

KNOX COUNTY COURT OF COMMON PLEAS, MOUNT VERNON, OHIO 43050

IN THE KNOX COUNTY COMMON PLEAS COURT
GENERAL AND DOMESTIC RELATIONS DIVISION

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KNOX COUNTY
COURT OF COMMON PLEAS
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RICHARD D. WETZEL, JUDGE

CHRISTY HILLIGAN STATION
CLERK OF COURTS

IN RE: ELECTRONIC FILING
ADMINISTRATIVE ORDER-I
EFFECTIVE MAY 11, 2020

JOURNAL ENTRY ADOPTING ELECTRONIC FILING PROCEDURES

This Administrative Order sets forth the terms, definitions, and procedures for the implementation of the electronic filing ("e-filing") system for Knox County Common Pleas Court. This Administrative Order is adopted consistent with the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Rules of Superintendence of the Supreme Court of Ohio, and in accordance with the Local Rules of this Court. This Administrative Order shall be amended from time to time as necessary during the implementation and operation of the e-filing system.

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. Upon the designation of any particular case type as an eFile case or filing, the parties (unless exempted as provided herein) or their counsel shall promptly take steps to file, serve, receive, review, and retrieve copies of their pleadings, notices, orders, and other documents filed in the case electronically. Parties or counsel filing electronically or receiving electronic service of any documents filed must become participants in the court's electronic filing system.

Exemption for Indigent and Self-Represented Parties. All filings by indigent and self-represented parties (*pro se*) are exempt from electronic filing requirements, and their filings 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. For exempt parties, the clerk of courts shall scan the paper document if the case is an eFile case 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 to complete the court record and to provide electronic notice to all other registered party participants in the court's electronic filing system.

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

(a) **Mandatory eFile Case Types.** These are case types and filings that shall be submitted via the eFiling system. Until further Order of this Court, the following cases shall be Mandatory eFile Case Types:

(i) all **criminal cases** in which the Knox County Public Defender appears as counsel for the Defendant, subject to the exceptions in paragraph (c)(i) below; provided, however, that filings made by self-represented (*pro se*) incarcerated individuals shall be accepted in paper format.

(ii) all **foreclosure** cases filed after the Effective Date of this Administrative

Order. For *pro se* parties in foreclosure cases, they shall be exempted from mandatory electronic filing. Thereafter, the Clerk shall scan documents presented for filing by the exempted *pro se* litigant to include those documents into the electronic filing system in accordance with this Administrative Order. Motions to withdraw properties from Sheriff's Sale filed by registered e-file participants must be filed no later than 5 days prior to the date of the Sheriff's Sale, and the filing party must contact the Clerk's office to confirm that an order has been entered withdrawing the property from sale. *Pro se* parties are exempt from this 5 day requirement.

(b) **Discretionary eFile Case Types.** These are case types and/or filings that may be submitted via the eFiling system. These are case types which are not Mandatory eFile Case Types, and include domestic relations matters and civil cases (except as prohibited in paragraph (c)(ii) and (c)(iii) below). In all civil and domestic relations e-file cases, paper courtesy copies of documents filed electronically shall be delivered to the Court, unless otherwise specifically ordered by the Court or otherwise required by applicable rules.

(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. These include all subpoenas in all cases, indigent filings, entries of dismissal of claims or cases, entries setting or continuances of a hearing or trial date (these will be signed manually by the Judge and filed in paper format by the court staff); any filings made by a person who has been deemed by a court to be a vexatious litigator; and the following filings, which must be filed in the original or verified facsimile in the conventional method:

(i) **In criminal cases:** Subpoenas; Competency Evaluation Motions and Orders; Entries of dismissal; Entries setting or Continuances of a hearing or trial date; Extraditions and waivers of rights; Rule 4 proceedings; Requests for Governor's Warrant; Governor's Warrants; criminal miscellaneous cases designated "ZZ" (including but not limited to subpoenas, oaths, Grand Jury voting records and documents other than the Indictment, release records, search warrants and records, disposal of unclaimed property, writs of habeas corpus; Motions for approval of Payment of Appointed Counsel Fees and Expenses; Clerk's/Auditor's Transcript Fee for Indigent Defendant; Bond Surrender Forms; unless otherwise designated as e-file cases, Nolle Prosequi, Expungements, Diversion and ILC filings; Drug Court (ARMOR Court) and other Specialized Docket documents and filings; Explanation of Duties to Register as a Sex Offender or Child Victim Offender; Notice of Duties to Register as an Arson Offender; Notice of Duties to Enroll as a Violent Offender; Entry Granting Limited Driving Privileges (these shall be manually signed by the Judge and filed in paper format by the court staff); Judge Recusals; Entry waiving Right to Counsel (these must be manually signed by the Defendant and the original filed); Waiver of Speedy Trial Rights (these must be manually signed by the Defendant and the original filed); Waiver of Jury Trial and Entry (these must be manually

signed by the Defendant and the original filed); Notice of Appeal (these must be filed in accordance with the Rules of the Court of Appeals or the Supreme Court of Ohio); Documents filed under Seal; Documents for *in camera* review; Exhibits which are tangible and cannot be stored in an electronic format (such exhibits shall be identified by a Notice cover page using the caption of the case, the case number, the judge, the identity of the filing party, and a description of the exhibit or tangible thing); NCIC Form 95; Court Ordered Restrictions against a filer (preventing the individual from being able to access a computer or the internet, e.g., registered sex offenders), and persons found by a court to be vexatious litigators.

(ii) **In Domestic Relations cases:** Subpoenas, Entries of dismissal; Entries setting or Continuances of a hearing or trial date; any filings made by a person who has been deemed by a court to be a vexatious litigator; documents filed by a *pro se* litigant unless the *pro se* litigant requests an e-filing registration. If a *pro se* litigant chooses to file paper documents, the Clerk shall scan those documents into the electronic filing system if the case is an eFile case. ; all filings related to Civil Protection Orders; documents filed under seal; documents presented for in camera review by the Court; Notices of appeal; any filings from a Juvenile Court case;

(iii) **In Civil cases:** Subpoenas, Entries of dismissal; Entries setting or Continuances of a hearing or trial date; any filings made by a person who has been deemed by a court to be a vexatious litigator; documents filed by a *pro se* litigant unless the *pro se* litigant requests an e-filing registration. If a *pro se* litigant chooses to file paper documents, the Clerk shall scan those documents into the electronic filing system if the case is an eFile case. Forcible entry and detainer cases requesting restitution of property shall be commenced in paper format, and service shall be obtained on all parties prior to entering the case in the eFile system; Cognovit actions shall be commenced in paper format, and the original cognovit notes must be reviewed prior to the Court signing the proposed cognovit judgment entries. After the Court signs the cognovit judgment entry, the case may be entered into the e-Filing system; Injunctive relief requests shall be commenced in paper format, and service must be had or attempted on all parties in accordance with the applicable civil rules, prior to setting of any hearing or the granting of any emergency relief by the Court. Thereafter, the case may proceed as an eFile case unless otherwise ordered by the Court; Motions to Intervene filed by a non-party in an eFile case shall be filed only after the filing party requests to be added in the e-Filing system as a non-party to the case. Non-party filers who receive an Order to respond or act in an eFile case (for example, in garnishment or attachment cases) may respond in paper format to the Clerk, and the Clerk shall scan the paper document into the eFile system in the case.

(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 accepted and approved by the clerk of court as noted by the time stamp on the submitted document.

(9) ELECTRONIC FILING (E-FILING). 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 Administrative Order.

(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 apply to all documents electronically filed and to be served in accordance with those applicable rules.

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

(1) **Civil and Domestic Relations Cases.** (a) For all designated eFile civil and domestic relations case types, the clerk of court shall issue, file, and serve with the summons pursuant to Civ.R. 4 all pleadings, notices, orders, and other documents using traditional certified or ordinary mail service, subject to the applicable civil rules or provisions of this Administrative Order.

(b) For all designated eFile civil and domestic relations case types, the filer shall file and serve pursuant to Civ.R. 5 all pleadings and other papers subsequent to the original complaint. Proof of service must be filed with the clerk.

(2) **Criminal Cases.** For all designated eFile criminal case types, electronic service shall be completed in accordance with the applicable rules of criminal procedure.

(D) 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.

(E) 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.

(F) 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. Only black and white documents shall be accepted. No color documents shall be accepted. All pleadings shall be double-spaced, in 12pt Georgia, Times New Roman or Arial font. No single spaced pleadings shall be accepted for filing. 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 must be removed from all documents prior to filing.
- (2) **LOCATION OF DATE AND TIME STAMP.** Filers must leave a blank margin space no less than 1.25 inches high at the top right corner of the front page of each document for date and time stamps.
- (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.

(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 either in original format in blue or black ink on a paper document and scanned to PDF, or with an electronic 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 of the original signed document. The filing party shall keep and maintain the original document until the case is closed and all post-trial and appellate rights have

been exhausted or time-barred. The filing party shall present the original documents at any hearing in the court.

(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.

(G) 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. The filer shall remove or redact all personal or private identifiers and information, as defined by Sup. R. 44, including but not limited to all drivers license numbers, social security numbers, financial account identifiers, and HIPAA protected information, from all documents prior to filing.

(3) The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of Personal and Private or Confidential Identifiers, and document metadata is the responsibility of the filer. Any Personal and Private or Confidential Identifiers, or 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 Knox County Court of Common Pleas, the Clerk of Courts, the Knox 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 may 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 information on removing metadata is available from Adobe.com.

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

(H) 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. The Clerk will only review electronic filings Monday through Friday, 8:00 a.m. to 4:00 p.m., Eastern Time, excluding holidays and other emergency closures. Submissions transmitted after these hours will be reviewed in the ordinary course on the next business day. 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 Time. Any document filed after 11:59 p.m. Eastern 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 Knox County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents. (<http://www.clerkofcourts.co.knox.oh.us/eservices>)

(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 REVIEWING 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.

(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 shall reject the filing and send an electronic notice of deficiency to the filer. (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.

(I) 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.

(J) 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, and all parties and counsel of record with valid registration in the court's electronic filing system.

(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 by the filing party of a pleading, filing or other documents subsequent to the original complaint 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 applicable civil, criminal, or local 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 by the court or clerk), in accordance with the applicable civil rules.

(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 by 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 (K)(2)(b) of this Administrative Order.

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

(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, absent other proof of service by the filing party.

(K) 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 Sup. R. 44 and 45.

(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 PRESENTED TO THE COURT IN CAMERA. Documents to be presented to the court *in camera*, solely for the purpose of obtaining a ruling on the discoverability, admissibility, or other issue regarding such documents shall be filed with the clerk of courts in paper form.

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

(L) 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.

(M) 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.

ELECTRONIC RECORD IS OFFICIAL COURT RECORD

(A) The Electronic Record shall be the official court record in all cases where electronic filing is permitted.

(B) OFFICIAL COURT RECORD

(1) As of May 11, 2020, 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) The retention schedule for each case type shall be considered permanent unless otherwise noted in the Rules of Superintendence.

IT IS SO ORDERED this 18th day of May, 2020



RICHARD D. WETZEL, JUDGE

cc:
Knox County Prosecutor
Knox County Public Defender
Knox County Bar Association