

**Memorandum to:**  
**Hancock County Bar Association**

**From: Hancock County Court of Common Pleas**

**RE: Comments on New and Proposed Local Rules**

**Date: February 15, 2018**

Members of the Bar,

Please see below the language for a change to Local Rule 1.15, new Local Rule 1.38, and the adopted language for Local Criminal Rule 3.18 and Local Civil Rule 1.37 (the “E-filing Rule”) adopted concurrently in both sections.

Local Rule 1.15 now clarifies that all motions “shall” be accompanied by a proposed order, rather than the permissive language in the last rule. It further permits the Clerk of Courts to reject any motion which is not accompanied by a proposed order.

Local Rule 1.38 establishes a procedure for individuals to become “standing process servers” with the Court. Once an individual is so designated, he or she may be appointed by the filing of the time-stamped entry which approved him or her. This filing will then satisfy the requirements of Civ.R. 4.1.

The E-filing rule has already been adopted. It was adopted after approval by the Ohio Supreme Court, as required by the Rules of Superintendence, and before receiving comments to allow this Court to begin testing of the E-filing system.

Please submit your comments to Staff Attorney Carl C. Hayslett by email to [cchayslett@co.hancock.oh.us](mailto:cchayslett@co.hancock.oh.us) by April 1, 2018.

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Jonathan P. Starn, Judge

## **RULE 1.15 MOTIONS AND BRIEFS TO THE COURT**

- A. Any motion not expressly governed by Rules 65 or 75 of the Ohio Rules of Civil Procedure shall have attached or included a memorandum prepared by counsel that supports the granting of the motion. The memorandum shall contain the applicable citation to authorities supporting the position of the party. Except in cases of default under Civil Rule 55, a nonmoving party shall have a period of fourteen (14) days from the filing of a motion in which to file a responsive memorandum with citation to applicable authorities. Any reply memorandum shall be filed within seven (7) days after the filing of any responsive memorandum. A file-stamped courtesy copy of any motion and memorandum, and any replies or responses, shall be delivered to the assigned judge or magistrate in the case.
- B. All motions shall be accompanied by a proposed Order. All motions filed with proposed Orders shall be submitted to the Clerk of Courts. Upon filing of the motion, the proposed Order will be delivered by the Clerk to the Court for its consideration. The Clerk may reject the filing of any motion that is not accompanied by a proposed Order. The moving party must provide a sufficient number of stamped and addressed envelopes with the proposed Order to insure that, if approved by the Court, the Order will be served upon all other counsel or parties.
- C. All briefs, whether in cases tried to the court or pursuant to pretrial or other order, shall be filed with the Clerk of Courts and served in accordance with the Civil Rules. In addition, a file-stamped copy shall be delivered to the assigned judge or magistrate of the case.
- D. If motions or briefs are submitted pursuant to a pretrial or other order setting a time for filing, extensions of time shall be granted only for good cause shown upon written motion filed prior to the time set for filing.

## **RULE 1.38 PROCESS SERVERS**

### **A. Onetime Appointment**

If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, the party or counsel must submit a motion and a proposed entry appointing a special process server. The following must be stated in the motion and entry:

1. The name of the person to be appointed as process server;
2. That the person to be appointed as process server is eighteen (18) years of age or older; and,
3. That the person to be appointed as process server is not a party to the action.

### **B. Standing Special Process Server**

A person may apply to be designated as a “Standing Special Process Server” for cases filed in the Court by filing an application supported by affidavit setting forth the following information:

1. The name, address, and telephone number of the applicant;

2. That the applicant is eighteen (18) years of age or older;
3. That the applicant agrees not to attempt service of process in any case in which the applicant is a party;
4. That the applicant does not have a felony criminal record; and
5. That the applicant agrees to follow the requirements of Civil Rules 4 through 6, and any applicable Local Rules and special instructions for service of process as ordered by the Court in individual cases.

**C. Standing Special Process Server Entry**

1. The applicant requesting designation as a standing special process server shall also submit a proposed entry captioned “In re The Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant has complied with the provisions of Local Rule 1.38; (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in the Court, to serve until further order of the Court.”
2. The Clerk shall record such appointment on the Court’s general docket, and shall retain the original applications and entries.

**D. Request for Use of Standing Special Process Server**

1. In any case after an applicant is appointed as a Standing Special Process Server, the Clerk of Courts shall accept a copy of the timestamped appointing entry as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.
2. By utilizing the procedure outlined above, the party or counsel requesting such use represents to the Court that due diligence has been performed to ensure that the Standing Special Process Server is not a party to the litigation.

## **HANCOCK COUNTY COMMON PLEAS COURT E-FILING RULE**

### **1.37 ELECTRONIC FILING OF COURT DOCUMENTS**

(A) **DEFINITIONS.** The following terms used in these rules are defined in this section.

(1) **CLERK REVIEW.** A review of electronically filed documents by the clerk of courts in accordance with court rules, policies, procedures, and practice. Court clerks may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.

(2) **CASE MANAGEMENT SYSTEM (CMS).** A court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

(3) **COURT ELECTRONIC RECORD.** This is any document that a court will (a) receive in

electronic form, (b) record in its case management system, and (c) store in its document management system. This may include documents received in paper form and scanned into the court's DMS (see below). This will include notices and orders created by the court as well as pleadings, other documents, and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

(4) **COURT INITIATED FILINGS.** These are official court documents entered into the docket or register of actions, such as notices or orders. The term "court initiated filings" is a simplification to indicate that documents will be internally created and submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.

(5) **DESIGNATED EFILE CASE TYPES.** Until such time as the court designates all filings on all cases as mandatory eFile case types, the court will designate certain cases or types of filings as mandatory, discretionary, or prohibited.

(a) **Mandatory eFile Case Types.** These are case types and filings that shall be submitted via the eFiling system.

(b) **Discretionary eFile Case Types.** These are case types and/or filings that may be submitted via the eFiling system.

(c) **Prohibited eFile Case Types.** These are case types and filings

that may not be filed electronically and shall be presented in paper form via traditional means via U.S. Mail or at the clerk's counter.

(6) **DOCUMENT.** A filing made with the court or by the court in either electronic format or scanned from paper, thus becoming part of the court's official record.

(7) **DOCUMENT MANAGEMENT SYSTEM (DMS).** A DMS manages the receipt, indexing, storage, and retrieval of the electronic (and scanned non-electronic) documents associated with a case.

(8) **EFFECTIVE DATE AND TIME OF FILING OF A DOCUMENT.** The date and time the electronic filing was received and uploaded to the clerk of court as noted by the time stamp on the submitted document.

(9) **ELECTRONIC FILING (EFILE / EFILING).** The electronic transmission, acceptance, and processing of a filing, referring collectively to the act of submitting documents electronically as well as the procedures and computer systems required to support said filing. A submission consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.

(10) **ELECTRONIC FILING SYSTEM.** This is the system composed of software, hardware, transport, handling, storage mechanisms, procedures, and rules to allow for the submission of eFile documents.

(11) **ELECTRONIC SERVICE (ESERVICE).** The electronic transmission of an original document to all other registered case participants via the electronic filing system or by other electronic means, such as email.

Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

(12) **ORIGINAL DOCUMENT.** The electronic document received by the court from the filer.

(13) **REJECTED FILING.** A document that does not comply with the applicable court rules, policies and procedures and does not meet the requirements of clerk review.

#### **(B) ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS**

(1) All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents submitted in designated eFile case types shall be filed electronically through the court's electronic filing system. The clerk shall not accept or file any document in paper form in mandatory eFile case types from litigants represented by counsel.

(2) In conformity with the Revised Code, Civil Rule 5(E), Criminal Rule 12(B) and the Rules of Superintendence for the Courts of Ohio, complaints, pleadings and other documents may be filed with the clerk of court electronically via the Internet, subject to the provisions in this rule.

(3) **APPLICATION OF RULES AND ORDERS.** Unless otherwise modified by approved stipulation or court order, all rules of civil, criminal, and appellate procedure, local rules, and orders of the court shall continue to apply to all documents electronically filed.

(4) **COURTESY COPIES.** Paper courtesy copies of documents filed electronically shall not be delivered to the court, unless specifically requested by the Court or required by applicable rules.

#### **(C) ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS**

(1) For all designated eFile case types, the court shall issue, file, and serve pursuant to Civ.R. 4 all pleadings, notices, orders, and other documents using traditional certified mail service, subject to the provisions of this rule.

(2) For all designated eFile case types, the filer shall file and serve Civ.R. 5 notices, orders,

and other documents using courier, mail, or electronic means. Proof of service must be filed with the clerk.

(D) DESIGNATION OF ELECTRONIC FILING CASES

(1) Upon the designation of any particular case type as an eFile case or filing, the parties to that case who are represented by counsel shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of their pleadings, notices, orders, and other documents filed in the case electronically. By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the court's electronic filing system.

(2) For eFile case types designated as mandatory, the court shall not accept or file any pleadings or instrument in paper form. Parties represented by counsel shall eFile a document by registering to use the court's electronic filing system.

(E) CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER. The court's electronic filing system shall assign the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. 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 satisfaction of the court, by clear and convincing evidence, to the contrary.

(F) PRO SE LITIGANTS. All filings by parties appearing *pro se* shall be filed and served in paper form, unless the party petitions the court, and the court allows the party, to file and serve electronically, in which case the party may do so through the court's electronic filing system. The clerk of courts shall scan the paper document and, as required by applicable rules, may return the paper copy to the *pro se* litigant, retain the original paper copy, or take other actions the clerk deems appropriate.

(G) OFFICIAL COURT RECORD

(1) For case types designated for electronic filing, parties shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, notices, orders, or

other documents electronically through the court's electronic filing system.

(2) For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the official court record.

(3) Electronically filed papers have the same force and effect as those filed by traditional means.

#### (H) FORM OF DOCUMENTS ELECTRONICALLY FILED

(1) **FORMAT OF ELECTRONICALLY FILED DOCUMENTS.** All electronically filed pleadings 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 from time to time. A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. A filed document shall not contain links to other documents or references in the court's case management system, unless they are incorporated into the filed document. External links are prohibited.

(2) **LOCATION OF DATE AND TIME STAMP.** Filers must leave a marginal location at the top right of each page for date and time stamps. This blank space must be no less than 2-1/2 inches wide and 3/4 inch high.

(3) **PORTABLE DOCUMENT FORMAT.** 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 must be submitted in Word [.doc or .docx] and reference the specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or judicial hearing officer.

(4) **SIZE OF FILING.** Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. The formatting requirements and limitations set forth in section 1.03 of these rules apply to electronically filed documents.

(5) **RESOLUTION OF FILING.** Documents shall be submitted in a resolution not less than 300 dots per inch (DPI).

#### (6) SIGNATURES

(a) **ATTORNEY/FILING PARTY SIGNATURE.** Documents filed electronically with the clerk that require an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney conformed signature is as follows:

/s/ Attorney Name  
Attorney's Name  
Bar Number OOXXXXX  
Attorney for (party)  
Law Firm Address  
Telephone number  
Email address  
Fax number (if any)

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

(b) **MULTIPLE SIGNATURES.** When a stipulation or other document requires two or more signatures:

(i) The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

(ii) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

(c) **THIRD-PARTY SIGNATURES.** Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a scanned image.

(d) **JUDGE/JUDICIAL OFFICER SIGNATURE.** Electronic documents may be signed by a judge or judicial officer via a digitized image of his or her signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge or judicial hearing officer had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

(I) **REMOVAL OF METADATA AND PERSONAL AND PRIVATE INFORMATION**

(1) Metadata includes information about the document and its contents, such as the author's name, keywords, and copyright information, used by search utilities. Metadata is invisible information retained as a document is being drafted, edited, and refined, including changes made, when, and by whom.



(2) The clerk of courts has no obligation and shall not be responsible for removing metadata or any personal and private or confidential information contained in a document that is electronically filed.

(3) The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of document metadata is the responsibility of the filer. Any document metadata remaining may become part of the public record." The failure to post this warning on the court's e-filing portal does not change or alter the responsibility of the filer and does not impose any obligation on the clerk of courts or the court.

(4) Any person, by utilizing the court's e-filing system, consents to defend, indemnify and hold harmless the Hancock County Court of Common Pleas, the Clerk of Courts, the Hancock County Board of Commissioners, and all of their judges, deputy clerks, agents, and employees, from any and all damages that may result from the theft or misuse of personal and private or confidential information, whether visible or hidden in or contained within the metadata of a document presented for electronic filing.

(5) Judges and judicial staff should remove metadata from any orders, judgment entries, or other filings where the judge deems it advisable to remove all prior versions of or any other information about that document.

(6) The following information on removing metadata is available from Adobe.com. The court does not make any representations regarding the content of any of the following information and is not responsible for maintaining any of the following information. The following information is set forth for informational purposes only:

Sanitization-Remove hidden data from PDF files with Adobe® Acrobat® XI.

With a single click, find and delete all hidden data in a PDF file, including text, metadata, annotations, form fields, attachments, and bookmarks.

(a) At the top right in Acrobat, click the Tools pane. Open the Protection panel.

(b) The sanitation tools are listed under the heading Hidden Information. To permanently remove items such as metadata, comments, and file attachments, select Sanitize Document. Click OK. To have more control over what is removed, select Remove Hidden Information.

(c) Type a name for your file, and click Save.

To learn more about removing confidential data from PDF files, see Redaction-Remove visible data from PDF files with Acrobat XI. Filers may refer to the many on-line resources, such as:

[www.prepressure.com/pdf/basics/metadata](http://www.prepressure.com/pdf/basics/metadata) [www.youtube.com/watch?v=3xPnLhdyuZQ](http://www.youtube.com/watch?v=3xPnLhdyuZQ)

<https://support.office.com/en-us/article/Remove-hidden-data-and-personal-information-by-inspecting-documents-356b7b5d-77af-44fe-a07f-9aa4d085966f>

(J) TIME FOR FILING AND EFFECT OF USE OF EFILE

(1) Any document filed electronically shall be considered as filed with the court when the transmission of the court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date within which any document must be filed to a date on which the clerk of courts is not open (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed up until 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect on that date. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time shall be deemed to have been filed on the next day. The court's electronic filing system is hereby appointed as the agent of the Hancock County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.

(2) Upon receipt of a filing, the court's electronic filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing.

(3) A filer will receive subsequent notification from the clerk of courts that the filing has been ACCEPTED, placed in a PENDING status, or REJECTED by the clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the filing is ACCEPTED by the clerk, this stamp will include the date and time that the filer transmitted the document to the court's electronic filing system as well as the unique confirmation number of the filing.

(4) The clerk of courts shall review all filings to determine compliance with applicable court rules, policies, procedures and practices. The clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.

(5) If a filing is found to have any missing element or to not otherwise comply with court rules, policies, procedures and practices, the clerk of courts may place the document in a PENDING status and transmit a notice to the filer. The filer will have two business days to complete the filing. If the filing is completed within two business days, it may be ACCEPTED by the clerk, and the filing will be deemed effective and completed on the date on which it originally was electronically filed. If the filing is not completed within two business days, it will be moved from PENDING status to REJECTED status.

(6) In the event that the submitted document is REJECTED by the clerk following review, the document is not filed and shall not become part of the official court record, and the filer will be required to re-submit and file the document to meet any filing requirements or deadlines.

(7) All documents submitted for e-filing shall not be considered a public record until ACCEPTED by the clerk following review.

(K) SYSTEM FILING ERRORS

(1) If the electronic filing is not filed with the court because of an error in the receipt of the document by the court's electronic filing system due to circumstances under the court's or clerk of court's control, the court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was sent electronically.

(2) In the event of a technical failure which renders the clerk of court's eFiling interface non-functional for more than one hour, the clerk may provide notice on its website indicating the anticipated resolution time and what steps filers should take in the interim. At the discretion of the clerk or by order of a judge of the court, these steps may include a period of time where paper filing is required or permitted.

(L) ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS. Whenever a document is filed electronically through the court's electronic filing system, the system will generate a notification of electronic filing to the filing party or its designated counsel.

(1) COMPLAINT AND RELATED DOCUMENTS. Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also electronically file instructions for service. The clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

(2) SERVICE OF DOCUMENTS AFTER THE COMPLAINT

(a) ESERVICE. The electronic service of a subsequent pleading, filing or other documents in eFile cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. *Pro se* parties or attorneys who have not registered with the court's electronic filing system shall be served a paper copy by the filing party, not the court or clerk, in accordance with the applicable rules of civil procedure.

(b) CERTIFICATE OF SERVICE. A certificate of service on all parties entitled to service is

still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served).

(c) SERVICE OF PROPOSED ENTRIES AND ORDERS. It shall be the responsibility of the filing party, not the court or clerk, to serve all proposed entries and orders submitted to the court for signature on all parties. Proposed orders should include a certificate of service as set forth in section (L)(2)(b) of this rule.

(3) SERVICE ON PARTIES-TIME TO RESPOND OR ACT. eService shall be deemed complete at the time a document has been received by the court's electronic filing system as reflected by the effective date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of time to respond to the served document or perform any right, duty, or act shall be strictly governed by the applicable rules of the court.

(4) FAILURE OF ELECTRONIC SERVICE. If the e-filing system fails to generate the Notice of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

#### (M) CONVENTIONAL FILING OF DOCUMENTS

(1) Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the court:

(a) CONFIDENTIAL INFORMATION. Personal data identifiers should be filed under separate cover in accordance with section 2.05 of these rules.

(b) DOCUMENTS FILED UNDER SEAL. A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed with the clerk of courts in paper form.

(c) DOCUMENTS TO BE PRESENTED TO A COURT IN CAMERA. Documents to be presented to a court *in camera*, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed with the clerk of courts in paper form.

(d) EXHIBITS. Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.

(N) **COLLECTION OF FILING DEPOSIT AND FEES**

(1) The clerk of courts shall assess normal filing fees, and case deposits will be collected via a financial transaction device (electronic means) at the time the filing is processed. Any fees or charges associated with the payment of fees or costs via financial transaction device (electronic means) shall be the responsibility of the filer and shall be paid at the time the filing is processed.

(2) Any document requiring payment of a filing security deposit or a fee to the clerk of courts in order to achieve valid filing status shall be filed and paid electronically in the same manner as any other eFile document.

(3) The electronic filing system will establish a means to accept payment of deposits and fees electronically, including the process for filing an affidavit of indigence.

(4) The clerk shall charge for the printing of pleadings, notices, orders, and other copies for service at the page rates as posted in the clerk of courts fee schedule current as of the effective date and time of filing.

(O) **PUBLIC ACCESS TERMINAL.** The public can view electronically filed documents in the clerk's office. Users shall be charged for printed copies of documents at the page rates as posted in the clerk of courts fee schedule.

**1.37 ELECTRONIC RECORD IS OFFICIAL COURT RECORD**

(A) **DEFINITIONS.** See Local Rule 1.36 for definitions of terms used in this section.

(B) **OFFICIAL COURT RECORD**

(1) As of February 1, 2017 the electronic record of the court's case files, stored in the court and clerk's Case Management System and Document Management System will constitute the Official Court Record of the court.-

(2) An electronic record is any document that a court will:

(a) receive in electronic form,

(b) record in its case management system, or

(c) store in its document management system.

(3) The Electronic Record may include documents that have been electronically filed as well

as documents filed in paper format that have been scanned and uploaded to the electronic filing system.

(4) The Electronic Record will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

(5) Although there may be a physical case file associated with a case, the electronic case record will serve as the Official Court Record.

(6) For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the Official Court Record.

(7) Electronically stored documents have the same force and effect as those traditionally stored in tangible form.

(8) Any records that exist in only paper form will constitute the Official Court Record.

#### (C) RECORD LONGEVITY

(1) The court and court clerk will establish an Electronic Records Management methodology, including the storage of Metadata, a "Continuum of Care" of the records for preservation over time, and redundant storage mechanisms to ensure the near term preservation of the court record in the event of a localized natural or man-made disaster.

(2) With the introduction of this robust and fault tolerant storage methodology, the need for microfilming of court records has been eliminated.

(3) The retention schedule for each case type shall be considered permanent unless otherwise noted in these rules or in the Rules of Superintendence.