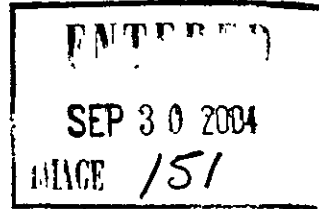


HAMILTON COUNTY MUNICIPAL COURT  
HAMILTON COUNTY, OHIO



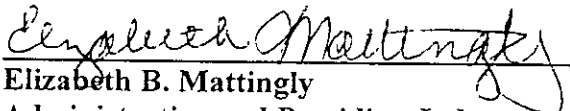
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In Re: Electronic Transmission  
Filings

: Administrative Order # 04 - 34

04

As a result of the attached Local Rule (XXVIII) being approved for compliance by the Supreme Court Advisory Committee on Technology and the Courts amended Local Rule XXVIII (Electronic Transmission Filings) is hereby adopted by the Hamilton County Municipal Court.

  
Elizabeth B. Mattingly  
Administrative and Presiding Judge  
Hamilton County Municipal Court

Date: September 27, 2004

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**RULE XXVIII. ELECTRONIC TRANSMISSION FILINGS**

**A Facsimile Filings**

In conformity with Ohio Revised Code Civil Rule 5 (E) and effective upon approval by the Ohio Supreme Court Committee on Technology and the Courts pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission subject to the following conditions

**1 Definitions** The following terms in this Rule shall be as follows

(a) Facsimile transmission – means the transmission of a source document by a facsimile machine that encodes a document into signals transmits and reconstructs the signals to print a duplicate of the source document at the receiving end

(b) Facsimile machine – means a machine that can send and receive a facsimile transmission either as a stand-alone device or as part of a computer system

(c) Fax or faxes – an abbreviation for facsimile and refers as indicated by the context, to facsimile transmission or to a document so transmitted

(d) Source document – means the document transmitted to the court by facsimile machine/system

(e) Effective Original document – means the facsimile copy of the source document received by the Clerk of Courts and maintained as the original document in the court's file

(f) Effective Date and Time of Filing - means the date and time the filing has been received as indicated at the top of each page of the incoming fax transmission as printed out by the Clerk of Courts facsimile equipment

**2 Application of Rules and Orders.** This Local Rule has been instituted solely for the convenience of those filing documents with the Clerk of Courts. Neither the Clerk of Courts nor the Municipal Court for Hamilton County, Ohio, assumes any new or additional responsibilities, obligations or liabilities by virtue of this Local Rule, except as expressly provided for herein. Further, this Local Rule pertains only to the method of filing, it does **NOT** override, alter, amend, revoke or otherwise change any Local Rule or Ohio Rule of Civil or Criminal Procedure respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel

**3 Filings Not Accepted.** This Rule authorizes the filing of facsimile transmissions for Municipal civil cases of all pleadings, motions and other documents that may otherwise be filed with the Clerk of Courts but anything stated or implied above to the contrary notwithstanding, the following documents may **NOT** be filed by facsimile transmission

- (a) Any filing that commences an action for which the Clerk of Courts must collect an initial case deposit against costs
- (b) Any filing for which a specific filing fee must be collected, or
- (c) Any filing for which the Clerk of Courts is required to effectuate service or summons

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30 As of the effective date of this Rule and until further notice Municipal Court criminal and traffic case filings are *NOT* being  
31 accepted via facsimile transmissions

32 **4. Cover Page** The person filing a document by fax shall provide therewith a cover page containing the following information  
33 (a) the case number (or indicate none), (b) the caption of the case, (c) the assigned judge (or indicate none) (d) a description of  
34 the documents being filed (e) the date of transmission (f) the transmitting fax number and (g) an indication of the number of  
35 pages included in the transmission including the cover page. If a document is sent by fax to the Clerk of Courts without the cover  
36 page information listed above it will be deposited in the case jacket but shall not be entered into the Case Docket and shall be  
37 considered to be a nullity and thereby stricken. The Clerk of Courts is not required to send any form of notice to the sender of a  
38 failed fax filing

39 **5 Facsimile Machine** The telephone number of the facsimile machine available for receiving fax filings for Municipal civil  
40 cases is 513-946-5710. This line is available twenty-four (24) hours per day seven (7) days per week. Fax filings may *NOT* be  
41 sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of  
42 Courts. Transmissions sent to any other location are not covered by nor permitted under this Local Rule. Copies of filings  
43 otherwise properly filed with the Clerk of Courts however such as courtesy copies for the Court, may be sent by facsimile  
44 directly to the Court but any such transmittals shall not be considered as having been filed thereby.

45 **6 Document Restrictions** A "fax transmission", as referred to in this Local Rule, may contain more than one (1) document but  
46 may not apply to more than one (1) case number per transmission. Motions and other filings making reference to or incorporating  
47 other documents attached to the motion or other filing as an exhibit thereof shall be considered as being part of a single filing for  
48 purposes of this rule. If exhibits are impossible or burdensome to send by facsimile transmission the original exhibits may be  
49 separately filed if done so within forty-eight (48) hours of the related facsimile transmission. If the exhibits are filed separately,  
50 then an insert page describing the exhibit being filed separately must be included in the facsimile transmission. Facsimile  
51 transmissions may not be in excess of twenty (20) pages each regardless of the number of documents being sent.

52 **7 Fees.** There are no additional costs or fees related to facsimile transmissions except to the extent that the filings are taxed as  
53 cost to any case.

54 **8 Filing Acceptance or Rejection** The Clerk of Courts is hereby authorized to reject any facsimile transmission filing if the  
55 sender fails to provide the Cover Page required under Section Four (4) of this Rule or if the transmission contains a filing not  
56 acceptable under Section Three (3) of this Rule.

57 **9 Date and Time** Subject to the other provisions of this Local Rule all documents filed by fax shall be considered filed with the  
58 Clerk of Courts as of the date and time that the fax transmission has been received by the Clerk of Courts. For purposes of this  
59 provision and for entering such filings into the electronic Case Docket system a facsimile filing shall be deemed to have been  
60 received by the Clerk of Courts as of the date and time printed at the top of each page of the incoming fax transmission as arrived

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61 out by the Clerk of Courts facsimile equipment. There shall be no other date and time stamp required for the filing of a fax  
62 document with the Clerk of Courts. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by  
63 the sender. Anyone using facsimile filing is urged to verify receipt of such filings by the Clerk of Courts through whatever  
64 technological means are then available, such as the activity register or report function of the transmitting equipment.

65 **10 Original Filing.** A document filed by fax shall be accepted as the effective original filing if the person sending the fax  
66 complies with all of the requirements set forth in this Local Rule. The person making a fax filing need not file any source  
67 document with the Clerk of Courts. However, until the case is closed and all opportunities for post judgement relief are exhausted  
68 the filer must maintain in their records and have available for production on request by the Court the source document of any  
69 document filed by fax with original signatures as otherwise required under the applicable rules, together with the original copy  
70 of the facsimile cover sheet used for the subject filing.

71 **11. Signatures.** Facsimile filings shall contain a signature or a /s/ notation followed by the name of the person signing the source  
72 document.

73  
74

75 **B. Internet Electronic Filings**

76 In conformity with Ohio Revised Code Civil Rule 5 (E) and effective upon approval by the Ohio Supreme Court Committee on  
77 Technology and the Courts, pleadings and other papers may be filed with the Clerk of Courts electronically via the Internet,  
78 subject to the following conditions:

79 **1 Definitions.** The following terms in this Rule shall be as follows

80 (a) **Electronic Filing – (E-filing or e-filing)** The process of transmitting a digitized source document electronically via  
81 the Internet to the Clerk's office for the purpose of filing the document and refers, as indicated by the context, to the means of  
82 transmission or to a document so transmitted.

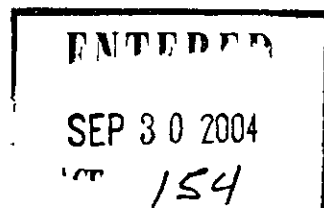
83 (b) **Electronic Mail – (Email or e-mail)** Messages sent by a user and received by another through an electronic service  
84 system utilizing the public Internet.

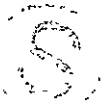
85 (c) **Source document** – means the document transmitted to the court via the Internet.

86 (d) **Original document** – means the transmitted copy of the source document received by the Clerk of Courts and  
87 maintained in the court's file.

88 (e) **Date and Time of Filing** - means the date and time the filing has been received, as indicated on the sender's  
89 computer screen after the document has been uploaded to the Clerk of Courts, unless rejected and not corrected. (See Filing  
90 Acceptance or Rejection Cycle below.)

91

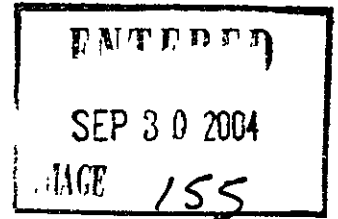




92 2. **Application of Rules and Orders.** Unless modified by approved stipulation or order of the Court or a judicial officer all  
93 Federal Rules of Civil and Criminal Procedure Ohio Rules of Civil and Criminal Procedure and Local Rules and orders of the  
94 Court shall continue to apply to documents electronically filed

95 3 **Filings Not Accepted.** The following Municipal civil filings may **NOT** be filed by electronic transmission

- 96 (a) rent escrow applications or
- 97 (b) anything that requires a cash bond posting or other financial security
- 98 (c) applications for trusteeship filings or
- 99 (d) Memorandums or
- 100 (e) Notices



101 Currently we do **NOT** accept Municipal criminal or traffic electronic filings

102 4. **Account Assignment** Upon receipt of the properly executed and signed User Agreement Form and Credit Card Authorization  
103 Form at the Clerk of Court's office, the Clerk of Courts shall set up an electronic filer user account and assign a user-id and initial  
104 password to be used for electronically filing documents Electronic filers using third party electronic filing providers will not be  
105 assigned a user-id or password and will not be required to maintain a copy cost account

106 5 **Hours of Operation** Electronic filings may be submitted at any time The electronically filed document will be considered  
107 filed as of the date and time that the receiving device of the Clerk of Courts received the entire transmission All electronically  
108 filed documents shall receive a confirmation date and time acknowledgement

109 6 **Document Format.** Documents submitted must be in a digitized format specified by the Clerk of Courts as set forth in the  
110 online Guide to Electronic Filing

111 7 **Fees.** Normal filing fees, case deposits and copy costs will be collected via user credit card at the time the filing is processed  
112 by the Clerk of Courts Filings made using third party electronic filing providers will be charged fees, case deposits and copy  
113 costs via credit card at the time the filing is processed by the Clerk of Courts.

114 8. **Filing Acceptance or Rejection Cycle.** A confirmation number will be assigned to each filing when it is received in its  
115 entirety by the receiving device of the Clerk of Courts The confirmation number and the date and time of the filing will be  
116 displayed on the screen of the filer's computer upon successful transmission of the filing Filers using third-party electronic filing  
117 providers will not have the confirmation number and date and time of filing displayed on the screen, but must wait for the  
118 confirmation electronic mail message from the Clerk of Courts to obtain the confirmation number and date and time of filing  
119 Upon successful processing of the filing by the Clerk of Courts, an electronic mail message containing the confirmation number  
120 and case number assigned if any will be sent to the filer Filers will be notified via electronic mail if the filing is rejected for any  
121 reason A rejected filing may be resubmitted via electronic mail to the Clerk of Courts in order to retain the original date and time  
122 of filing Rejected filings which are resubmitted via electronic mail must be received by the Clerk of Courts within twenty-four

123 (24) hours of the time that the rejection electronic mail message was sent by the Clerk of Courts in order to retain the original  
124 date and time of filing and confirmation number. A corrective filing may, however, be sent at a later time if the filer elects to do  
125 so, but after the twenty-four (24) hours period expires such a filing will be considered a new filing and the prior confirmation will  
126 have expired.

127 **9. Electronic Filed Stamp.** Upon successful completion of acceptance processing by the Clerk of Courts a document filed  
128 electronically will be electronically filed stamped. This stamp will include the date and time that the receiving device of the Clerk  
129 of Courts received the entire transmission as well as the confirmation number of the filing. A document electronically filed that is  
130 not successfully processed by the Clerk of Courts will not receive an electronically filed stamp but the filer will receive a  
131 rejection e-mail. (See Filing Acceptance or Rejection Cycle above.)

132 **10. Disposition and Maintenance of Source Documents.** A document electronically filed shall be accepted as the original  
133 filing consistent with Ohio Revised Code Civil Rule 5 (E) if the person filing electronically complies with all of the requirements  
134 set forth in this Local Rule. The person filing electronically need not file any copy with the Clerk of Courts but must maintain in  
135 his or her records and have available for production on request by the Court, the Clerk of Courts or other counsel, the source  
136 copy of any document electronically filed. The filer must maintain this source document until the final disposition of the case and  
137 through any Notice of Appeal or, if appealed, appeal period.

138 **11. Public Method of Access to Electronically Filed Public Documents.** Members of the public can obtain copies of or review  
139 electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public  
140 documents will be available via the Internet web site of the Clerk of Courts as soon as the Clerk of Courts has processed the  
141 document. If Internet web site access is unavailable or is not provided by the Clerk of Courts, or if the Clerk of Courts is  
142 prohibited by the Court or by any law from making the document available via the Internet web site, the document will be  
143 available at one or more offices of the Clerk of Courts, either by computer terminal or in paper form in the case jacket or on  
144 microfilm. However, if a document or case record is sealed or expunged it is unavailable for public disclosure.

145 **12. Operating Procedures and Instructions.** The Clerk of Courts is authorized to prepare and maintain operating procedures  
146 and instructions for electronic filing.

