

RULE 57.6 Internet Electronic Filings

Internet Electronic Filings. In conformity with Civil Rule 5(E), designated pleadings, motions, applications and other filings may be filed with the Hamilton County Probate Court (“Court”) electronically via the Court’s official website (<http://www.probatect.org>) subject to the following conditions:

1. *Definitions.* The following terms in this Rule shall be as follows:
 - (a) *Electronic Filing (“e-filing” or “efiling”)* – The process of transmitting a digitized source document electronically via the Internet to the Probate Court 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.
 - (b) *Electronic Mail (email or e-mail)* – Messages sent by a user and received by another through an electronic service system utilizing the public Internet.
 - (c) *Source Document* – The document created and maintained by the filer which is then electronically transmitted to the Court.
 - (d) *Original Document* – means the transmitted copy of the source document received by the Court that becomes part of the court record.
 - (e) *Date and Time of Filing* – means the date and time the Probate Court has received the entire transmission of the filing. (See Filing Acceptance below.) The date and time of receipt will be indicated on the sender's computer screen after the document has been uploaded to the Court.
 - (f) *Electronic Signature* – An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a party with the intent to sign the electronic record. Or signatures by an attorney or party indicated by the typewritten name of that person preceded by “s/”.
 - (g) *Vexatious Litigators* – Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.
 - (h) *Personal Identifiers* – Shall have the same meaning as provided in Sup. R.44(H).
 - (i) *PDF* – Portable Document Format (PDF).
2. *Application of Rules and Orders.* This Local Rule has been instituted solely for the convenience of those filing documents with the Court. The Court Does not assume any new or additional obligations or liabilities by virtue of this Local Rule except as expressly provided in this Rule. The user assumes all responsibilities, obligations and liabilities for using this method of filing. This Local Rule does not override, alter, amend, revoke or otherwise change any Local Rule, Civil Rule or other applicable rules respecting the requirements of any filings.
3. *Vexatious Litigators.* Individuals who have been declared vexatious litigators, as defined above, will not be permitted to file documents electronically. The e-

filing System will not provide an individual who has been declared a vexatious litigator with a user id and password to access the system. A vexatious litigator may only file in paper format, provided he/she has first obtained permission from the Judge to file in that case. The Court will accept the filings from the vexatious litigators in paper format, as needed.

4. *Filings Not Accepted* – The following documents may NOT be filed electronically through the internet:
 - (a) Any filing commencing a proceeding for which the Court must collect an initial case deposit against costs or a specific fee and/or for which the Court is required to effectuate service of summons (Nevertheless, this prohibition may be removed by the Court in the future).; or
 - (b) Estate tax returns; or
 - (c) Pleadings, motions, applications or other filings in an adoption case; or
 - (d) Applications for Certificates of Transfer.
 - (e) Filings admitting wills to probate where the original will must be filed with the Court.
 - (f) Fiduciary accounts where bank statements, vouchers or other back up is required to be presented to the Court's accounts department.

5. *Filings Accepted.* All other pleadings or other filings not included in paragraph 4 above may be electronically filed through the Internet subject to the following provisions:
 - (a) Any document filed electronically that requires a filing fee may be rejected by the Probate Court unless the filer has complied with this rule concerning the payment of filing fees.
 - (b) Any document and/or court action that requires payment of a Filing Fee will be made by using a valid credit card through the Court's E-Filing System.
 - (c) Any entry that must be signed by the judge is obligated to settle final court costs will be provisionally accepted for electronic filing. Upon payment of the final court costs, said entry will be forwarded to the judge for review and signature.
 - (d) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
 - (e) All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document. The notary seal shall be visible.

Note: Despite the foregoing, the Court will NOT accept certain filings through the Court's e-filing system. Users must consult the e-filing section of the Court's website to ascertain which case types and filings are permitted to be e-filed at that particular time.

6. *Account Assignment.* The user shall be required to fill out the on-line Registration, with a valid email address, and electronically accept the User Agreement, and deposit the required funds. Upon receipt of the required information, the Probate Court shall set up an electronic filer user account and assign a user-id and initial password to be used for electronically filing documents. The user shall be notified of the new account information via email.
7. *Hours of Operation.* Electronic filings may be submitted at any time. The electronically filed document will be considered filed as of the date and time that the Court receives the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement. Time at the Court (Eastern Standard or Daylight) governs, rather than the time zone from which the filing is made.
8. *Document Format.* Documents submitted must conform to the following:
 - (a) All electronically filed documents, pleadings and papers shall be filed with the Court in Portable Document Format (PDF).
 - (b) Submissions shall be limited to twenty megabytes (20MB) in size per document. Larger sized documents shall be broken down into separate PDF files.
9. *Personal and Private Information in Electronically Filed Court Documents.*
 - (a) Document Content. All documents e-filed with the Court shall omit personal identifiers as defined in Sup. R. 44(H). The responsibility for redacting personal identifiers rests solely upon the user. The Court will not review each document for compliance with this rule. When the personal information is omitted from a case filing it shall only be submitted or filed separately on a form provided by the Court, upon order of the Court.
 - (b) Sealed Cases and/or Sealed Documents. In accordance with Rule 45 of the Rules of Superintendence for the Courts of Ohio and Local Rule 75.1(F), a document may be filed under seal or a filing may be made on a sealed case. E-filings on sealed cases must be clearly marked on the document below the title indicating that the case is sealed. A document to be sealed may be e-filed if there is a court Order on the case docket that allows the document to be sealed. The Order and its date must be noted on the e-filing under the document title (e.g., "Document filed under seal pursuant to Court Order of mm/dd/yyyy").
10. *Fees.* Normal filing fees, case deposits, final court costs and any convenience fees will be collected via a valid user credit card at the time the filing is processed by the Court. Any document filed electronically that requires a fee may be rejected by the Court unless the filer complied with the mechanism established by the Court for the payment or waiver of filing fees.

11. *Filing Acceptance by Court.* Every new filing will receive a confirmation number at its inception. Upon successful transmission, a confirmation page will be displayed with the corresponding confirmation number and all pertinent filing information. Upon successful processing of the filing by the Court, an electronic mail message containing but not limited to the confirmation number 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 reason.
12. *Electronic Filed Stamp.* Upon successful completion of acceptance processing by the Court, a document filed electronically will be electronically filed stamped. This stamp will include the date and time that the Court received the entire transmission as well as the confirmation number of the filing. Once the document is electronically file stamped and entered on the docket, it is considered a permanent part of the case record. A document electronically filed that is not successfully processed by the Court will not receive an electronically filed stamp, but the filer will receive a rejection e-mail. (See Filing Acceptance above.)
13. *Service of E-filed Documents.* Service is not automatically perfected by using the e-filing system. The user must make service on all parties as provided in the Civil Rules of Procedure and/or Local Rules of the Court.
 - (a) Civil complaints and summonses will be served by the Court in accordance with Civil R. 4 through 4.6(b).
 - (b) The filer must serve all other e-filed documents in the manner provided in applicable civil or local rules. Each e-filed document transmitted to the Court that is required to be served must be accompanied by a completed certificate of service which shall state the date and manner of service and be signed as provided in this rule.
14. *Disposition and Maintenance of Source Documents.* A document electronically filed shall be accepted as the original filing, consistent with Ohio Revised Code, Civ. R. 5(E) and the Local Rules of this Court, if the person filing electronically complies with all of the requirements set forth in this Local Rule. 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.
15. *Public Method of Access to Electronically Filed Public Documents.* Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public documents will be available via the Internet web site of the Probate Court

as soon as the Court has processed the document. If Internet web site access is unavailable, the document will be available at Court, either by computer terminal or in paper form upon request. However, if a document or case record is sealed, deemed confidential, expunged, or otherwise exempt under law from public access, it is unavailable for public disclosure.

16. *User or Technical Errors.* The Court is not responsible for any filing that is made untimely as the result of a technical failure of the Court's system, or of the user's computer hardware or software, or internet service provider (ISP).

RULE 8.1 Court Appointments

Persons appointed by the Court to serve as fiduciaries and attorneys shall be selected from lists maintained by the Court.

Appointments will be made from such lists taking into consideration the qualifications, skills, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.

Court appointees will be paid a reasonable fee with consideration given to the factors contained in Prof. Cond. Rule 1.5, the Ohio Revised Code, and the Local Rules of Court relating to fees and the then existing rates applicable for each case type.

The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

This rule shall not apply to appointments made for guardian ad litem, guardians, conservators, mediators, investigators, special master commissioners, psychologists, physicians, arbitrators, interpreters, or other experts in a case following independent formal or informal recommendations to the court or judicial officer by the litigants.