11MS-7-536

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO
GENERAL DIVISION

IN RE: ELECTRONIC FILING OF COURT DOCUMENTS

FIRST AMENDED ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

Commencing on or about August 24, 2011, the Franklin County Clerk of Courts and the Franklin County Common Pleas Court began a phased implementation of a new electronic filing system ("the e-Filing System"). The phased implementation began with a pilot project that included select participants and case types.

Commencing on or about October 5, 2011, the Franklin County Clerk of Courts and the Franklin County Common Pleas Court will begin mandatory e-Filing for all foreclosure case types as identified below. Additional categories of case types will "go live" with mandatory e-Filing soon thereafter.

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 2, Ohio Crim.R. 12(B), the Ohio Supreme Court Advisory Committee on Technology and the Court's draft Standards for Electronic Filing Processes, the Franklin County Clerk of Courts ("the Clerk") and the Franklin County Common Pleas Court ("the Court") hereby adopt the following Administrative Order governing electronic filing ("e-Filing").

If necessary, the Court may issue additional administrative orders or adopt local rules that supplement this Order and designate various other case types as mandatory e-File case types. Case types so designated shall be filed electronically after the effective date of such supplemental order or local rule.

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CLERK OF COURTS-CV

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

A. Case Type. A case type that has been designated by the Administrative Order or Local Rule as being a mandatory e-File case.

B. Clerk. The Clerk of Courts for the Franklin County Common Pleas Court, as defined by the Ohio Revised Code.

C. Clerk Review. A preliminary review of electronically submitted documents by the Clerk in accordance with Court rules, policies, procedures and practices. Court clerks will preliminarily review the data and documents to ensure their compliance with Court rules, policies and procedures prior to accepting the documents and sending them to the Case Management System and Document Management System. If the submitted documents comply with the applicable Court rules, policies and procedures, they will be accepted by the Clerk for e-Filing. If the submitted documents do not comply with the applicable Court

rules, policies and procedures, they will not be accepted for e-Filing and the Clerk shall notify the filer of the deficiency or problem with the submission.

D. **Case Management System ("CMS").** A system that manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

E. **Confidentiality or Confidential.** All documents submitted for e-Filing shall be confidential until accepted by the Clerk.

F. **Court Electronic Record.** Any document received in electronic form, recorded in the Court's Case Management System and stored in the Document Management System. "Court Electronic Record" will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. "Court Electronic Record" will not include physical evidence or exhibits that are not able to be captured in electronic format.

G. **Document.** A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to an electronic record, not to include electronic media.

H. **Document Management System ("DMS").** A system that manages the receipt, indexing, storage and retrieval of electronic documents associated with a case.

I. **Electronic Filing (e-Filing).** The electronic transmission, acceptance and processing of data, one or more documents and/or images. This definition of electronic filing does not apply to facsimile or email.

J. **Electronic Service (e-Service).** The electronic transmission of notice of a filing to all other electronically registered case participants via the e-Filing System.

K. **Mandatory Case Types.**

Civil: All civil cases designated as follows shall be mandatory e-File cases: A (professional tort), B (product liability), C (other torts), D (workers' compensation), E (foreclosure), F (administrative appeal) and H (other civil, including Commercial Docket cases (H4); excluding civil stalking or sexually-oriented offense protection orders (H2)). Cases subsequently designated as G category cases (complex litigation), as set forth in Local Rule 7.04, shall also be mandatory e-File cases.

Cases docketed as EX, JG, LP and MS (except for petitions for court-ordered motor vehicle and watercraft titles, and garnishment proceedings) shall also be mandatory e-File cases.

Criminal: An amended order pertaining to criminal cases will follow prior to criminal go-live date.

L. **Original Document.** A document that becomes part of the Court record.

M. **Registered User.** A person who has read and agreed to the terms of the e-Filing System's User Agreement, has provided his/her credentials through the e-Filing System proving his/her identity, and has been provided with a user name and password through the e-Filing System.

III. ELECTRONIC FILING IN MANDATORY E-FILE CASE TYPES

On and after October 5, 2011, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in designated mandatory e-File case types shall be filed electronically through the e-Filing System. The Clerk shall not accept for filing or file any documents in paper format in mandatory e-File case types from litigants represented by counsel.

After October 21, 2011, the Clerk shall no longer accept for filing or file any documents via facsimile in mandatory e-File case types.

Parties shall electronically file their documents by registering to use the Court's e-Filing System. If a party does not have internet access, the party can use the Clerk's public access computer stations to register to use the e-Filing System and to then file his/her documents electronically.

IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES

All persons filing documents in case types designated as mandatory e-File case types shall be registered as users in the e-Filing System.

A. **Documents Submitted in Person.** If a pro se party, an attorney representing a party, or any other person/filer presents a document in person to the Clerk's office for filing in hard-copy/paper format, and that person is not a registered user of the e-Filing System, the filer shall be directed to a computer station in the Clerk's office for registration purposes. The Clerk shall provide assistance to the filer during the registration process, if needed, but the Clerk shall not be designated as a filer of any of these documents. Once the filer is a registered user of the e-Filing System, his/her document(s) will be submitted through the e-Filing System.

B. **Documents Received by Mail or Facsimile From Attorneys.**

1. If the Court or Clerk receives, via mail, documents to be filed from a licensed attorney, the documents will be returned to the filer with instructions on how to register as a user of the e-Filing System and how to submit the documents electronically.

2. If the Court or Clerk receives, via facsimile, documents to be filed from a licensed attorney, a fax will be sent back to the attorney informing him/her that facsimile filing in the applicable mandatory e-File case type(s) will no longer be accepted. Instructions on how to register as a user of the e-Filing System and how to submit the documents electronically will also be provided in that fax.

3. However, the Clerk may process, subject to Clerk review, Notices of Appeals to initiate an appeal, provided that the required deposit and /or filing fees have been paid. All subsequent filings in any case so initiated, where the case is a mandatory e-File case type, must be e-Filed.

C. Documents Received by Mail From Paying Pro Se Litigants.

1. If the Court or Clerk receives, via mail, documents to be filed from a pro se party, the Clerk's office will first register the party as a user in the e-Filing System, noting that this party will not receive electronic notification. However, in the event the pro se litigant has provided an e-mail address for himself/herself, the pro se litigant will receive electronic notification and service.

2. The Clerk will then scan-in and upload in PDF format the submitted documents on the pro se party's behalf.

3. Provided that the required deposit and /or filing fees have been paid, the Clerk will then e-File the same through the e-Filing System, listing the pro se party as the filer.

4. All subsequent filings in any case so initiated, where the case is a mandatory e-File case type, must be e-Filed.

D. Documents Received From Indigent Litigants. Please refer to Section XIV.

E. Authorization. Parties to an assigned e-File case, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically. By definition, parties filing electronically or receiving electronic service of any documents filed shall become participants in the e-Filing System.

V. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

Upon registration, the e-Filing System shall assign to the party and/or the party's designated representative(s), who will now become registered user(s) of the system, a confidential and unique electronic identifier, i.e., a user name. Registered users will also choose a password that will be used, along with the user name, to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents filed in the assigned case.

Each person who is a registered user of the e-Filing System shall be responsible for the security, use and confidentiality of his/her unique user name and password.

All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

VI. PRO SE LITIGANTS

Pro se litigants who present to the Clerk in person, for filing purposes, documents in hard-copy/paper format, shall be accommodated as follows:

A. The Clerk shall first provide and direct the pro se party to a secured public access computer station, from which the pro se litigant (and any other litigant) will be permitted to register to use the e-Filing System.

B. The Clerk shall then scan the paper documents, save them in a PDF format, and return the paper copies to the pro se litigant.

C. The pro se litigant can then e-File his/her documents, now scanned in and saved in a PDF format, through the e-Filing System.

D. If the pro se litigant has not provided an e-mail address for himself/herself, the Clerk will note in the e-Filing System that the pro se party will not receive electronic notification. If the pro se litigant has provided such an e-mail address, the pro se litigant will receive electronic service and notification.

VII. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents 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. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders. Proposed orders shall be submitted in a Microsoft Word compatible format and shall reference the specific motions to which they apply. The e-Filing System will electronically transmit the proposed orders to the assigned Judge or Magistrate.

A. **Size of Filing.** Submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than 25 megabytes (25MB) in size.

B. **Font Style and Size.** Documents created for e-Filing shall be double-spaced, in either Times New Roman or Ariel font style and at least 12 point type.

C. **Signatures.**

1. **Attorney's/Filing Party's Signature.** Documents filed electronically with the Clerk that require an attorney's or a filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney's signature is as follows:

/s/Attorney Name
Attorney Name
Supreme Court ID Number 1234567
Attorney for (Plaintiff/Defendant) XYZ Corporation
ABC Law Firm
Address
Telephone
Email
Fax

The conformed signature on an electronically filed document is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and/or any other law.

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

   a.) The filing party or attorney shall first confirm in writing that the contents of the document are acceptable to all persons required to sign the document. The filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.

   b.) The filing party or attorney shall then file the document electronically, identifying all of the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

3. **Third-Party Signatures.** Documents containing signatures of third parties (i.e., affidavits, stipulations, etc.) shall be electronically filed only as scanned-in images.

4. **Judge/Judicial Officer Signature.** Electronic documents may be signed by a Judge or judicial officer via a digitized image of his or her signature superimposed over the Court seal. All decisions, 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. Because proposed orders and entries submitted via the Court's e-Filing System will be signed electronically, the proposed orders and entries shall not contain a blank signature line for the Judge's signature.

VIII. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

Documents may be submitted to the Clerk for e-Filing 24 hours a day, seven days a week. Documents may be deemed filed, however, 24 hours a day, five days a week. Documents electronically submitted for e-Filing shall be deemed filed on the date and time as outlined below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

The e-Filing System is hereby appointed the agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents.

A. Upon receipt of an electronic document submitted for filing, the e-Filing System shall issue to the e-Filer a confirmation that the submission has been received. The confirmation notice shall include the date and time of receipt and shall serve as proof of receipt of the submission. The confirmation notice shall also inform the e-Filer that, if the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing, unless the document was submitted for filing after 11:59p.m. on a Friday or after 11:59p.m. on a business day before a Court holiday. In that case, the document will be deemed filed on the following business day.

B. An e-Filer will receive subsequent notification from the Clerk indicating that the submission has been accepted or rejected by the Clerk's office for docketing and filing into the Court's Case Management System.

C. If a document submitted for e-Filing has been accepted by the Clerk after Clerk Review, the document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing System (i.e., date and time of receipt outlined in section A above). Subject to the exceptions noted in Section F below, the date and time reflected on the electronic stamp shall become the filing date and time for that document.

D. In the event the Clerk rejects a submitted document following Clerk Review, the document shall not become part of the official Court record and the e-Filer will be required to re-file the document to meet necessary filing requirements.

E. If a document is submitted for e-Filing prior to 11:59p.m. on a Friday or prior to 11:59p.m. on a business day that is not a Court holiday, and that document is then accepted for filing after Clerk Review, the date and time reflected on the electronic stamp on the document (i.e., the date and time of receipt of submission, as outlined in section A above), shall be the date and time the document is deemed to have been filed.

F. If a document is submitted for e-Filing after 11:59p.m. on a Friday or after 11:59p.m. on a business day before a Court holiday, and that document is then accepted for filing after Clerk Review, the document shall be deemed to have been filed on the following business day, even though the electronic stamp on the document will bear the date and time of submission of said document. This does not in any way alter the provision in Civ.R. 6 that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday run until the end of the following day that is not a Saturday, a Sunday, or a legal holiday.

G. Motions Withdrawing Properties From Sheriff's Sale. It has not been uncommon for parties and/or attorneys to file motions requesting that properties be withdrawn from Sheriff's Sales as late as the morning of the sale. Sheriff's Sales are typically held on Friday mornings at 9:00a.m. Whereas such motions and proposed orders/entries were usually walked through by the filers to the assigned Judge or Duty Judge, and then filed and walked over to the location of the Sheriff's Sale, that process will no longer be feasible with e-Filing. Just like all other e-Filed motions, motions requesting that properties be withdrawn from Sheriff's Sales will follow the same process and will need to be routed through the Clerk Review, and then through the individual chamber's assigned gatekeeper's queue, then reviewed and forwarded to the Judge's queue for signature, and they will then be recorded in the Court's Case Management System and stored in the Document Management System. Therefore, and notwithstanding the provisions above with respect to the 24/7 nature of e-Filing, motions requesting that properties be withdrawn from Sheriff's Sales shall be filed no later than 5:00p.m. on the Thursday prior to the Sheriff's Sale to allow for sufficient time for the motions and proposed orders/entries to follow the process outlined above.

IX. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT

In all e-File case types, the Court shall issue, file and serve all notices, decisions, orders and other documents that are created by the Court electronically, through the Court's e-Filing System, subject to the applicable provisions in the Court's local rules. The Court shall serve pro se litigants and parties who are not registered

users of the Court's e-Filing System with paper copies of all notices, decisions, orders and other documents that are created by the Court.

X. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

Subject to the exceptions noted in Section A below, it shall be the responsibility of the filing party to serve all filings subsequent to the pleadings on all other parties in an e-File case. The filing party shall make service upon all other registered users of the e-Filing System electronically via the Court's authorized e-Filing System. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

A. Service of Original Complaint or Third-Party Complaint.
When submitting any Complaint or Third-Party Complaint for electronic filing, the filing party shall also submit a case designation/information sheet and instructions for service as required by the Ohio Rules of Civil Procedure. The Clerk shall issue a summons and process the method of service requested in accordance with the applicable Rules of Procedure. E-Service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Procedure.

B. Service Copies.
When serving a pleading as outlined in Section A above, or if directed by Court Order, Rule or service instructions to serve paper copies of any other court documents, the Clerk shall cause service copies to be produced in lieu of service copies being furnished by the parties. In those situations, the Clerk shall charge a fee of $1.00 per service copy produced and shall assess those fees as costs against the funds on deposit.

C. Service of Filings Subsequent to the Complaint.

1. When a document (other than and subsequent to a Complaint or Third-Party Complaint) is filed electronically in accordance with these procedures, the e-Filing System will generate a "Notice of Electronic Filing" to the filing party and to any other party who is a registered user of the e-Filing System who has also requested electronic service. If the recipient is a registered user, the "Notice of Electronic Filing" delivered to the user's e-Filing account shall constitute service of that document upon that party in accordance with the applicable rules of the Court.

2. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service shall state the manner, including by e-Service if applicable, in which service or notice was accomplished on each party entitled to service. The Certificate of Service shall set forth the date on which the attached document is being submitted for e-Filing, and shall designate that date as the date of service of said document.

3. A party who is not a registered user of the e-Filing System is entitled to a paper copy of an electronically filed document. The filing party shall serve the non-registered party with the document in accordance with the applicable rules of the Court. Upon notification that its document has been accepted for e-Filing, the filing party shall print out a copy of the e-Filed document and mail it to the non-registered user at said user's last known address.

4. The filing party is also responsible for the service of any proposed orders and entries submitted to the Court through the e-Filing System. Upon notification that its proposed order or entry has been approved by the Court and e-Filed, the party who submitted that proposed order or entry shall print out a copy of the e-Filed order or entry and mail it to all non-registered parties on that case, at those parties' last known addresses. The "Notice of Electronic Filing" delivered to all registered users' e-Filing accounts shall constitute service of that order or entry upon those parties in accordance with the applicable rules of the Court.

5. Parties served electronically are entitled to the same three-day extension of time to respond as if they had been served by mail.

6. A filer who brings a document to the Clerk's office for scanning and uploading to the e-Filing System shall serve paper copies on all non-registered parties in the case. Such a filer will have to print out (via the Clerk's print services and at a rate set by the Clerk, or via any other computing and/or print station) a copy of the e-Filed document and mail it to the non-registered parties. However, such a filer shall serve all registered users on that case electronically via the e-Filing System (e-Service).

7. Documents shall be filed under seal only with prior Court order.

D. Service on Parties: Time to Respond or Act.

1. E-Service of an electronically filed document shall be deemed complete when the registered user receives the "Notice of Electronic Filing" through the e-Filing System, notifying said user that the specific document has been e-Filed.

2. Service of a paper copy of an electronically filed document on a non-registered user shall be deemed complete on the date set forth on the Certificate of Service attached to said document, i.e., the date on which the attached document was submitted to the e-Filing System for e-Filing.

3. The time to respond to documents received via e-Service or otherwise shall be computed in accordance with the applicable rules of the Court.

E. Failure of Electronic Service. If e-Service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party's response deadline or the period within which any right, duty or act shall be performed.

XI. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the Court.

A. Documents Filed Under Seal. A party shall file documents to be sealed only after an order sealing the documents has been signed and journalized.

Unless otherwise ordered, all documents that are covered by a protective or other order requiring that they be filed under seal shall be submitted to the Clerk for filing in a securely sealed envelope.

The face of the envelope containing such documents shall contain a conspicuous notation that it contains "DOCUMENTS UNDER SEAL" or the equivalent. It shall also contain the case caption, a descriptive title of the document (unless such information has been included among the information ordered sealed), and the date of any order or reference to any statute permitting the item to be sealed.

The Clerk's file stamp and appropriate related information or markings shall be made on the face of the envelope. The Clerk shall file the document in accordance with any judicial order for sealing, or statute permitting filing under seal, and the Clerk's internal procedures for filing of sealed documents. If not prohibited by the order for sealing, the document shall be scanned, uploaded to the system, and reviewed for quality assurance. Once quality assurance is completed, the documents shall be destroyed, unless otherwise ordered by the court or unless a request is made for the return of the document by the filing party. If the request is granted, the filing party shall provide the Court with the proper mailing materials for return of the document.

Should the documents be ordered unsealed and maintained in the case record, the Clerk shall change the electronic restriction of the document, which preserves the actual date of the filing of the document.

B. **Documents to be presented to the Court for in camera review.** Any documents submitted for in camera inspection shall be submitted to the assigned Judge outside the e-Filing System.

C. **Exhibits.** Every reasonable effort shall be made to submit all exhibits electronically whenever practicable. However, exhibits or other items that cannot be captured or stored in an electronic format may be filed and served conventionally. Such exhibits shall be identified by a cover page using the caption of the case, the case number and the assigned judge, and shall provide other information identifying the name and party designation of the filer. Example: "Exhibits in Support of Plaintiff John Doe's Motion for Summary Judgment."

D. **Notices of Appeal.** In light of *Louden v. A.O. Smith Corporation*, 121 Ohio St.3d 95, 2009-Ohio-319, 902 N.E.2d 458, and until such time as the Franklin County Court of Appeals amends its local rules to expressly provide for the electronic filing of notices of appeal, notices of appeal shall be filed in paper copy with the Franklin County Clerk of Courts pursuant to App.R. 3.

E. **Record of Proceeding in Administrative Appeal Case Types.** Currently, the records of proceedings filed in administrative appeal case types shall be filed in conventional paper format.

XII. DEPOSITION TRANSCRIPTS

If a party reasonably believes that deposition transcripts will be needed as evidence pertaining to any motions or other proceeding, those deposition transcripts shall be filed electronically. If ordered by the Court, deposition transcripts shall also be filed in paper using condensed or "minuscript"® format, and two-sided copying. All deposition transcripts filed with the Clerk must include a witness signature page and statement of changes in form or substance made by the witness pursuant to Civ.R. 30(E).

XIII. OFFICIAL COURT RECORD

For a document that has been electronically filed, or a document that has been presented in paper format that has then been scanned-in and uploaded to the e-Filing System, the electronic version of that document constitutes the official Court record.

XIV. USER FILING ERRORS AND TECHNICAL PROBLEMS

A. User Filing Errors

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's office. A filer cannot make changes to any document once it has been submitted and accepted for filing.

A document that is incorrectly submitted for e-Filing (e.g., as a result of entering a wrong case number, selecting an incorrect document type, attaching an incorrect PDF file to a submission for e-Filing, or where the electronic file is corrupt or unreadable), may be deleted from the e-Filing System as long as the document has not been accepted for filing by the Clerk's office.

In the event of an incorrect case number or an electronic file that is corrupt or unreadable, the Clerk will reject the submission and notify the filer of the error and of the need to re-submit. However, where the error consists of something other than a wrong case number or a corrupt file, the filer should, as soon as possible after the error is discovered, contact the Clerk's office and provide the case number and document number for which a correction is being requested. The Clerk may then delete the document from the e-Filing System. The Clerk shall immediately notify the filer of the error and the need to resubmit, if appropriate. The Clerk will not delete the relevant docket text, but annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.

However, once a document has been accepted for e-Filing by the Clerk, only a judge can strike the document in the event it has been filed in error.

B. Technical Failures

The Clerk shall deem the e-Filing System 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 web site, if possible.

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document, in PDF format, through the public access computer stations in the Clerk's office.

If a document submitted electronically for filing is not filed with the Court because of an error in the transmission of the document to the e-Filing System, whether that error originates with the e-Filing System or at the filer's end, the Court may, upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

XV. METHOD OF PAYMENT

In all mandatory e-File case types, deposits as security for costs, filing fees and all other costs shall be paid by credit card at the time a document is submitted for e-Filing.

Prisoners and some pro se filers who qualify for indigent status, along with some government agencies, will need to have their costs deferred, and the Clerk and/or the Court will need to validate that those parties are in fact indigent or they represent a qualifying government agency.

A. Approval of Affidavit of Indigence:

1. In-Person Presentation of Affidavit of Indigence

a.) When an indigent party presents to the Clerk, in person, documents to be filed, and those documents are accompanied by an affidavit of indigence, the Clerk will direct said party to a public access computer station to register as a user of the e-Filing System. If necessary, the Clerk will assist said party with the registration process. The Clerk will scan in and upload in PDF format the documents to be e-Filed. The indigent party will then e-File his/her documents, including the affidavit of indigence.

b.) Unless the indigent party has provided an e-mail address for himself/herself, the Clerk shall note in the e-Filing System that the indigent party will not receive electronic notification.

c.) The affidavit of indigence will then be reviewed by the judge assigned to that case.

d.) In the event the affidavit of indigence is rejected by the assigned judge and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

2. When Affidavit of Indigence is Mailed to the Clerk

a.) When an indigent party mails to the Clerk documents to be filed, and the documents are accompanied by an affidavit of indigence, the Clerk shall: 1.) register the indigent party as a user of the e-Filing System; 2.) scan-in and upload in PDF format the submitted documents on the indigent party's behalf; and 3.) e-File the same through the e-Filing System on the indigent party's behalf, listing the indigent party as the filing party.

b.) Unless the indigent party has provided an e-mail address for himself/herself, the Clerk shall note in the e-Filing System that the indigent party will not receive electronic notification.

c.) The affidavit of indigence will then be reviewed by the judge assigned to that case.

d.) In the event the affidavit of indigence is rejected by the assigned judge and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

B. **Fee Deferral for Certain Government Agencies.** If a filing party is a government agency or other entity from which pre-payments are not required by statute, rule or practice, the documents submitted for e-Filing by that party must include a clear indication that they are filed by, or on behalf of, an agency or entity entitled to deferral of, or exemption from, the payment of deposits as security for costs or pre-payments that would otherwise be required in connection with the filing.

XVI. COLLECTION OF FILING DEPOSITS AND FEES

The authorized e-Filing System will establish a method for accepting payments of deposits and fees electronically, including the process for filing an affidavit of indigence.

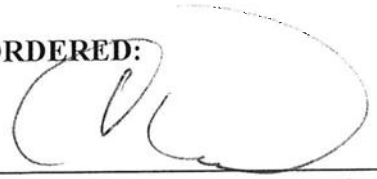
XVII. PUBLIC ACCESS COMPUTER STATIONS AND PRINT CHARGES

The public can view and print e-Filed documents on public access computer stations located in the Clerk's office. Users shall be charged for printed copies of documents at rates established by the Clerk.

XVIII. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective immediately.

SO ORDERED:



Administrative Judge, on behalf of all Judges of the Franklin County Common Pleas Court, General Division