



LORAIN MUNICIPAL COURT

Monday, February 6, 2023

LOCAL RULE 37

The Lorain Municipal Court herewith adopts the following Rule 36 as a Local Rule of Court effective March 6th, 2023. A copy of this Rule will be filed with the Supreme Court of Ohio in accordance with Superintendence Rule 5. This Court shall afford notice and opportunity for comment hereafter.

The Court determines that there is an immediate need for rule adoption to expedite the use of an electronically filed cases in the City of Lorain, Lorain County, Ohio, the City of Sheffield Lake, Lorain County, Ohio, and the Township of Sheffield, Lorain County, Ohio.

RULE NO. 37: FILING BY ELECTRONIC TRANSMISSION (eFILING)

A. DEFINITIONS

1. **Original document** - the electronic document received by the Court from the filer.
2. **PDF-Portable Document Format** - documents saved as this type have the [.pdf] extension.
3. **DOC-** Microsoft Word Documents - documents saved as this type have the [.doc] extension.
4. **Source Document** - the document created and maintained by the filer, which are electronically transmitted to the Court.
5. **Submission** - a document or other data sent to a system or sent as a court filing.
6. **Effective Date and Time of Filing of a New Complaint** - means the date and time the electronic filing was received and uploaded to the Clerk of Court as noted on the time stamp on the submitted document.
7. **Effective Date and Time of Filing of a Motion** - means the date and time the electronic filing was received and uploaded to the Clerk of Court as noted on the time stamp on the submitted document.
8. **Electronic Filing** (i.e., eFiling) - the process of transmitting a digitized source document electronically via 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 transmission or to a document so transmitted
9. **Electronic Mail** (i.e., eMail) - Messages sent by a user and received by another through an electronic service system utilizing the public Internet
10. **Network Outage** – any issue on the City of Lorain network that cause the public access portal for electronic filing to be unavailable.

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ADMINISTRATIVE JUDGE

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PRESIDING JUDGE

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LOCAL RULE 37 (continued)

B. ELECTRONIC FILING POLICY

1. In conformity with Ohio Revised Code, Ohio Civil Rule 5(E) and Criminal Rule 12(B) and, as approved (provisionally) by the Ohio Supreme Court on Technology and the Courts, complaints, pleadings and other documents may be filed with the Clerk of Court electronically via the Internet, subject to the provisions in this rule.
2. Application of Rules and Orders - Unless otherwise modified by approved stipulation or Court order, ALL Ohio Rules of Civil and Criminal Procedure and Local Rules and orders of the Court shall continue to apply to all documents electronically filed.
3. Accepted Filings:
 - a. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or, by a party not represented by an attorney.
 - b. Any signature on an electronically transmitted document shall be considered that of the attorney or party it purports to be for all practical purposes.
 - c. If it is established that the documents were transmitted without authority, upon motion, the court shall order the document stricken.
 - d. No attorney shall authorize any person to electronically file on that attorney's behalf, other than his or her employee or a service provider retained to assist in electronic filing.
 - e. The electronic filing of a document by an attorney, or by another under the authorization of the attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule
 - f. No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.
4. Account Assignment
 - a. Upon receipt of a properly executed and signed User Agreement Form, the Clerk of Court shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filing document.

NOTE: Third party electronic filing providers are not acceptable except as otherwise provided in (B)(3) of this local rule.

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LOCAL RULE 37 (continued)

1. Hours of Operation

- b. The Clerk of Court shall receive electronic documents 24 hours per day, seven days per week, regardless of whether or not the Clerk's office is actually open except in the event of a network outage at the City of Lorain.
- c. A document will be deemed timely when filed prior to 11:59 p.m. the evening of the due date, unless the assigned judge has ordered the document filed by a different time /date. Time at the Court (Eastern Standard) governs, rather than the time zone from which the filing is made.
- d. All accepted electronically filed documents shall receive a confirmation date and time acknowledgement.

2. Document Format.

- e. Documents must be submitted in PDF, TIFF, or DOC formats..

Note: Image types [such as jpg, tif and BPM] can be embedded within PDF or DOC formats and may be rejected

3. Fees

- f. The Clerk of Court shall assess normal filing fees and case deposits will be collected via user credit card at the time the filing is processed. Pursuant to §301.28(E) and (F) of the Ohio Revised Code, a surcharge for credit card use may be assessed in an amount to be determined by the Clerk of Court.
- g. No personal checks will be accepted.
- h. The Clerk's Office will document the receipt of fees on the docket with a text-only entry.
- i. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

5. Filing Acceptance or Rejection Cycle

- a. A confirmation number will be assigned to each filing when it is received in its entirety by the Clerk of Court's receiving device.
- b. The confirmation number and the date and time of the filing will be displayed on the screen of the filer's computer upon successful transmission of the filing.

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LOCAL RULE 37 (continued)

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- a. Upon successful processing of the filing by the Clerk of Court, an electronic mail message containing the confirmation number and case number assigned, if any, will be sent to the filer.
- b. Filers will be notified via electronic mail if the filing is rejected for any reason.
- c. A rejected filing may be resubmitted to the Clerk of Court in order to retain the original date and time of filing.
- d. Rejected filings which are resubmitted via electronic mail must be received by the Clerk of Court within twenty-four (24) hours of the time that the rejection electronic mail message was sent by the Clerk of Court in order to retain the original date and time of filing and confirmation number.
- e. A corrective filing may, however, be sent at a later time if the filer elects to do so, but after the twenty-four (24) hour period expires, this filing will be considered a new filing and the prior confirmation number will have expired.
- f. If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back to the date and time of the rejected filing, the filer must file a motion with the Court seeking relief.
- g. The Clerk of Court shall not retain the rejected documents. Rejected documents must be corrected by the submitting party until they are accepted.
- h. Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of electronic signals and readability of the document and, accepts the full risk that the document may not be properly filed with the Clerk of Court as a result.
- i. The Clerk of Court shall not retain the rejected documents. Rejected documents must be corrected by the submitting party until they are accepted.



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LOCAL RULE 37 (continued)

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- c. Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of electronic signals and readability of the document and, accepts the full risk that the document may not be properly filed with the Clerk of Court as a result.

6. Electronic File Stamping

- a. Upon successful completion of acceptance processing by the Clerk of Court, a document filed electronically will be electronically file stamped.
- b. This stamp will include the date the e-filing was submitted, the date and time that the Clerk of Courts accepted the e-filing, and the case number of the filing that is assigned.
- c. Upon recognition of a processing error, the Clerk's Office will contact the filer to remediate the issue.
- d. After a document is electronically file stamped, the document cannot be altered once it has been accepted into the system.

10. Disposition and Maintenance of Source Documents

- a. A document electronically filed shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E) and Criminal Rule 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule.
- b. The person filing electronically need not file a hard copy with the Clerk of Court but must maintain in his or her records, and have available for production upon request by the Court, the Clerk of Court or other counsel, the source document of any document electronically filed.
- c. The filer must maintain this source document until the final disposition of the case and through any Notice of Appeal, or, if appealed, appeal period.

11. Public Method of Access to Electronically Filed Public Documents

- a. Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper via the Clerk of Court's website.



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LOCAL RULE 37 (continued)

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- b. If the internet website is unavailable or is not provided by the Clerk of Court or if the Clerk of Court is prohibited by the Court or by any law from making the document available via the Internet web site, the document will be available for review at the office of the Clerk of Court, either by computer terminal or in paper form in the case file.
- c. If a document or case record is sealed or expunged, it is unavailable for public disclosure.
- d. Documents filed electronically with the Clerk of Court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.
- e. Once a party has entered an appearance in the case, the party shall furnish his or her email address, and service thereafter shall be electronically, where possible.

12. Attachments and Exhibits

- a. Attachments and exhibits are to be filed electronically.
- b. Large attachments or exhibits over 30 megabytes cannot be filed electronically and must be submitted in hard copy and served on all other parties.

13. Signatures

- a. 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.
- b. A pleading or other document requiring an attorney's signature shall be signed in the following manner if filed electronically: "/(attorney name)/." The correct format for an attorney signature is as follows:

(Signature)		(Signature)
attorney's name (typed)		John Smith
Ohio Supreme Court Number		895687456
Attorney for (Plaintiff/Defendant)		Attorney for Plaintiff
Telephone Number		Phone (440) 123-4567
Facsimile Number		Fax (440) 123-5678
Email Address		Email johnsmith123456@gmail.com

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LOCAL RULE 37 (continued)

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c. 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.

d. For documents containing multiple signatures, such as stipulations or documents requiring two or more signatures, the following procedure applies:

(1) The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document.

(2) The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

e. If the filing party or attorney elects to file the document electronically the signatories shall be indicated as, e.g., /Jane Doe/, /John Smith/, etc.

(1) A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within ten days of receiving the notice of electronic filing.

14. Orders (Journal Entries)

a. A moving party, at the time of filing a motion, may submit with that motion a proposed journal entry granting the motion and setting forth the requested relief.

b. The motion shall be docketed prior to submitting the proposed journal entry to the judge, and the proposed journal entry shall contain, by reference, the case number of the case.



LORAIN MUNICIPAL COURT

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LOCAL RULE 37 (continued)

15. Privacy

- a. 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:
- Social security numbers except for the last four digits;
 - Financial account numbers, including but not limited to debit card, charge card, and credit card numbers;
 - Employer and Employee identification numbers;
 - A juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV: for "child victim";
 - Proprietary or trade secret information.

- b. With permission of the Court, a party may file, under seal, a document containing the non-redacted personal data identifiers listed above.

(1) The party seeking to file a non-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.

- c. The responsibility for redacting personal data identifiers (i.e., social security numbers and bank/credit card numbers) rests solely with the filing party.

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

16. Technical Failures

- a. The Clerk of Court's Office may deem the internet web 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.

- b. Known system outages will be posted on the website, if possible.

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LOCAL RULE 37 (continued)

- c. A filer who cannot file a document electronically due to problems on the filer's end, must file a hard copy of the document with the Clerk of Court.
- d. A filing party whose filing is made untimely as a result of 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.

17. Correction of Docket Entries / Documents Filed in Error

- a. Once a document is electronically submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk of Court's Office.
- b. The System does not permit a filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
- c. If a document has been filed in error, the filing party should not attempt to re-file the document.
- d. As soon as possible, after the error has been discovered, the filing party should contact the Clerk of Court's Office with the case number and document number for which the correction is being requested.
- e. 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 refiled.
- f. If a document is filed in error (e.g., a document is filed on the wrong case or the electronic file is corrupt or unreadable), upon motion, the judge may order the document stricken from the record.
- g. The Clerk of Court shall immediately notify the filer of the error and inform the filer if the document needs to be re-filed.
- h. The Clerk will not delete the relevant docket text, but will annotate the docket to show the deletion, the reason for the deletion and that the filer has been so notified.

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LOCAL RULE 37 (continued)

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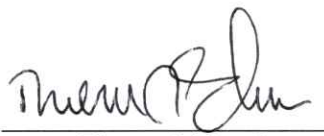
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A. NONCONFORMANCE RULE

1. The Clerk of Court reserves the right to deny any party, firm, or agency the use of eFiling due to habitual nonconformance of these rules and/or equipment incompatibility issues that are not corrected.



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