During the phased implementation of the e-filing system, the most current Administrative Order shall govern the e-filing processes and procedures.

This Administrative Order II applies to all filers (attorneys, parties and non-parties) involved in the specific case type pursuant to the instructions contained herein.

PHASE I – FORECLOSURE CASE TYPE

The initial phase of the e-filing system shall consist of FORECLOSURE CASE TYPES ONLY. The Court and the Clerk have agreed upon the following IMPLEMENTATION PLAN: On September 10, 2019, the Trumbull County Court of Common Pleas Clerk of Court and the Trumbull County Court of Common Pleas General Division shall initiate the pilot project for the e-filing system with pre-selected participants in the Foreclosure Case Type category. At the conclusion of the pilot project period, the Court and Clerk shall provide notice for a period of not more than 30 days prior to the implementation of the mandatory e-filing system for all case types.



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PHASE II – CIVIL CASE TYPES

Upon the completion of the pilot phase for FORECLOSURE CASE TYPES the Clerk and the Court shall determine the method for full implementation of e-filing of ALL CIVIL CASE TYPES. Please note: Civil Stalking Protection Orders are exempted from e-filing and are not included. At a time to be determined, but not less than 30 days after public notice, all NEW AND SUBSEQUENT CIVIL CASE FILINGS/PLEADINGS MUST BE E-FILED – no paper complaints in those civil case types will be accepted. Any attempts by an attorney to initiate a civil action after the full implementation will be rejected and returned to the sender with instructions to proceed with the e-filing system as a Registered User.

TERMS AND DEFINITIONS

1. **Accepted for E-filing:** Following Clerk Review, a document will be "Accepted for E-filing" if it is in compliance with Court rules, policies and procedures. A document "Accepted for E-filing" will be time-stamped, docketed, imaged and processed in accordance with the normal business course through the CMS. A document "Accepted for E-filing" becomes a part of the Official Court Record.
2. **Case Management System "CMS":** The internal system that manages the receipt, processing, storage and retrieval of data associated with a case. The CMS also allows the Clerk and Court users and Filers the ability to retrieve data and perform allowed functions.
3. **Clerk:** Clerk means the Clerk of Courts for the Trumbull County Court of Common Pleas – General Division as defined in R.C. 2303 et seq and the employees of that department.
4. **Clerk Review:** A preliminary review of all e-filed documents submitted for filing in accordance with the Administrative Orders and Rules of the Court. A "Clerk Review" consists of a preliminary review of data and documents for compliance with Court rules, policies and procedures prior to accepting the documents into the CMS and Official Record of the Court. If the submitted documents comply with the applicable Court rules, policies and procedures, the documents will be "accepted" by the Clerk for e-filing.
5. **Court User:** An authorized user within the CMS who is an employee of the Court or other County office with permission to utilize the CMS. The restrictions and authorizations will vary dependent on the job duties of the Court User.

6. **Court Electronic Record**: The Court Electronic Record shall include: any document Accepted for E-filing including document exhibits; all notices created by the Clerk or Court Users; and all Judgment Entries with proper electronic signature. The Court Electronic Record will NOT include physical evidence or exhibits that are unable to be captured in electronic format.
7. **Electronic Signature**: A electronic symbol, series of symbols or process that is attached to, and intended to act as a substitute for a handwritten signature on an electronic record. The electronic signature shall have the same force and effect as if it were a handwritten signature.
8. **E-Service**: The electronic transmission to a Registered User in a case via the E-Filing System.
9. **Registered User**: A person who has read and agreed to the terms in the E-filing System User Agreement; provided the credentials requested through the e-filing system and provided a user name and password through the E-Filing System.
10. **Systemic Error**: A Systemic Error is an internal error in the CMS which causes a system-wide disruption in the e-filing system. A Systemic Error is NOT a User error or an error produced by the User's computer or other e-filing method for submission.

PROCESS FOR E-FILING

Registered Users

1. Anyone who wishes to file a document or pleading in an e-filed case type must register to become a Registered User. Upon proper registration, a unique identifier shall be issued to the Registered User. The Clerk shall only accept e-filing for specific case types in accordance with the implementation plan.
2. Registered Users are responsible for time limits, deadlines, statutes of limitations and savings statutes. Registered Users should keep in mind that a document submitted for e-filing is not "accepted" until it has been reviewed and accepted by the Clerk. It is the responsibility of a Registered User to submit only documents which comply with the Court rules, policies and procedures. Upon Clerk Review, if a document is deemed unacceptable for filing, it will be rejected and an e-notification shall be sent to the Registered User. Registered Users should take into consideration the possibility that there may be a delay or rejection of a submission when filing.

3. The Clerk only accepts e-filing documents from Registered Users through the E-Filing System in the CMS. E-filing does NOT include facsimile transmissions and the Clerk will NOT accept facsimile transmissions for filing. Also, E-filing does NOT include e-mail or other electronic means of communication and the Clerk will NOT accept any electronic documents submitted through any means other than via the CMS and the E-Filing System for Registered Users.

4. The Clerk will only be available to review e-services submissions during normal business hours, Monday through Friday from 8:30 am to 4:30 pm, excluding holidays and other emergency closures. Submissions transmitted after these hours will be reviewed in the normal course of business on next business day(s).

5. Registered Users are required to maintain a proper method for electronic payment through the E-Filing System. The failure to maintain an active electronic payment account will result in the suspension of the Registered User's ability to e-file.

6. Registered Users consent to electronic service of pleadings, motions, documents and judgment entries via the electronic service address identified as the Registered User's e-mail address.

7. Any document filed with the electronic signature of a Registered User shall be considered to be the true and authentic signature of that Registered User unless proven otherwise through additional pleadings challenging the signature and accompanying filing as false at which time the judicial authority will review and act accordingly.

Document Format

8. All e-filed pleadings shall be submitted in accordance with the following requirements:
 - a. All pleadings and motions must be submitted in a searchable portable document format (PDF); and
 - b. All pleadings must be black and white only. No color pleadings or documents; and
 - c. Pleadings and motions must not exceed twenty megabytes (20 MB). If a submission exceeds this requirement, it must be condensed into several compliant submissions within this data restriction; and
 - d. Image resolution must be at least 200 dots per inch (DPI); and
 - e. Pleadings may NOT contain links to other material; and
 - f. Pleadings must contain a signature; and
 - g. Pleadings must include a certificate of service; and
 - h. Pleadings must have a 1 ½ inch margin at the top; and

- i. Pleadings must comply with the local rules governing paper pleadings for substance and format unless otherwise indicated herein.

Removal of Certain Identifiers: In addition, the Registered Users must remove all metadata and non-public data from all e-file submissions including but not limited to the following: remove any identifying numerals in a social security number; financial account number; medical records; driver's license numbers and other identifying information.

Signature Requirements: As indicated above, all pleadings and motions must contain an original signature of the Registered User. The pleading (PDF) with the original signature must be uploaded for filing. In the event the document bears more than one signature, the Registered User must confirm agreement of the other signers prior to filing. The Registered User shall retain the original document until the case is closed and the time for appeal has expired or the appeal has been fully adjudicated.

In addition to the original signature, the Registered User must include the following information underneath the signature line: Name; Attorney registration number if applicable; Firm name; Identity of party represented; Address; Telephone number; E-mail address.

9. Proposed Judgment Entries: All motions (PDF) must be accompanied by a proposed order in a separate document in Microsoft Word which will NOT be filed, but will be transmitted to the proper judicial authority for review, editing and signature. All proposed orders must be capable of editing in Microsoft Word.

All proposed orders must be filed using the template provided in the E-Filing system titled "PROPOSEDORDERTEMPLATE.docx". This template includes the appropriate signature tokens and formatting for the judicial authority. Proposed orders that do not use the template are at risk of rejection by the Court. No additional identifying information other than the case name and number shall be included on any proposed order; i.e. no company identifier or other internal tracking system.

Users will need to insert the case information in the caption as well as paste the body of their proposed order. USERS SHALL NOT ALTER THE SIGNATURE TOKEN FOR THE JUDGES' SIGNATURE IN ANY MANNER WHATSOEVER.

Service of Summons

10. Initial complaints, re-filed complaints, third party complaints, and other

documents initiating a case or adding a new party in the e-filing case type are filed using the E-Filing system, however, service of summons must still be completed pursuant to the applicable Civil Rules.

11. A Registered User submitting an initial case or adding a new party must include instructions for service with the required information pursuant to the Local Rules and applicable Civil Rules. This includes instructions for a process server, if applicable.

12. The Clerk shall issue a summons and shall serve the pleading in accordance with the applicable rules and instructions only after the initiating document is accepted for e-filing.

Subsequent Service

13. Unless otherwise instructed by judgment entry, rule or statute, all documents filed after the initial filing shall be served to the Registered User's e-mail address on file with the Clerk.

14. Those participants or litigants who are not Registered Users will continue to receive paper format copies and service via the U.S. Mail.

Systemic Error

15. In the event of a Systemic Error, the Clerk shall accept paper documents for filing for the duration of the Systemic Error. Since the Clerk will permit the filing of paper document during a Systemic Error, the Clerk shall not be held responsible for any missed deadlines; statutes of limitations or other negative effects due to a Systemic Error.

PUBLIC ACCESS

Self-Represented Litigants

16. In the event the Clerk receives, via mail, documents to be filed from a self-represented litigant, the Clerk will register the party as a Registered User in the e-filing system. If the self-represented litigant does not have access to the means for electronic notification, the Clerk shall note an exception that this person will not receive electronic notices. However, if the self-represented litigant does have access and ability to utilize e-mail, the self-represented litigant shall receive electronic notification and service.

The Clerk shall then scan and upload the filing into the e-filing system as submitted by the self-represented litigant. Provided any filing fee requirements have

been paid, the Clerk shall then e-file the document identifying the self-represented litigant Registered User as the e-filer.

The self-represented litigant should make every effort to file any subsequent filings via the e-filing system either via a remote connection or via the Court's public access terminals. In the rare instance a self-represented litigant is unable to access the e-filing system remotely or on-site, the Clerk will continue to file the subsequent filings as indicated above.

17. Public Access Terminals: In order to promote and facilitate access to justice, the Court shall provide two public access terminals equipped with a computer, internet access and scanner for those persons who need access to the equipment. These public access terminals shall be strictly reserved for e-filing purposes only.

If a party, attorney or any other filer presents a hard-copy paper document in person to the Clerk's office for filing in an active e-filing case type, the Clerk's office will direct the person to the public access terminal and provide registration assistance.

OFFICIAL COURT RECORD

Official Court Record

18. Documents which are accepted by the Clerk for e-filing are the official record of the Court. The Court will not keep paper copies of these documents.

The Court's electronically filed hearing notices, schedules, order, decisions, judgments and other documents are the official Court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.

Supplemental Administrative Orders

The Court may issue supplemental administrative orders during the implementation of the e-filing pilot project as necessary.

Date:

February 5, 2020



JUDGE ANDREW D. LOGAN
Administrative Judge

FILED
COURT OF COMMON PLEAS

FEB 5 - 2020

TRUMBULL COUNTY, OH
KAREN INFANTE ALLEN, CLERK