

**APPENDIX “J”
PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE**

ELECTRONIC EVIDENCE

1. Definition

Electronic evidence is defined as any evidence that is stored or transmitted in binary form that is intended to be used as evidence in any court action. This includes, but is not limited to, evidence found on a computer hard drive, cellular telephone or tablet.

All evidence, regardless of form, must comply with all applicable Ohio Rules of Evidence and local rules.

2. Use of Electronic Evidence

Any audio, video or image files that a party intends to enter into evidence must be placed onto a CD, DVD or flash drive and submitted to the Court at least seven (7) days prior to the hearing at which it is to be proffered, to be scanned for computer viruses or other malware.

CD, DVD and/or flash drives submitted for scanning shall not be password protected.

Audio, video and/or image files offered into evidence may not be altered in any way.

It is the responsibility of the party offering evidence to provide or arrange for the provision of any equipment needed to play or show their evidence.

3. Preparation of Electronic Evidence for Use

All e-mails, text messages, blog/forum postings and social media postings must be printed out for proffering to the Court with sufficient copies provided to the Court and all parties at the time of proffer. These items shall contain the entire posting or message chain as well as identification of the sender and recipient. All photos offered into evidence shall be printed out (in color if the original is in color) and provided to the Court and all parties at the time the evidence is proffered.

4. Retention of Electronic Evidence

All admitted evidence shall be retained by the Court and maintained in accordance with all applicable rules regarding record and evidence retention.

5. Use of Artificial Intelligence (AI) Generated Evidence

Any AI-generated evidence or pleadings shall include a statement from the party using and/or filing said evidence or pleadings informing the Court and all parties that the document(s) is AI-generated. If the document includes any citation, legal or otherwise, the filing/using party shall also submit to the Court at the time of filing/use a notarized statement that the accuracy of all citations has been verified

[Effective October 1, 2024]