

Administrative Order and Local Rule 57.4 - Electronic Filings

A. Definitions

1. Original Document: the electronic document received by the Clerk from the filer.
2. Electronic Filing (e-filing): The process by which an attorney or self-represented individual submits documents with the Court by means of an online electronic transmission of the document through a portal operated by an electronic filing manager designated by the Court.
3. Electronic Signature: An electronic identifier intended by the person using it to have the same force and effect as a manual signature. An electronically submitted document issued or received by the Court is considered signed if an electronic signature is included on the document. An electronic signature must include at least one of the following:
 - a. /s/ and the name typed in the space where the signature would otherwise appear (this form of electronic signature may be used only by attorneys licensed to practice law in the State of Ohio); or
 - b. An electronic image or scanned image of the individual's signature; or
 - c. A digital signature that is electronically signed or captured signature using software with audit tracking capability (e.g. DocuSign, RightSignature; Adobe Sign).
 - d. The Court will not accept an electronic signature as follows:
 - i. An agent under a power of attorney in place of the signature of the principal *unless* a copy of the Power of Attorney is attached to the filing submitted to the Court.
 - ii. The attorney for the fiduciary may not sign on behalf of the fiduciary.
 - iii. Non-attorneys are prohibited from signing on behalf of an attorney or on behalf of any other individual, except as expressly authorized by law.
4. E-Services Platform: The program used by the Court to support electronic filings and other electronic services.

5. **Filer:** An individual or authorized agent who e-files. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any Orders issued by the Court.
6. **Technical Failure:** A malfunction of the e-services or any county-owned or leased hardware, software, telecommunications equipment, plus any other issue under control of the Court or the Williams County Information Technology Department that results in the inability of a filer to file a document.
7. **Vexatious Litigators:** Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.

B. Electronic Filing Policy. In conformity with the Ohio Revised Code and Rule 5(E) of the Ohio Rule of Civil Procedure, pleadings and other papers may be filed electronically with this Court, subject to the provisions of this Rule. Unless otherwise modified by Court Order, all Ohio Rules of Civil Procedure and Local Rules and Orders of the Court apply to all documents electronically filed.

C. Registration. Any individual who wants to file electronically must first register with the e-services platform in order to e-file if it is required through the case management system. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any Orders issued by the Court.

Individuals who have been declared vexatious litigators will not be permitted to file documents electronically. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the Judge to file in that case.

D. Signatures. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or by any parties representing themselves. Any signature on an electronically transmitted document will be considered that of the attorney or party under Rule 5(E)(1) of the Ohio Rules of Civil Procedure.

E. Acceptance or Rejection of Filing.

1. Registered users may use the e-file system to submit documents to the Court twenty-four hours a day, seven days a week, regardless of whether or not the Court is open. The Eastern Time Zone governs the time of filing, rather than the time zone from which the filing is made. Documents submitted electronically are pending and are not considered filed until reviewed and accepted by Court staff.
2. Upon submission, the e-file system issues a printable confirmation which serves as proof of submission and confirmed payment. The confirmation page includes date and time of submission, method of payment and a confirmation number to reference

the filing. Received submissions remain pending until accepted for filing or rejected for corrections.

3. After an e-filing document has been submitted, the Court will review the submission and notify the filer via email if the filing is rejected for any reason.
4. After a document receives a confirmation number and has been accepted by the Court, the document cannot be altered.

F. *Filing Date and Time of Electronically Filed Documents.* E-filed documents are accepted for filing after review by Court staff during regular Court business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m. Upon acceptance, the e-file system issues a printable email receipt to the filer's registered email address identifying the submission as filed. The acceptance email includes the filing date, submission confirmation number, case number and receipt of payment if payment was due. Accepted documents are stamped with the filing date, submission confirmation number, and case number. If the Court rejects a submitted document, the Clerk will notify the filer of the rejected submission via their registered email address, and the document will not become part of the official Court record.

G. *Document Format, Attachments and Exhibits.*

1. Documents must be submitted in Portable Document Format (PDF).
2. All attachments and exhibits to pleadings or motions should comply with data format for the e-filing portal and, where possible, be contained in one PDF file. If the file is too large to upload, the attachments and exhibits can be filed in multiple parts.

H. *Filings Not Accepted.* The following documents may NOT be filed electronically:

1. Pleadings, motions, applications or other filings in an adoption case, mental illness or involuntary treatment for alcohol and other drug abuse.
2. Any document containing notarizations shall be electronically filed only as a hand-signed scanned PDF document and the notary seal must be visible.
3. Filings admitting Wills to probate must include a PDF copy of the executed Will at the time the application to probate Will is submitted for filing. The Court will provisionally accept that copy of the Will if the legal requirements appear to have been met to admit the document to probate. The filer shall then submit the original Will to the Court via mail, express delivery or in person within five days of the

electronic filing. If the original Will is not timely received, the case may be dismissed.

4. Filings in any probate case that contain original birth certificates or certified copies of documents must include a PDF at the time the filings are submitted for e-filing. The Court will provisionally accept the document for filing if the legal requirements appear to have been met. The filer shall then submit the original documents to the Court via mail, express delivery or in person within five business days. If the documents are not timely received, the case may be dismissed.
 5. Deposition transcripts must be filed in hard format and may not be electronically filed.
- I. *Service of Documents.* Any documents filed electronically must be served in accordance with Local Rules. If there are other filers of record, service will be made electronically.
- J. *Disposition and Maintenance of Source Documents.* A document electronically filed shall be accepted as the original filing consistent with Ohio Rules of Civil Procedure 5(E) and the Local Rules of this Court, if the person filing electronically complies with all of the requirements set forth in this Order and Local Rule. Except for decedent's Wills, certified copies of birth certificates or other certified copies, the person filing electronically shall not file any original copy with the Probate Court but must maintain the source document in his or her records, and have available for production on request by the Court, or other counsel, the signed source document that was electronically filed. The filer must maintain this source document until the final disposition of the case, including final disposition of all appeals.
- K. *Technical Failures.* All filers are responsible for any delay, disruption, interruption of electronic signals, and readability of the documents and accept the full risk that the document may not be properly filed with the Court as a result.
- L. *Fees.*
1. The Court will assess normal filing fees and case deposits will be collected at the time the filing is processed.
 2. Copies – There will be a ten cent per page charge each page the Court is required to print. The Clerk will assess those fees as costs against the funds on deposit.
 3. Under section 301.28 (E) and (F) of the Ohio Revised Code, a surcharge for using a financial device may be assessed in an amount to be determined by the Court.