

**GENERAL DIVISION RULES  
FOR THE  
LUCAS COUNTY COMMON PLEAS COURT**

AS OF 4/22/2020

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### **-TEXT OF RULES--**

The Court of Common Pleas of Lucas County, Ohio, General Division, adopts the following rules effective July 1, 1996, as revised effective December 20, 2017. The court may amend these rules as needed, making proposed amendments available for public comment where appropriate. Counsel are advised to verify the current version with the office of the court administrator, where copies may be obtained for a nominal charge of \$ 2.00 per copy.

The rules shall be known as the General Division Rules for the Lucas County Common Pleas Court of Ohio and may be cited as Gen. R. \_\_\_.

### **RULE 1 -- GENERAL PRACTICE**

#### **1.01 COURT TERMS & SESSIONS**

A. **TERMS** The General Division shall be in continuous session with January, May, and September terms of court. The judges shall fix the date to commence each term and shall assign the administrative work of the General Division among their individual calendars.

B. **SESSIONS** The courthouse shall be open Monday through Friday except on legal holidays or as determined by the administrative judge. Courtroom sessions will be scheduled between 8:30 A.M. to 12 noon and from 1:30 P.M. to 4:30 P.M. unless an assigned judge orders otherwise.

#### **1.02 ADMINISTRATIVE JUDGE**

A. **ELECTION AND RESPONSIBILITIES** Pursuant to Sup. R. 4(B), in a multi-judge division of a court of common pleas, the judges of the court or division shall elect by majority vote an administrative judge. The administrative judge is responsible for and exercises control over the administration, docket, and calendar of the court or division.

B. **TERM** Pursuant to Sup. R. 4(C), which allows for the administrative judge to serve

a term lasting between one and three years, the judges of the General Division hereby set the term of the administrative judge as two years.

C. REMOVED FROM COURT'S DUTIES ROTATION Pursuant to Sup. R. 4.03, the administrative judge shall be removed from the court's weekly duties rotation during his/her term.

### **1.03 OFFICIAL LAW JOURNAL**

A. OFFICIAL JOURNAL The Toledo Legal News is designated the official daily law journal of the Lucas County Court of Common Pleas as authorized by R.C. 2701.09.

B. ATTORNEY NOTIFICATION Publication in the Legal News shall be official notification to attorneys of record who are themselves responsible to be informed of all activities pertaining to their cases. Where mail notification is provided by these rules, or is otherwise given, non-delivery of mail shall not excuse an attorney's failure to appear if notice was also published in the Legal News.

### **1.04 ATTORNEYS**

A. COUNSEL Only attorneys licensed to practice in Ohio shall practice in the General Division. If a judge grants a motion *pro hac vice* to allow a member of another state's bar to appear as counsel on a particular case, local counsel shall also be designated as co-counsel.

B. TRIAL COUNSEL The attorney who has authority to make decisions with respect to all phases of the litigation, the conduct of the trial, and the ultimate disposition of the case, is the trial counsel of a case.

C. LIMITATIONS No attorney, nor an employee of an attorney, shall be involved in the recording, transcription, or editing of a deposition for a case in which the attorney has an interest. No attorney or officer of the court will be received as bail or surety.

D. APPEARANCE OF COUNSEL Trial counsel shall attend all scheduled court hearings. If an attorney has such a number of cases pending in courts of record that his or her inability to appear for scheduled matters results in undue delay in the disposition of the case, the attorney shall, when requested by the administrative judge, provide co-counsel to permit the case to proceed. When the attorney is appointed by the court as counsel for an indigent defendant and, when requested, fails to provide co-counsel, the trial judge shall remove the attorney and appoint another counsel. When the attorney is retained by the defendant and, when requested, fails to provide co-counsel, the administrative judge shall remove the attorney as counsel for defendant.

E. INFORMATION FOR COURT Attorneys practicing before the court and *pro se* litigants representing themselves shall provide the court with their name, address, telephone or fax number, and business email address on all initial filings. Attorneys



practicing before the court and *pro se* litigants representing themselves shall promptly provide in writing any change in name, address, telephone or fax number, or business email address to the Clerk of Courts and the office of the court administrator.

### **1.05 FILING REQUIREMENTS**

A. COURT RECORDS All papers filed with the Clerk of Courts in any action or proceeding shall be filed by case caption and case number. The names of the parties to the action shall be considered the primary basis for filing and shall take precedent over the case number. In the event that the filing is recorded improperly due to any error by the attorney or the *pro se* litigant, the court may order that filing stricken and the clerk may assess a two dollar fee to re-docket the corrected filing. It is the responsibility of the attorney or *pro se* litigant to insure that a correct filing is submitted without delay. All papers filed shall remain in the clerk's office except when required by the court. An abbreviation of the official case number, using the indicators for case type and year, followed by the last four digits of the case number may be used on filings (ex. G-4801-CR-0199705123 may be written as CR97-5123).

B. FILINGS Any papers filed with the Clerk of Courts must be on 8 ½ x 11 (letter size) paper, of suitable material, legibly typewritten or written in ink. Multiple pages must be securely fastened together. Use of covers or jackets is not permitted. A top margin of three inches shall be required on the first page. Along with the original, enough copies shall be filed for the assigned courtroom and each party to be served. The courtroom copy shall be left with the Clerk of Courts for courtroom delivery unless the subject matter of the filing is to be considered by the court within twenty-four hours. In that event, the filing party shall deliver the courtroom copy immediately to the assigned courtroom. The clerk shall not accept any filing without the required courtroom copies.

C. ATTORNEY IDENTIFICATION In accordance with Civil Rule 11, every paper filed with the Clerk of Courts shall contain the attorney's registration number assigned by the Supreme Court of Ohio, the telephone number, fax number and address of the attorney and, if applicable, the law firm of record and the attorney's business email address.

D. CASE DESIGNATION On any complaint, the attorney shall designate the case following categories stated in the Case Designation Sheet. See Gen. R. 5.01(A).

E. JUDGES' NAME ON FILINGS To assist with directing filings to the proper judge, all filings must contain both the first and last name of the assigned judge. This rule is effective as of January 1, 2007.

### **1.06 FAX FILING**

A. AUTHORIZATION The Clerk of Courts shall maintain an independent telephone line and facsimile machine to allow members of the bar to file documents no longer than 10 pages in length with the court by following this rule. The number of the fax machine is 419-213-4291.

B. FAX COPIES Filing of documents subsequent to an original complaint and not requiring a security deposit under Gen. R. 1.06 may be filed by fax copy with the Clerk of Courts. In accordance with Civ. R. 5(E), any signature on the fax filing shall be considered to be authentic. If it is established that any transmission was made without authority, the court shall order the filing stricken. The date and time of receipt of any faxed document shall be the date and time imprinted on the document by the facsimile machine receiving the transmission. Any fax copy received by the Clerk of Courts after 4:30 p.m. on a regular business day or on a weekend or holiday shall be considered filed on the next business day for the clerk. Documents received outside of normal business hours shall be queued and processed in the order of receipt as documented by the date and time imprinted by the receiving fax machine.

C. REQUIREMENTS Any document filed by fax shall conform with the civil and criminal rules and shall be preceded in transmission by a cover page which includes the caption of the case, case number, assigned judge, the name, address, attorney registration number, telephone and fax number of the attorney filing the document, a description of the document being filed, date and time of fax initiation and the number of pages being transmitted, including the cover page. If a document is sent by fax to the Clerk of Courts without the required cover page information, the document will be docketed by the Clerk of Courts but subject to a further order of the court that the filing be stricken from the record.

D. FAX DOCUMENTS AS ORIGINALS The faxed document shall be considered the original. Additional originals of the documents shall not be filed with the Clerk of Courts. The sending party must maintain possession of the source document and make them available for inspection by the court upon request. Exhibits that cannot be transmitted accurately or are lengthy must be replaced by an insert page, describing the exhibit. The original of an exhibit shall be filed within ten (10) days of the fax filing.

E. CHARGES Payment of costs must be arranged for in advance with the Clerk of Courts. The Clerk does not have to receive the fax transmission unless the acceptable method of payment has been paid or arranged to be paid. Attorney checks, cashier's checks, and cash are acceptable methods of payment. All customary fees shall be applied to faxed filings. If courtroom or service copies are needed for processing, the Clerk may charge up to twenty-five cents (25¢) per page for all necessary copies.

## **1.07 COURT COSTS AND FEES**

A. **SECURITY FEES** Security fees shall be charged in accordance with the schedule set forth in **Appendix A**. The clerk shall charge against the amount on deposit for a case the fees set forth in this rule unless otherwise ordered by the court pursuant to R.C. 2323.31. All costs associated with the case may be deducted from the security fee regardless of which party is ordered to pay the costs. At the conclusion of any case, the Clerk of Courts shall determine if all costs have been paid. Unless otherwise set forth in the court's order, the Clerk of Courts shall assess all excess court costs to the plaintiff in the action.

B. **COMPUTER RESEARCH FEES** Additional funds being required to computerize the court and make available computerized legal research services, in accordance with R.C. 2303.201, the Clerk of Courts is authorized and directed to charge against the security fee \$6.00 on the filing of each cause of action or appeal under R.C. 2303.201 (A) All fees collected under this section shall be paid to the county treasury and shall be disbursed only upon court order.

C **MICROFILM/RECORD RETENTION FEES** For the microfilming and retention of court records, the clerk shall charge against the security fee \$10.00 for each case filed. A quarterly accounting shall be made to the administrative judge of receipts and disbursements for microfilming and retention court records.

D. **AUTOMATION FEES** For automation, the clerk shall charge against the security fee \$20.00 for each case filed, plus one dollar for each action specified in ORC 2303.20 sections (B), (C), (D), (F), (H), and (L), which shall be specifically identified as for the General Division, paid to the county treasurer, and disbursed only upon court order.

E. **JURY TRIAL FEES** A party requesting a jury view may be required to deposit \$400 before trial for the expected additional expenses. Costs may also be assessed for reasonable jury expenses during deliberations. Nothing in these rules prevents the parties from arranging in their own settlement agreement for payment of trial costs.

F. **FORECLOSURE FEE** The court finds that for the efficient operation of the Foreclosure Processing Departments (Clerk of Courts, Sheriff's Office/Civil Branch, Foreclosure Magistrate) additional funds are necessary to pay for special projects relating to the expedited and efficient operation of its foreclosure case processing by the Clerk of Courts, Sheriff's Office/Civil Branch and the Court's Foreclosure Magistrate operation for equipment, personnel and other authorized expenditures. \$200.00 of the Civil Foreclosure filing fee shall be collected and placed in an account separately identified from court costs and the general fund by the Clerk of Courts and shall be paid out only upon the order of the court. The Clerk of Courts shall submit a quarterly report to the Court containing information on the total amount collected, the number of foreclosure cases filed, and the authorized expenditures from the fund.

G.**CIVIL MEDIATION FEE** The court finds that for the efficient operation of the Civil Mediation Program, a fee of \$10.00 is to be collected on every civil case. This fee shall be taken out of the initial filing deposit.

## **1.08 RETENTION OF RECORD EVIDENCE**

A. **DUTY** The official court reporter or audio video technician shall receive and hold all exhibits proffered and admitted into evidence during the trial of any case. The court reporter or audio video technician shall be responsible for the security and storage of all exhibits during trial.

B. **TIME LIMITS** Unless the court orders otherwise, all trial exhibits shall be held until the time for appeal in the case has expired, when the evidence shall be released to the owner upon approval of a written motion. If the owner cannot be located after a reasonable attempt, the evidence shall be disposed of according to established procedures.

C. **CRIMINAL EXHIBITS** Destruction of criminal exhibits will be requested from the judge assigned to a case, after review and recommendation by the prosecutor, according to the following schedule: In capital cases, upon the release by parole or pardon by the Governor, death, or execution of the defendant; In other criminal cases, after the full sentence has been served. If the judge denies the order recommending the destruction of evidence, the evidence will continue to be retained pursuant to court order.

D. **PROFFERED EXHIBITS** Poster boards or other large displays to be used as exhibits in a trial must be submitted on 8 ½ x 11 paper or photographed by the attorney prior to the proceedings. The trial judge will verify that the letter size exhibit or the photograph is of the quality necessary to be marked as the exhibit to be maintained for the record. At the conclusion of the trial, the court will verify with the attorneys on the record that the letter size exhibit or photograph is being substituted for the poster board or other large display, which will then be returned to the attorney.

## **RULE 2 -- COURT SECURITY & DECORUM**

### **2.01 SECURITY**

A. **SECURITY PLAN** A security plan for the Lucas County Courthouse is on file in the office of the court administrator, but is not subject to public disclosure.

B. **SEARCH** All persons entering the courthouse and other court facilities will be subject to security procedures and potential search of any bag, case, or parcel. Discovery of any weapon or illicit substance will subject a person to prosecution.

C. **WEAPONS** No person, with the exception of a judge, a peace officer who is acting within the scope of his or her duties while in the courthouse, and individuals conveying a deadly weapon or dangerous ordinance to be used as evidence in a pending criminal or civil action or proceeding and who have notified the court deputies' office in advance,

will be permitted to possess a deadly weapon or dangerous ordnance in the courthouse or in any court facility. Only the weapon of a peace officer in the building but not on official business or of a prosecutor or a secret service officer appointed by the county prosecuting attorney who has been granted specific approval to carry a deadly weapon by the prosecuting attorney, shall be secured while the person is in the courthouse or other court facility. The weapons of other persons, even if they possess a valid permit for a concealed weapon, shall not be brought to nor secured in the courthouse or other court facility unless approved by the court. This rule is effective immediately.

## **2.02 DECORUM**

A. DECORUM Food and beverages are prohibited in all courtrooms, and smoking is prohibited throughout the courthouse. Everyone must behave appropriately within the courthouse. Children must be accompanied by an adult. Security officers shall control the movement of spectators within courtroom sessions for safety and order, and spectators may not disturb court proceedings in any fashion.

B. SANCTIONS Persons violating this rule shall be removed by the bailiff or security officer and may be brought before the trial judge for appropriate action.

## **2.03 USE OF ELECTRONIC AND OTHER DEVICES**

Except as permitted in Local Rule 9, all electronic, photographic or video graphic devices (including cell phones) will be secured in a lockable pouch at the security stations on the first floor of the courthouse. The owner of the device is encouraged to not bring the device to the courthouse. Courthouse security will secure in a lockable pouch all devices upon entry into the courthouse and the pouches will be returned to security when the person leaves the courthouse. The court will not be responsible for any loss, theft, or damage to the device. Courthouse employees, attorneys, public officials, jurors, and others specifically authorized by the court are exempt from this rule.

## **RULE 3 -- CASE MANAGEMENT**

### **3.01 GENERAL**

A. AUTHORITY In accordance with Sup.R.5 (B) (1), rules 3, 4, 5 and 6 constitute the Case Management Plan adopted by the Lucas County Common Pleas Court General Division. Gen. R. 4 relates to criminal cases; Gen. R. 5 and 6 relate to civil matters.

B. PURPOSE The purpose of this rule is to establish a case management program which will ensure case readiness for pretrial and trial, and which will maintain and improve equitable and timely disposition of cases.

### **3.02 COURT ACTION**

A. **ASSIGNED JUDGE** All requests for action upon a case shall be presented to the judge assigned to that case.

B. **UNAVAILABILITY OF ASSIGNED JUDGE** If an assigned judge is unavailable, and court action is necessary, in accordance with the rotation schedule adopted by the General Division and available in the office of the court administrator, counsel may approach the next available judge for signature upon that judge's discretion.

C. **VISITING JUDGE** The court may provide for assignment of a case to a visiting judge in accordance with rules of the Supreme Court.

D. **COURT MAGISTRATES**

1.) Appointment-Magistrates may be appointed by the court and serve as employees of the court as provided in Civ. R. 53.

2.) **Matter Heard:**

a.) All petitions filed under R.C. 2903.214 and related matters may be referred to a magistrate. Such matters shall be heard and conducted in accordance with Civ. R. 65.1

b.) Any Foreclosure cases referred to mediation may be heard by a Magistrate.

### **RULE 4 -- CRIMINAL CASES**

#### **4.01 GRAND JURY PROCEEDINGS**

A. **TAPE RECORDING** The grand jury foreperson shall monitor the **continuous** tape recording of **all** proceedings before the grand jury. The prosecutor's office will provide recording and transcribing equipment of sufficient quality to provide an accurate and audible record. Complete transcripts of grand jury proceedings shall be produced only upon the specific order of a judge of the common pleas court.

B. **RECORD KEEPING** Unless otherwise ordered by the presiding judge, the prosecuting attorney may erase and reuse grand jury tapes older than one year, with the exception of aggravated murder and murder testimony which shall be kept indefinitely.

#### **4.02 – ASSIGNMENT OF CRIMINAL CASES**

A. **RANDOM ASSIGNMENT** Generally, a new indictment or information shall be assigned randomly to a judge; however, any reindictment on a case previously dismissed shall be assigned to the judge who had been assigned to the original indictment. If any other case involving the same defendant is pending as a presentence case, the clerk shall assign the new indictment or information to that judge with the

lowest numbered case pending. Indictments shall be processed in the order listed on the grand jury report.

**B. MULTIPLE CASES** Multiple cases against the same defendant shall be assigned to a single judge. All co-defendants indicted in a multiple defendant case(s) shall be assigned to the same trial judge. Any subsequent arraignments of other co-defendants shall be assigned to the same trial judge. If a subsequently arraigned co-defendant is not assigned to the same trial judge, and the case(s) involving the co-defendant(s) are still pending, the Clerk shall transfer the case to the originally assigned trial judge. At the time of the arraignment of the subsequent co-defendant, the prosecutor shall file a notice which provides: 1. the case numbers of all other co-defendants; and 2. the name of the trial judge to whom the first co-defendant was assigned.

**C. ASSIGNMENT OF CASES OF DEFENDANTS WITH ACTIVE PROBATION CASES.** If a probationer is indicted on a new case, the new case shall be assigned to the trial judge who placed the defendant on probation or community control. If the defendant/probationer is not assigned to the trial judge who placed the defendant on probation or community control, the Clerk shall transfer the new case to the appropriate trial judge.

**D. ASSIGNMENT OF CASES WHEN THE DEFENDANT HAS PENDING CASES.** If a defendant is arraigned on a new case and the defendant has pending case(s) assigned to a trial judge, the new case shall be assigned to that trial judge. In the event that the defendant is a co-defendant in the new case, the new case shall likewise be assigned to the trial judge, unless the co-defendant(s) also has a pending case with a different judge(s). In this instance, all cases involving the co-defendants shall be assigned to the trial judge with the lowest numbered case.

**E. ASSIGNMENT OF AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS.** The Clerk shall assign all aggravated murder with death penalty specifications by random draw. Once a judge has been assigned an aggravated murder case with death penalty specifications, they will not receive another case with death penalty specifications until all of the judges have received a similar case.

**F. THREE-JUDGE AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS.** If a defendant in an aggravated murder case with death penalty specifications seeks to enter a plea of guilty to one or more death penalty specifications (s) or, waives a jury trial in writing and on the record, the case shall be submitted to a three trial judge panel. The assigned trial judge shall serve as the presiding judge over the trial of the case. An entry reflecting the selection of the second and third judges shall be signed by the presiding judge of the court and filed with the clerk. The trial or plea shall proceed as specified in R.C. 2945.06 and/or Crim. R. 11 (C).

#### **4.03 BAIL & BONDS**

**A. MUNICIPAL BAIL** Bail which has been fixed by a municipal court for a specific charge or charges may be accepted by the common pleas court without further hearing and the Clerk of Courts is authorized to accept bail on the specific charge or charges without further proceedings or journalization, unless a new bond is requested by the prosecutor's office upon the return of an indictment by the grand jury.

**B. BOND SETTING & MODIFICATION**

This rule shall not affect the inherent power of the court at any time to revoke, increase, or decrease a bond previously fixed by it or any other court upon good cause shown, as provided in R.C. 2937.28 and Crim. R. 46. If the grand jury returns additional counts to that originally charged in a municipal court, a judge shall fix the bail for each of the additional charges upon the request of the defendant, prosecuting attorney, or at arraignment, whichever is earlier.

**C. PERSONAL RECOGNIZANCE BONDS** Any defendant seeking release upon an O.R. or personal recognizance bond shall be required to sign a written bond application.

**D. SURETY & PROPERTY BONDS** A surety bond may be posted in any case where bail has been set. A property bond shall be accepted at the discretion of the assigned judge.

**E. BAIL BONDING COMPANIES AND AGENTS** For the purpose of this rule, "Surety Bail Bond Agent" is defined as an individual who is licensed to write bail bonds by the Ohio Department of Insurance. "Surety Bail Bond Agency" is defined as a business entity of more than one licensed Surety Bail Bond Agent. All agents or agencies who desire to write bail bonds in this court must register with the Clerk of Courts before a bond can be filed in this court. To register, a Surety Bail Bond Agent/Agency shall file the following with the Clerk of Courts office: (1) A certified copy of the Surety Bail Bond Agent/Agency's appointment by power of attorney from each insurer the agent/agency represents. (2) A copy of the Surety Bail Bond License issued by the State of Ohio Department of Insurance. (3) A copy of the Certificate of Authority issued by the State of Ohio Department of Insurance. (4) A copy of the Certificate of Compliance issued by the State of Ohio Department of Insurance. (5) A copy of the agent's current Department of Insurance wallet identification card with photo. (6) Proof of employment from the Agency the agent will work for.

**F. ONGOING REQUIREMENTS OF BAIL BONDING COMPANIES AND AGENTS**

1. The Surety Bail Bond Agent/Agency shall file the following to keep the registration current: (a) a certified copy of the renewed power of attorney by the first day of August each odd-numbered year. (b) a copy of the State of Ohio Department of Insurance License Renewal Form by the first day of March of each year. (c) written notification of any change in the information submitted to the Clerk of Courts within 5 days of the change.

2. All Surety Bail Bond Agents must comply with Ohio Revised Code 3905.932,



which prohibits Surety Bail Bond Agents from soliciting on the property or grounds of the Lucas County Common Pleas Court. Prohibited solicitation includes any activity set forth in Ohio Administrative Code 3901-1-66(l)(1). A Surety Bail Bond Agent who solicits on the property or grounds of the Lucas County Common Pleas Court, or engages in other acts prohibited by Ohio Revised Code 3905.932 may be expelled from the building and grounds of the Lucas County Common Pleas Court. Violations of Ohio Revised Code 3905.932 will be reported to the State of Ohio Department of Insurance.

3. When posting bond, a Surety Bail Bond Agent must (a) produce a current State of Ohio Department of Insurance wallet ID card when requested. (b) post a separate Power of Attorney on each case. A Power of Attorney that has been altered or erased will not be accepted by the court. (c) post a separate Bond Post Form on each case that contains an original signature of the Surety Bail Bond Agent.

4. When a bond is ordered to be forfeited, the Clerk of Courts shall provide notice the bond must be paid within 30 days of the order to forfeit the bond.

5. If the Surety Bail Bond Agent/Agency does not pay the forfeiture by the due date, the Clerk of Court's office shall not accept any bonds from that agent/agency until the forfeiture is paid in full.

6. The Surety Bail Bond Agent/Agencies shall obtain and maintain contact information from defendants including, but not limited to, phone number, address, e-mail, and an emergency contact person and must maintain at least weekly contact with defendants. Surety Bail Bond Agents/Agencies must provide a written court notice to the defendant at the time of release. Further, they must provide a written court date reminder to defendants within one week of the court date and in person or phone reminder within 24 hours of the court date. If the requirements of this section cannot be proven by the Surety Bail Bond Agent/Agency, failure to comply with this Rule will be used as a factor when considering release, remission, or continuance of bond.

#### **4.04 COUNSEL**

A. **INDIGENT DEFENDANTS** At arraignment, a defendant may be required to answer questions under oath about his or her financial ability to obtain counsel. The defendant may also be required to complete a certification of assets to verify indigence and eligibility for the appointment of counsel.

B. **APPLICATION FOR FEES** Counsel appointed to represent an indigent defendant shall submit to the court administrator an application for compensation within 30 days after proceedings are completed, stating the time involved and services rendered. The judge shall fix the fee amount in accordance with R.C. 2941.51 and R.C. Chapter 120. ( See **Appendix B** for the established criminal appointment fee schedule.) A court-appointed attorney shall verify that no additional compensation was obtained from anyone for services rendered in a case in the General Division. Any application for

attorney fees received after 30 days from final disposition shall be paid at the rate of 50% unless there is approval for an additional payment at a regularly scheduled judges' meeting.

C. PRIVATE CASES Attorneys accepting court appointments in criminal cases shall not represent the same individual in a criminal or civil matter before this court on a private retainer without first obtaining approval from the judge who appointed the attorney in the criminal case.

D. ATTENDANCE. Trial counsel for both the State of Ohio and the defendant shall appear at all pretrial conferences, unless, for good cause shown, trial counsel cannot be present.

E. EXPERTS FOR INDIGENT DEFENDANTS. In all cases with appointed counsel, prior approval of the court to obtain the services of an expert **is required**. Counsel shall provide the name of the expert, the expert's estimated hourly fee, and estimated total cost and the type of service to be obtained. If counsel fails to properly obtain the court's prior approval, counsel shall be responsible for the cost of services obtained. In order to obtain payment for experts and/or expenses, counsel shall submit the request on the form provided by the court administrator's office.

#### **4.05 CRIMINAL MOTIONS**

A. WRITTEN MOTIONS All motions, other than those made at trial, shall be in writing and, except for motions to suppress and for discovery, shall contain a brief written memorandum citing the authorities relied upon. The court may decide any motion after it is at issue, or schedule the matter for hearing and oral argument.

B. MOTIONS TO SUPPRESS A motion to suppress evidence shall state with particularity the factual grounds supporting it. Any motion to suppress filed without stating the specific grounds for suppression shall be stricken from the files, including motions claiming solely that the matter is violative of the Constitutions of Ohio and the United States.

C. PROOF OF SERVICE A party shall at the time of filing a motion serve upon the opposing party a copy of the papers filed and file proof of such service with the clerk. The movant shall file an additional copy for the assigned courtroom.

D. DEADLINES In all cases where the time for serving and filing a responsive paper is not fixed by law or rule, the paper shall be served and filed within 14 days after the service date on a pleading requiring response, unless otherwise ordered by the court. An opposing party shall reply to the responsive paper so served within 14 days.

E. PAGE LIMITATIONS All memoranda attached to motions, whether supporting or opposing a motion or brief, shall not exceed twenty (20) pages, exclusive of any supporting exhibits. For good cause shown, the court may grant a party leave to file a memorandum or brief in excess of the page limitation. Application for such leave shall

be by motion specifying the number of pages requested and specifying reasons extra pages are needed. (Effective 1/1/2004)

#### **4.06 CRIMINAL TRIALS**

A. PRECEDENCE Criminal trials shall have precedence over civil matters scheduled the same day. Defendants in custody shall have precedence over other criminal matters scheduled the same day.

B. RETENTION OF RECORD EVIDENCE After a verdict has been returned in a criminal case, all exhibits shall be inventoried by the court reporter or the audio video technician according to established procedures. The court reporter or audio video technician shall then deposit such exhibits with court security for storage. The disposition of property held as evidence by a law enforcement agency is controlled by R.C. 2981.11 – 2981.13. Shorthand notes taken by the court reporter or recordings by the audio video technician shall be filed in the office of the court reporter or the audio video technician and carefully preserved for either of the following time periods: 1) If the action is not a capital case, the record shall be preserved for the length of time other records of the particular action are required to be kept. 2) If the action is a capital case, the record shall be preserved for the longer of ten years or until final disposition of the action.

C. PAYMENT OF COSTS Any defendant found guilty of a criminal offense, shall on a form provided by the court, disclose assets of whatsoever kind, to assist the court, the adult probation department and the sheriff, in the collection of the fine and costs.

#### **4.07 VICTIMS & WITNESSES**

A. NOTIFICATION The prosecutor's office through the victim witness program shall provide notice to victims and witnesses of every stage of a criminal case to which they are entitled to notice in accordance with R.C. Chapter 2930.

B. PRESENTENCE STATEMENTS Unless the victim or witness requests otherwise, and at the option of the assigned judge, victim and witness statements which are permitted by R.C. Chapter 2930 shall be made available to defendant's counsel at the time of sentencing.

### **RULE 5 -- CIVIL CASES**

#### **5.01 CASEFLOW**

A. **CASE DESIGNATION SHEET** When a civil case is filed or transferred to the General Division, the attorney shall file with the complaint a Case Designation Sheet. (See **Appendix C**) The attorney shall designate the case according to the case designations then being used to comply with the Rules of Superintendence. The attorney shall also indicate whether the case was previously dismissed pursuant to Civ. R. 41 and, if consolidation is requested, list the case numbers of any related or companion cases.

**B. SERVICE**

1) Pursuant to O.R.C. 2303.26, the clerk shall not restrict, prohibit, or otherwise modify the rights of parties to seek service on defendants allowed by the Rules of Civil Procedure, either singularly or concurrently.

2) **Special Process Servers**

(a) **Application** A person may apply to be designated as a Special Process Server for cases filed in the court by filing an application supported by an affidavit setting forth the following information:

- (1) The name, address, and telephone number of the applicant
- (2) That the applicant is eighteen years of age or older
- (3) That the applicant agrees not to accept service of process on any case in which the applicant is a party or counsel for a party
- (4) That applicant agrees to follow the requirements of Civil Rules 4.1 through 4.6, any applicable local rules, and specific instructions for service as ordered by the court in individual cases.

(b) **Order.** The applicant requesting the designation shall submit an order captioned *Re the Appointment of (name of applicant) As Standing Special Process Server* and stating the following

It appearing to the Court that the Applicant is eligible for appointment as a Special Process Server, (name of applicant) is hereby designated a Special Process Server authorized to make service of process in all cases filed with the Court, and to serve one year from the filing of this Order.

(c) **Filing** The Order shall be signed by the administrative judge of the General Trial Division and shall be filed with the Clerk of Court who shall record the entry and retain the original Application and Order. For a one year period from filing, the Clerk shall accept a file-stamped copy of such order as satisfying the requirements of Civ. R. 4.1 for the designation by the court as a person authorized to make service of process. The cost of filing this application is \$30.00.

**C. INVENTORY AND REVIEW OF CASES**

Each judge shall maintain an inventory of all pending cases on the applicable statistical reporting forms filed with the Supreme Court of Ohio and shall conduct a complete physical inventory annually. Each judge shall periodically review all cases assigned. When no activity has occurred in the previous six months and there is no assigned trial date, all counsel will be notified that the case shall be dismissed on a specific date if no showing of good cause is made.

## **5.02 ASSIGNMENT PROCEDURES**

### **A. ASSIGNMENT AND REASSIGNMENT OF CASES**

Upon filing or transfer to the General Division of the court, a civil case shall be assigned by lot to a judge who shall be primarily responsible for the case until its termination or reassignment. Any case refiled after dismissal pursuant to Civ. R. 41 shall be reassigned to the judge who was assigned to hear the case as of the time of dismissal except if the judge assignment was pursuant to a Gen.R. 5.02(B) consolidation and the older case has been tried or settled prior to refiling. Under such a circumstance, the refiled case shall be assigned to the originally assigned judge. The case jacket shall be stamped with the name of the assigned judge. Civil Stalking Protection Order cases will not be assigned by lot. Instead, each judge shall receive all Civil Stalking Protection Orders received on a particular day, which will be rotated among all of the Judges. Once assigned the case, the judge will be responsible for the case until it is closed. Fugitive Warrant cases will be assigned to the first available criminal docket. Once the case is heard, the judge hearing the matter will be permanently assigned the case.

### **B. CONSOLIDATION**

If the designation sheet indicates that there is a related or companion case pending, the designation sheet will be sent to the newly assigned judge to review the request for consolidation with the judge who has the pending case with the lowest number. The judge who would receive the consolidated case has the option to accept or deny consolidation of the case. Both judges must sign the designation sheet to indicate action taken on the request for consolidation. In any case which is later found to be related to another case presenting substantially the same issues for determination, the assigned judges will discuss the matter. If the judge with the lower numbered case agrees to accept, the administrative judge shall reassign. In the event the judges disagree about the consolidation, the matter may be presented by either judge to the administrative judge for final determination. If the administrative judge is one of the involved judges, the matter may be presented to the back-up administrative judge for final determination. If cases assigned to different judges are consolidated, all consolidated cases shall be deemed assigned to the judge accepting the consolidation.

1) Civil Forfeiture of \$15,000 or less: Pursuant to O.R.C. 2981.05(C), when a civil forfeiture is sought for an amount of \$15,000 or less, the prosecutor may commence a

civil forfeiture action simultaneously with or after the filing of an indictment requesting an order that property involved in the offense subject to forfeiture under section 2981.02 of the Ohio Revised Code shall be forfeited to the state. This forfeiture action shall be transferred and assigned to the judge presiding over the related criminal case. The request to transfer shall be indicated by the party seeking forfeiture on the case designation sheet, by including the pending criminal case number and the judge to whom it is assigned. Two (2) original transfer orders, bearing both the civil and criminal case numbers, shall be drafted by the civil bailiff who is assigned the civil forfeiture, and said orders shall be processed through the criminal department of the Clerk of Court's office. The consolidation of these cases will have no effect on the regular assignment of new cases.

2) Civil Forfeiture in excess of \$15,000: Pursuant to O.R.C. 2981.05(D)(1), when a civil forfeiture is sought for an amount in excess of \$15,000, the prosecutor need not wait for an indictment, and may commence a civil forfeiture action at any time, requesting an order that property involved in a criminal offense subject to forfeiture under section 2981.02 of the Ohio Revised Code shall be forfeited to the state. If the prosecutor determines its civil forfeiture action relates to a pending criminal case, the prosecutor shall seek to transfer its case to the judge assigned to preside over the criminal case. The request to transfer shall be indicated by the prosecutor on the case designation sheet, by including the pending criminal case number and the judge to whom it is assigned, and by filing two (2) original motions to transfer and consolidate, bearing both the civil and criminal case numbers, with the criminal department of the Clerk of Court's office. Two (2) original proposed orders shall be submitted with the motions to transfer. The consolidation of these cases will have no effect on the regular assignment of new cases.

C. DISQUALIFICATION If a judge is disqualified from a case for any reason, that judge shall, by journal entry, refer the case to the administrative judge who shall reassign the case pursuant to a reassignment schedule.

D. REASSIGNMENTS Any judge appointed or elected to succeed another shall take over the cases of the predecessor judge. The administrative judge may reassign cases for a judge who is ill, for a judge involved in a prolonged or unusual case, or for any urgent necessity which justice requires.

### **5.03 TIME LIMITS**

A. GENERAL TIME LIMITS All civil cases, except administrative appeals, forcible entry and detainer actions, or any other case which by its nature requires more rapid adjudication as determined by the trial judge, shall be concluded within the following time periods:

A	Professional Tort	24 Months
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B	Product Liability	24 Months
C	Other Torts	24 Months
D	Worker's Compensation	12 Months
E	Foreclosures	12 Months
F	Administrative Appeal	9 Months
G	Complex Litigation	36 Months
H	Other Civil	24 Months

#### B. ADMINISTRATIVE APPEALS

Except as otherwise provided by specific rule, statute, or court order, in all cases originating in administrative bodies and appealed to this court, the appellant shall serve and file a brief within 30 days after the date on which the record is filed. The appellee's brief shall be served and filed within 14 days of appellant's brief. The appellant may serve and file a reply brief within 7 days after service of the appellee's brief.

#### C. FORCIBLE ENTRY AND DETAINER ACTIONS

When a Forcible Entry and Detainer (FED) action is filed in the General Division, a hearing upon the restitution issue shall be set by the thirty-fifth day unless counsel consent otherwise.

### 5.04 PLEADINGS, MOTIONS & OTHER PAPERS

A. PLEADING EXTENSIONS The time within which a party is required by the Civil Rules to serve and file a responsive pleading to a complaint, a counterclaim, a cross-claim, or a third party complaint shall be extended for a period of 28 days upon advance application filed with the Clerk of Courts on the designated form. Additional time thereafter may be provided pursuant to stipulation or upon motion filed with the clerk and granted by the court. Proof of service upon opposing counsel, as required by Civ. R. 5, shall be filed with each application for extension of time.

B. AMENDMENTS A motion seeking leave to amend a pleading shall include a copy of the proposed amended pleading. No pleading shall be amended by interlineation or obliteration unless leave of court is first obtained. Upon the filing of an amended pleading, the original or any prior amendment shall not be withdrawn from the file except upon leave of court.

C. MOTION REQUIREMENTS Any motion, unless made during a hearing or trial, shall be in writing, state with particularity the grounds supporting it, and clearly state the relief or order sought. Every motion, including the routine motions pursuant to Gen.R. 5.05(A), shall be accompanied by a proposed order for signature of the assigned judge.

D. OPPOSITION An opposing party may serve and file a memorandum in opposition to any motion. The filing shall be made within 14 days after service. **Exception:**

**pursuant to Civ.R. 6(C)(1), responses to motions for summary judgment may be served within 28 days after service of the motion.**

E. REPLY A moving party may file a reply brief within 7 days from the date on which a memorandum in opposition is served.

F. SUBMISSION DATE Any motion shall be deemed submitted to the assigned judge on the 18th day after it is filed with the court or when a memorandum in opposition is filed. If a party has filed a reply brief, the original motion shall be deemed submitted on the earlier of the filing of the reply brief, or the 11th day after the filing of the memorandum in opposition.

G. HEARINGS Written motions shall generally be submitted and determined by the court upon briefs served and filed. No oral argument will be allowed except by leave of, and upon the time limits set by, the assigned judge.

H. EMERGENCY MATTERS Motions pertaining to urgent matters, including motions for temporary restraining orders, temporary injunctions, to dissolve injunctions or attachments, to request warrants for arrest or other process of restraint of personal liberty of a party to a civil case shall be submitted to the assigned judge for disposition.

Notice of the time and place of hearing shall be served upon the adverse party or the party's counsel. No testimony shall be permitted unless ordered by the assigned judge.

I. PAGE LIMITATIONS All memoranda attached to motions, as well as briefs filed in administrative appeals, whether supporting or opposing a motion or brief, shall not exceed twenty (20) pages, exclusive of any supporting exhibits. For good cause shown, the court may grant a party leave to file a memorandum or brief in excess of the page limitation. Application for such leave shall be by motion specifying the number of pages requested and specifying reasons extra pages are needed. (Effective 1/1/2004)

## **5.05 ORDERS & JUDGMENTS**

A. ROUTINE ORDERS For routine matters where no opposition is expected by the adversary or from the court (i.e. motions to allow telephone conferences, scheduling continuances for good cause, etc.) the court may sign the accompanying order before the submission date specified in 5.04(F).

B. INTERLOCUTORY ORDERS Upon a decision on an interlocutory matter or motion which does not constitute a judgment as defined by the Civil Rules, an order in conformity to the decision or finding of the court shall be prepared by designated trial counsel for the prevailing party. The proposed order shall be submitted to the civil bailiff in the assigned judge's courtroom for court approval, journalization, and transmittal to the parties by the Clerk of Courts.

C. JUDGMENTS Upon either the court's rendering of a decision which constitutes a judgment as defined by the Civil Rules or the jury's rendering of a verdict, designated trial counsel for the prevailing party shall prepare a judgment in conformity with the



decision or verdict. The proposed order shall be submitted to opposing counsel and to the civil bailiff in the assigned judge's courtroom for the judge's approval, and also to the Clerk of Courts for journalization and then for transmittal to the parties.

D. DEADLINES Within 7 days after the return of a verdict or after a decision or finding of the court which constitutes a judgment, or after the filing of a docket entry in an interlocutory matter stating 'See Order,' unless further time is given by the court, designated trial counsel for the prevailing party shall prepare and submit an appropriate judgment or order to opposing counsel who shall approve or reject within 7 days after receipt. If counsel are unable to agree upon the language in the judgment or order, the various proposals shall be submitted to the trial judge within 14 days after the judgment or order was rendered and the judge will direct the contents of the judgment or order.

E. JOURNALIZATION The judgment specified in Civil Rule 58 shall be journalized within 30 days of the verdict, decree or decision. If such judgment is not prepared and presented for journalization by counsel, it shall be prepared and journalized by the court. The date of journalization by the Clerk of Court of a final appealable order shall begin the 30 day period of appeal.

F. SETTLEMENT Counsel shall promptly submit an order of dismissal following settlement of any case. If counsel fail to present such an order to the trial judge within 30 days or within such time as the court directs, the judge may order the case dismissed for want of prosecution or file an order of settlement and dismissal and assess costs.

G. COURT-PREPARED ORDERS The provisions of this rule shall not be deemed to preclude the court from *sua sponte* preparing and filing with the clerk for journalization its own judgment or order. The clerk of court shall immediately serve a copy of the order or judgment upon journalization to each counsel of record through any means available in accordance with Civil Rule 5 including handing it to the person, leaving it at a location prescribed by the rule, mail service, commercial carrier, or delivery via electronic means to a facsimile number or an e-mail address provided in accordance with Civil Rule 11 by the attorney or party to be served.

H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of Courts' Office will transmit the entries to the email address submitted by the parties. Counsel for a party, or *pro se* litigants representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts' Office.

## **5.06 PRETRIAL CONFERENCES**

A. SCHEDULING AND ATTENDANCE Each judge shall periodically schedule initial pretrial or early case management conferences in the following categories of cases:

1. Professional Torts

2. Product Liability
3. Other Torts
4. Complex Litigation
5. Other Civil

If an initial pretrial conference is scheduled, written notice shall be sent to each attorney of record, or if there is no counsel of record, to the party or parties not represented. When practicable, the trial judge shall conduct the initial pretrial conference. Trial counsel shall attend the initial pretrial conference in person or, with approval of the court, by telephone.

**B. INITIAL PRETRIAL STATEMENT** At the time each party receives written notice of the pretrial conference, the court may send to each party an Initial Pretrial Statement which will require the parties to provide information essential to the establishment of a binding case management schedule.

**C. ISSUES TO BE CONSIDERED** The issues to be considered at the initial pretrial conference will include all matters contained in the pretrial statement, as well as all other matters that will lead to a just and timely resolution of the case. In addition, the court and parties will consider the possibility of referral to the Early Settlement Intervention program (Gen.R. 6.01) or any other appropriate and available alternative dispute resolution program.

**D. INITIAL PRETRIAL ORDER** At the conclusion of the initial pretrial conference, a binding case management schedule shall be established and stated in a pretrial order approved by the trial judge. At a minimum, the pretrial order shall consider:

1. The disclosure of all fact witnesses sixty days before the trial date, and a date for the disclosure of all expert witnesses and their reports.
2. A date for the filing of dispositive motions.
3. A date for the completion of discovery.
4. A date for the filing of any trial briefs and requested jury instructions.
5. A date for a final pretrial conference.
6. The trial date.

**E. FINAL PRETRIAL CONFERENCE** The trial judge may determine that a final pretrial conference is necessary and appropriate. The final pretrial conference shall consider settlement of the case, stipulations over admissibility of evidence, motions *in limine* and any other matters which would eliminate unnecessary trial time. The trial judge may issue a final pretrial order.

**F. SANCTIONS** A judge may impose sanctions on attorneys, parties, or both, for failure to comply with any case management order. Sanctions may be monetary, non-monetary, or both. No sanction shall be imposed without granting the offending party an opportunity to be heard, unless the conduct giving rise to the sanction amounts to a direct contempt.

## **5.07 CIVIL TRIALS**

A. **SCHEDULING** Trial attorneys may periodically contact the civil bailiff in the assigned courtroom to verify their position on the court's trial schedule and **shall** jointly telephone the bailiff at least one week before trial to complete final trial preparations or to notify the court that the case is to be dismissed or is settled. This rule shall not be interpreted to enlarge counsel's right to continuance.

B. **CONTINUANCES** Any request for a continuance of a scheduled trial date shall be made as a written motion, shall state good cause, and shall be filed as far in advance of the trial date as possible.

C. **TRIAL DEPOSITIONS** A written transcript of any deposition intended to be presented as evidence shall be filed at least one day in advance of trial or hearing. For a videotaped deposition (videotape will be defined as any electronic media in which evidence can be recorded for later playback), the proffering party shall also file a certification that the party possesses the videotape. Any videotape used during trial shall be filed with the clerk before conclusion of the trial.

D. **RETENTION OF EVIDENCE** After a verdict has been returned in a civil matter, the court reporter or audio video technician shall be responsible for the proper storage of exhibits. The court security supervisor shall have discretion over accepting civil exhibits for secured storage. All exhibits shall be safely stored until release is ordered by the court or until the exhibits are filed with the clerk of court as part of the transcript of proceedings on appeal.

E. **JURY COSTS** The cost of jurors for a case which settles the day of trial shall be assessed against one or more of the parties as ordered by the court.

F. **JURY FEE** The party who filed the first jury demand must deposit \$200.00 at least 14 days prior to the scheduled trial date and send immediate notice to counsel for all other parties regarding the filing or failure to file the jury deposit. Thereafter, any other party may deposit \$200 at least 7 days prior to the scheduled trial date and send immediate notice to counsel for all other parties regarding the filing of the jury deposit. The failure by a party to pay the jury fee shall constitute a waiver of the jury by that party. The failure by a party to provide the required notice of the filing or failure to file the jury deposit shall constitute a waiver of any objection to the payment of the jury fee by another beyond the time frames stated in this rule. This rule is effective October 1, 2006.

## **5.08 COMMERCIAL DOCKET**

### **A. DESIGNATION AND ORGANIZATION**

1) The Lucas County Common Pleas Court, General Trial Division, has established a designated commercial docket pursuant to Sup. R. 49 through 49.12

2) Effective July 1, 2013, a commercial docket pursuant to the requirements of Sup R. 49 through 49.12 shall be in existence.

3) Two judges have been designated to hear all cases assigned to the commercial docket and shall be referred to as the commercial docket judges.

4) Pursuant to Sup. R. 49.02(C), which requires that the term of a commercial docket judge be at least three years, the court hereby sets the term of its commercial docket judges as four years. To ensure continuity of experience between the two commercial docket judges, the initial election shall be staggered as follows: one commercial docket judge will be elected to a four-year term on July 1, 2017; the second commercial docket judge will be elected to a four-year term on July 1, 2017 to have begun retroactively on July 1, 2015. After this initial election, therefore, there will be an opening for a commercial docket judge and an election every two years.

B. SCOPE OF THE COMMERCIAL DOCKET - The cases accepted into the commercial docket shall include only those cases meeting the definition provided in Sup R. 49.05.

#### C. ASSIGNMENT OF CASES TO THE COMMERCIAL DOCKET

1) If the case is eligible for assignment to the commercial docket pursuant to Sup. R. 49.05, the attorney filing the case shall include with the initial pleading a notification that it is a commercial docket case. Upon receipt of the pleading and notification, the clerk shall randomly assign the case to one of the commercial docket judges.

2) If the case is eligible for assignment to the commercial docket pursuant to Sup. R. 49.05, but the attorney filing the case fails to file the notification pursuant to Sec. C (1) of this rule and the case is assigned to a non-commercial docket judge, then an attorney representing any other party shall file a motion for transfer with that party's first responsive pleading. Copies of the motion shall be delivered to the administrative judge.

3) If the case is eligible for assignment to the commercial docket pursuant to Sup. R. 49.05, but the attorney filing the case does not file the notification pursuant to Sec. C (1) of this rule, and no attorney representing a party in the case files a motion for transfer of the case to the commercial docket pursuant to Sec. C (2) of this rule, and if the case is assigned to a non-commercial docket judge, the assigned judge shall *sua sponte* prepare an order for the clerk to transfer the case to the commercial docket. If the judge requests the transfer of the case to the commercial docket one-hundred and

twenty days or more after the case was filed, the transfer of the case to the commercial docket shall be at the discretion of the commercial docket judge to whom the case would be assigned.

4) If the case is not eligible for assignment to the commercial docket pursuant to Sup. R. 49.06, but the case is assigned to the commercial docket, upon motion of any party or *sua sponte* at any time during the course of the litigation, the commercial docket judge shall transfer the case from the commercial docket. Upon transfer, the case will be randomly assigned.

#### D. RULING OR DECISION ON TRANSFER

1) A non-commercial docket judge shall rule on a party's motion for transfer of a case to the commercial docket filed pursuant to Sup. R. 49.07 (B), or Sec. C (2) of this rule no later than two days after the filing of the motion. A party to the case may appeal the non-commercial docket judge's decision to the administrative judge within three days of the non-commercial docket judge's decision. The administrative judge shall decide the appeal no later than two days after the filing of the appeal. If the administrative judge is one of the involved judges, the matter shall be presented to the back-up administrative judge for final determination.

2) The administrative judge shall decide the *sua sponte* request of a non-commercial docket judge for the transfer of a case pursuant to Sup. R. 49.07 (C), or Sec. C (3) of this rule, no later than two days after the request is made. If the administrative judge is one of the involved judges, the matter shall be presented to the back-up administrative judge for final determination.

#### E. REVIEW OF TRANSFER

1) The factors set forth in Sup. R. 49.05 and 49.06 shall be dispositive in determining whether a case shall be transferred to or removed from the commercial docket pursuant to Sup. R. 49.07 (B) through (D).

2) The ruling or decision of the administrative judge as to the transfer of a case under Sec. D of this rule is final and not appealable.

3) Upon receipt of the order for transfer, the clerk shall randomly assign the case to one of the two commercial docket judges by even distribution.

F. ADJUSTMENT OF OTHER CASE ASSIGNMENTS - To guarantee a fair and equal distribution of cases, upon the transfer of a case to a commercial docket judge, the next

non-commercial docket case filed, which under the random assignment process would have been assigned to the commercial docket judge, shall be assigned to the judge who transferred the case to the commercial docket.

## **5.09 LIENS**

A. **APPLICABILITY** This local rule shall apply to State of Ohio Department of Taxation liens being collected through actions filed by the Ohio Attorney General and other liens as approved by the assigned judge.

B. **NOTICE TO BUNDLE LIENS** For the Department of Taxation liens, the Ohio Attorney General, or a proper designee, shall provide notice to the Lucas County Clerk of Courts, by filing a notice, in the form of a praecipe, listing all of the judgment lien cases that are to be bundled. Cases to be bundled shall involve common questions of law and fact and shall involve the same or related parties. The Notice shall specify the primary bundle case number. The signature of a judge shall not be required to initiate the bundling of the liens. Service of the notice for execution and/or a debtor's examination may be by certified mail rather than by personal service, at the discretion of the Clerk of Courts.

C. **JUDGE ASSIGNMENT** For new liens filed, the assignment of a judge to the primary bundle case shall be done randomly by the Clerk of Courts. The Clerk shall assign a judge only to the primary case. The secondary cases bundled with the primary case will not be assigned a Judge. All bundled cases shall be handled by the same judge. If the liens have already been filed at the time of the request to bundle, the oldest case shall be considered the primary case and all secondary cases shall be re-assigned to the same judge.

D. **DOCKETING** A docket event shall be entered for the primary case, with the descriptive data for that case listing all of the secondary cases included in the bundle. A docket event shall be entered for each secondary case to include the primary case number and the judge assignment for that case. The case management system shall provide for an automatic attachment to each secondary case stating that all filing must be docketed under the primary case number. Bundled cases are not being consolidated. All parties and costs will remain under their original case number. If the primary case does not include all of the parties from all of the secondary cases, the Clerk will create one generic defendant on the primary case to be used to docket events associated with the unduplicated secondary parties and descriptive data shall be attached to the docket entry to specify the name of the defendant. Other than the release of liens, all events for the primary and secondary cases shall be docketed under the primary case.

E. **RELEASE OF LIENS** To release a lien, the Ohio Attorney General's Office shall issue a lien release to the defendant under the case number associated with the

specific lien. The defendant shall then file the release of each lien as the particular lien is released. The clerk shall adjust out any existing costs on the case and apply the standard cost for lien releases as approved by the court. All costs must be paid by the defendants before the lien may be released. When all liens for all cases that have been bundled are to be released, the Ohio Attorney General shall file a Notice of Closure of Bundled Cases. Upon receipt of this notice, the Clerk of Courts shall process a docket event to close the primary case and all of the secondary cases. Individual liens may be released under their original case numbers and secondary cases closed but, only when all liens under the primary case bundle have been released, will the primary case be closed.

## **RULE 6 -- ALTERNATE DISPUTE RESOLUTION**

### **6.01 CIVIL CASE REFERRAL PROGRAM**

A. **PURPOSE** To promote greater efficiency and to provide a mechanism for the earliest possible resolution of civil cases, the General Division has established a civil case mediation program.

B. **OHIO'S UNIFORM MEDIATION ACT** The Uniform Mediation Act (the "UMA"), enacted as O.R.C. Sections 2710.01 to 2710.10, is herein incorporated in full by reference, in accordance with Sup.R. 16.

C. **SCOPE** Civil case mediation is a court-sponsored program for compromise negotiations within the meaning of Evid. R. 408 and is available for all civil cases, including workers compensation appeals. The civil mediation program does not encompass domestic violence cases or protection orders, except as allowed in certain circumstances under the Ohio Revised Code..

D. **CASE REFERRAL** The judge assigned to a civil case under Gen R. 5.02 may, at or following an initial pretrial, refer for mediation any civil action. Any civil case may also be referred to mediation by mutual consent of the parties. Parties can contact the civil case referral program directly to schedule mediation.

E. **CIVIL CASE MEDIATOR** The General Division shall employ a suitable qualified civil case mediator (the mediator) to hear all cases referred to civil case mediation.

F. **ATTENDANCE** The parties and their attorneys, and a representative of any insurance carrier involved (participant(s)) shall take part in the mediation session. The parties may also designate other individuals to accompany them and participate in mediation. The participants shall have full authority to settle the case and the attorney representing each side shall be the lawyer primarily responsible for handling the trial of the matter. Only those whose attendance would impose undue hardship will be excused by the mediator or assigned judge from participating in the session. Unless the mediator or assigned judge decides otherwise, any participant excused from

appearing in person must be available to participate by telephone. Any participant who fails to take part in a session without being excused by the assigned judge will be subject to sanctions in accordance with Section G of this rule.

**G. MEDIATION PROCESS** Prior to any mediation session the mediator shall disclose to all participants any fact that a reasonable individual would consider likely to affect the impartiality of the mediator. In mediation, the mediator's purpose will be to help the participants to settle the case by a) permitting each participant, through counsel or otherwise, to orally present the participant's position; b) refining prioritizing the issues in dispute; c) suggesting options and alternatives to assist the participants in finding a resolution; and d) assisting the participants in negotiating a settlement of all or some of the issues, if possible. The mediator and participants shall have considerable discretion in structuring the mediation sessions. The Rules of Evidence shall not apply. The mediator may require a mediation brief to be submitted prior to the mediation session. The mediator may impose reasonable time restrictions on each participant's presentation of its case. The mediator shall report the results of the mediation session to the assigned judge within ten (10) days of the close of the session. Under the UMA, unless a specific statute or waiver permits or requires disclosure, the mediator may report to the court only whether a mediation session has ended, whether a settlement was reached, and who attended the mediation session. If mediation results in a settlement agreement, the participants are encouraged to memorialize the agreement in writing. Under the UMA, communications contained in a written agreement signed by all participants are one of the few mediation communications which are not privileged and confidential.

**H. CONFIDENTIALITY** All mediation communications shall be confidential and privileged in accordance with the standards set out in the UMA.

**I. SANCTIONS** The mediator shall have no authority to compel participants or counsel to conduct or respond to discovery or to file motions. The mediator shall, however, promptly report to the assigned judge any violations of this rule, including failure to comply with the attendance requirements. Failure of any participant to comply with any provision of this rule may subject the participant to appropriate sanctions, including contempt of court.

**J. EXTERNAL REFERRALS** The mediator shall refer *pro se* participants (including victims and suspected victims of domestic violence) to legal counsel and other support services as appropriate.

**K. COMPLAINTS** Any concerns about the mediation program can be brought to the attention of the Court Administrator.



**6.02 OTHER ADR PROGRAMS** The court approves the use of other alternative dispute resolution programs (including arbitration) which may be available to the participants prior to litigation.

## **RULE 7 -- JURY MANAGEMENT & ADMINISTRATION**

In accordance with Rule 9 of the Rules of Superintendence, the General Division adopts Gen.R. 7 to address the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993.

### **7.01 JURY MANAGEMENT**

A. **JURY ADMINISTRATION** The Lucas County Common Pleas Court shall administer the jury system for the county through the office of the court administrator.

B. **MONITORING JURY SYSTEM** The court administrator shall collect and analyze information on performance of the jury system to evaluate: representativeness and inclusiveness of the jury source list; effectiveness of qualification and summoning procedures; responsiveness to jury duty notifications, efficient use of jurors; and, the cost-effectiveness of the jury system.

C. **JURY FACILITIES** Potential jurors shall be provided their own assembly room, to be furnished with suitable amenities. Jury deliberation rooms shall provide space, furnishings and facilities conducive to reaching a fair verdict. To the extent possible, juror contact with attorneys, parties, witnesses and outside public shall be minimized.

D. **JUROR COMPENSATION** Persons called for jury duty will be promptly paid a reasonable fee for their service. Employers may not penalize jurors who miss work due to jury duty.

### **7.02 JUROR ELIGIBILITY**

A. **GENERAL ELIGIBILITY** All qualified citizens of Lucas County are eligible for jury service. There shall be no improper discrimination against a cognizable group within the jurisdiction of Lucas County. The court shall make reasonable accommodations for those jurors having special needs due to physical impairment.

B. **THOSE INELIGIBLE** Those who are younger than 18 years old, are not citizens of the United States, are not residents of the jurisdiction they are asked to serve, are unable to communicate in English, or are convicted felons whose rights have not been restored, are ineligible to serve on a jury.

C. **TERM** Persons will be asked to be available for jury service for two days or completion of one trial, whichever is longer.

### **7.03 JURY SELECTION**

- A. **SOURCE LIST** Potential jurors will be randomly selected from that pool of people as permitted by law. The court will periodically review the demographic profile of jurors reporting for service to ensure representativeness and inclusiveness of the jury source list. Appropriate corrective action will be taken if improvement of the list is needed.
- B. **PANEL SELECTION** The court shall select jurors in accordance with R.C. 2313.08 to obtain an annual jury list.
- C. **EXEMPTIONS, EXCUSES & DEFERRALS** The only automatic exemptions from jury service are statutory as prescribed in R.C. 2313.12. Eligible persons may be excused from jury duty if their ability to receive and evaluate information is so impaired that they are unable to perform jury duties or they show that jury service would be a continuing hardship to them or to members of the public. The court may excuse eligible jurors from jury service or permit reasonable short deferrals for jurors for good cause. All rescheduling and excusing of jurors shall be recorded and determined in accordance with specific guidelines already adopted.

### **7.04 JURY TRIALS**

- A. **ORIENTATION** Prospective jurors shall receive written, oral and visual orientation to prepare them to serve competently as jurors. Each trial judge may give orientation instructions as deemed appropriate.
- B. **VOIR DIRE** Voir dire shall be conducted on the record unless, in civil cases, it is waived by the parties. The trial judge will preliminarily examine prospective jurors and then permit counsel to question panel members for a reasonable length of time to determine whether to remove someone for cause and to determine the person's fairness and impartiality.
- C. **JURY INSTRUCTIONS** Jurors may take notes during testimony, and engage in limited controlled questioning at the option of the trial judge after consultation with the parties. Written jury instructions may be submitted by the judge to the jurors for use during their deliberations.
- D. **DELIBERATION** During deliberations, jurors will be escorted and assisted by court personnel who will be trained for this purpose. Deliberations shall take place under conditions and with procedures designed to ensure impartiality, secrecy and to enhance rational decision-making. The jury will not be required to deliberate after a reasonable hour or on the weekend unless the trial judge determines that such deliberation would not impose an undue hardship upon the jurors and is required in the interest of justice. Reasonable costs may be assessed to provide meals for the jury during deliberations.

E. SEQUESTRATION A jury shall be sequestered during deliberations on both the guilt and penalty phases in a capital case and as otherwise ordered by the assigned judge. In a non-capital case, a jury shall be sequestered only for good cause, such as to insulate the jury from improper information or influence. The trial judge shall oversee all aspects of sequestration. Standard procedures shall be on file in the office of the court administrator to achieve the purpose of sequestration and minimize the inconvenience and discomfort to jurors. In appropriate cases, the costs of sequestration may be recovered as jury costs.

## **RULE 8 -- SPECIAL PROCEDURES**

### **8.01 BANKRUPTCY & APPROPRIATION CASES**

A. BANKRUPTCY Counsel for any party in a case pending in this court, upon learning of any bankruptcy filing, or other action which might require this court to stay its proceedings, shall immediately file a notice of such bankruptcy filing or action with the clerk of court and a copy of the notice with the assigned judge. The notice shall contain all data necessary to identify and verify the bankruptcy filing or action involved. Counsel shall also notify the court when the bankruptcy stay has been lifted or the matter is otherwise resolved.

B. APPROPRIATION CASES The clerk of court shall not pay out any funds deposited in appropriation cases unless the order of distribution contains the signature of an assistant prosecuting attorney of Lucas County, Ohio, and the attorney for the appropriating agency.

C. TAXES The attorney for the property owner or a *pro se* owner shall see that all real estate taxes are fully paid before any withdrawal of a deposit. Real estate taxes may be paid out of the deposit by the Clerk of Courts before any funds are released to an owner or attorney for the owner. The order approving the withdrawal shall be certified by the attorney for the owner or by the property owner in one of the following manners, subject to falsification penalties: In consideration of receiving the deposit made by the appropriating agency, I hereby certify that all real estate taxes currently due and owing in this cause have been paid or I hereby authorize the Clerk of Courts to pay out of the deposit made by the appropriating agency, all real estate taxes currently due and owing in this cause. The tax currently due and owing is \$\_\_\_\_\_.

### **8.02 FORECLOSURE PROCEDURES**

A. FILING OF FORECLOSURE COMPLAINT

(1) **AFFIDAVIT** A foreclosure complaint shall be accompanied by an affidavit documenting that the named plaintiff is the owner and/or holder of the note and mortgage, whether the original mortgagee or by later assignment, successor in interest or as a trustee for another entity and whether the defendants/owners occupy the property. In pending cases, if interest in the matter is transferred to a new party after the complaint is filed, the complaint shall be amended to reflect the transfer, and all parties shall be served with the amended pleading.

(2) **NOTICE** If the owner of the property that is the subject of the foreclosure complaint is not the occupier to the property, counsel for the plaintiff shall serve notice to the occupier/tenant of the property that a foreclosure complaint has been filed. Notice shall be by ordinary mail and sent no later than the time of filing the foreclosure complaint.

**B. CASE DESIGNATION SHEET** In addition to the requirements set forth in Rule 5.01(A), the attorney shall designate whether or not taxes are challenged as to the amount and/or as to priority of first and best lien. The attorney shall also designate whether or not the property is owner occupied, tenant occupied, or vacant. If the status of occupancy is unknown at the time of the filing of the complaint, the attorney shall certify the property's status by the way of affidavit within 30 days of filing the foreclosure complaint. By submitting the case designation sheet, the attorney shall affirm that the name and direct telephone number of an individual with authority to reach a settlement in the matter is available upon request by a party or their legal counsel.

**C. COUNTY TREASURER** In all real property foreclosure cases, where the Lucas County treasurer is named as a party defendant, the treasurer need not be served with any answer or other pleading thereafter unless any party intends to challenge the taxes claimed by the treasurer on the tax records, either to amount validity, or as to the priority as to the first and best lien. As part of any journal entry for confirmation of sale and distribution of the proceeds of a foreclosure, a certificate of the Lucas County treasurer shall be obtained through the prosecutor's office certifying that all taxes due through the date of sale have been paid, or secured to be paid by the journal entry presented.

#### **D. SHERIFF'S SALE**

(1) **DEPOSIT** In every sheriff's sale of real property, upon acceptance of a bid, the successful bidder shall deposit five percent (5%) of the amount of the appraised value of the subject property; however, no such deposit shall be less than One Thousand and 00/100 Dollars (\$1,000.00) or greater than Five Thousand and 00/100 Dollars

(\$5,000.00). The deposit shall be paid in cash, certified check, or debit transaction, payable to the Sheriff of Lucas County, Ohio.

If the property has not been appraised, a deposit in an amount equal to ten percent (10%) of the starting bid is required; however, no such deposit shall be less than One Thousand and 00/100 Dollars (\$1,000.00) or greater than Five Thousand and 00/100 Dollars (\$5,000.00). The deposit shall be paid in cash, certified check, or debit transaction, payable to the Sheriff of Lucas County, Ohio.

For properties sold pursuant to a judgment foreclosing the equity of redemption of a mortgage deed, if a lienholder is the successful bidder, in lieu of the above deposit requirements, said bidder may opt to deposit One Thousand and 00/100 Dollars (\$1,000.00) plus the amount of real estate taxes due at the time of sale. If this option is exercised, it is the responsibility of the bidder to utilize the form provided by the Civil Section of the Lucas County Sheriff's Office to obtain acceptable documentation from the Lucas County treasurer evidencing the amount of real estate taxes due at the time of sale.

(2) DEED The deed shall be prepared within 10 days after the confirmation entry is filed with the court. The unpaid balance of the purchase price shall be due and payable to the sheriff within 30 days from the date the purchaser is notified that the deed is prepared. If the purchaser fails to pay the balance due on the purchase price in 30 days after notification of deed preparation, the deposit shall be forfeited as and for contempt and be applied to any outstanding costs or fees. Any remaining balance shall be paid to the Lucas County General Fund

(3) TITLE WORK In every real property action subject to execution by sheriff's sale, with the exception of an *in rem* tax foreclosure action brought by the prosecuting attorney under R. C. 5721.18(C) the party shall file simultaneously with the pleading seeking execution, one of the following covering the subject real estate: (1) preliminary judicial report, (2) a preliminary letter for guaranteed certificate of title, (3) a commitment for title guaranty, or (4) a commitment for owner's policy of title insurance, prepared by licensed title insurance company as that term is defined by RC 3953.01(C). The moving party shall file an updated report of the title evidence dated within 30 days of the date of filing of the judgment of foreclosure and order of sale showing service of summons upon all necessary parties. The cost of such title work shall be taxed as part of the court costs upon the approval of the assigned judge.

(4) ORDERS OF SALE Orders of Sale shall be submitted by counsel to the Lucas County Clerk of Courts within 45 days after the signing of the Final Judgment Entry by

the judge. One (1) copy of the Property Description Approval Form MUST BE ATTACHED to the Order of Sale when submitted to the Clerk of Court's office. Said Property Description Approval Form shall state that the legal description, parcel number and deed reference number (taken from the Property Deed) has been approved and verified true by the County Auditor/Property Transfer Division. The prescribed form along with complete instructions is available and can be downloaded from the Clerk of Courts website.

Information to be included with the Order of Sale:

1. Case Caption & Case Number
2. Judgment Entry filed stamped date
3. Sheriff's Deed Property Description Approval Form (legal description attached)
4. Whether property is to be appraised, reappraised or no appraisal or minimum bid set by attorney
5. Bankruptcy-if stay has been granted due to a bankruptcy and federal court has lifted the bankruptcy, proof of this must be submitted with the Order of Sale.
6. On Alias Orders of sale - the previous order of sale must have been previously returned by the Sheriff's Office before the new Orders of Sale can be issued

(5) MOTIONS TO WITHDRAW PROPERTY FROM SHERIFF'S SALE Motions and proposed orders to withdraw property from Sheriff's sale shall conform to a standardized form. The form shall be approved and adopted by the court and shall be available in the Clerk of Courts' office. A party filing such a motion shall do so by filing the court approved motion form which will include the reason for the withdrawal.

### **8.03 CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT**

Pursuant to Ohio Revised Code Section 2953.25, any individual seeking a Certificate of Qualification for Employment from the Lucas County Common Pleas Court, General Division, must file the petition electronically through the process provided by the Ohio Department of Rehabilitation and Corrections (ODRC). Once accepted by the ODRC, and forwarded to the Lucas County Clerk of Courts, the individual must pay a fee to the clerk in the amount of \$50.00 prior to the court processing the petition, unless waived by the assigned judge. The petition must comply with all other filing requirements of the court.

### **8.04 DRUG COURT**

ESTABLISHMENT-The Lucas County Drug Court (LCDC) Docket is established to reduce substance abuse and recidivism by utilizing treatment and community control alternatives. The LCDC is a program available to defendants who meet eligibility criteria outlined in the LCDC Program Description. The program will comply with the certification standards established by the Supreme Court of Ohio in Sup. R. 36.02 through 36.28.

- A. APPOINTMENT OF JUDGES-The court may appoint no more than two judges to preside over LCDC dockets.
- B. ENTRANCE-Any judge may refer a defendant on his/her docket to be screened for participation in the LCDC. Screening shall include an examination of both the legal and clinical eligibility requirements established by the LCDC. In the event the court has appointed two LCDC judges, the judge referring a defendant to LCDC may choose to which LCDC judge's docket to refer a defendant. The court may reduce the non-LCDC caseload(s) of the LCDC judge(s). Each LCDC judge shall make a final determination of a defendant's eligibility and entrance into the LCDC. Upon entry in the LCDC, the LCDC judge shall assume full jurisdiction over the defendant's case(s) which precipitated entry into LCDC.
- C. DRUG COURT CASE MANAGEMENT-The LCDC will follow the criteria and procedures as set forth in the LCDC Program Description. The program has five phases and a defendant must complete each phase before proceeding to the next phase. Determination of completion of each phase will be made by the Treatment Team in conjunction with the assigned drug court judge.
- D. UNSUCCESSFUL TERMINATIONS-If the participant is unsuccessfully terminated from the program, the original sentence imposed by the sentencing judge will be imposed by the drug court judge. If a new felony charge is filed in the Lucas County Common Pleas Court, the drug court judge shall transfer the drug court case back to the sentencing judge, who will also be assigned the new felony charge in accordance with Local Rule 4.02.

## **RULE 9 -- MISCELLANEOUS**

### **9.01 MEDIA**

- A. APPLICATION Written requests for permission to broadcast, televise, record or take photographs in the courtroom must be submitted to the court administrator or fax

filed in accordance with Gen. R. 1.05 on the designated form at least twenty-four hours in advance of a scheduled proceeding. A file-stamped copy shall be sent to the assigned judge for review and approval.

B. PERMISSION If the judge presiding determines that media presence would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with a fair trial, the judge shall permit broadcasting, recording, or photographing at court proceedings open to the public as permitted by Sup. R. 12. The judge has the option of granting permission to the media for the entire length of a specific case's court proceedings if he/she feels it is appropriate.

C. LIMITATIONS After considering media requests, the judge shall specify through courtroom bailiffs or security personnel where operators and equipment may be positioned in the courtroom. No more than one portable camera with one operator, one still photographer and one audio system operator may be allowed in the courtroom for broadcasting. Victims and witnesses who object and jurors shall not be filmed, videotaped, photographed, or audio recorded. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

- 1) "Proceeding" means any trial, hearing, or any other matter held in open court that the public is entitled to attend.
- 2) There may be no transmission or recording of anything before or after the court is in session and spectators in the courtroom shall not be photographed or recorded at any time without advance permission of the spectator and the judge.

D. POOLING Media representatives must arrange for pooling of equipment without involving the court. If any disputes arise, the judge may exclude all contesting media representatives.

E. SANCTIONS Permission to broadcast or photograph a proceeding may be revoked if any media representative fails to comply with conditions set by the judge.

## **9.02 COMMITTEE ON NOTARIES PUBLIC**

A. MEMBERS The Toledo Bar Association shall appoint a committee of seven members of the bar of the State of Ohio, practicing law in Lucas County, to be known as The Committee on Notaries Public. The Toledo Bar Association shall designate the chairperson and secretary of the committee. Both shall have the authority to transact business of the committee.

B. DUTIES The committee shall accept application for appointments of notaries public, conduct examination of applicants' qualifications, approve or disapprove such applications, conduct investigations of complaints, and promulgate rules in accordance with the provisions of RC 147.



C. FEES The Committee, with ultimate approval of the judges of the Court of Common Pleas, Lucas County, Ohio shall prescribe fees for servicing original and renewal applications, and all funds so collected shall be deposited with the Toledo Bar Association and used for the administration of the notary committee.

D. APPOINTMENTS When a new appointment to the committee is necessary, the appointment shall be made through the Toledo Bar Association which shall, when making new appointments, consider the broad representation of all practicing attorneys.

E. TERMS Members of the committee shall serve a three-year term and may be appointed to another three-year term in addition to any partial term to which the member may be appointed. Terms shall be staggered and shall commence on July 1st, two being appointed in each of two consecutive years and three in the next year.

F. OFFICERS The chairperson and secretary will each be selected by the Toledo Bar Association for a two-year term and may serve no more than two consecutive terms. The chairperson and the secretary will be selected by the Toledo Bar Association from one of the seven committee members.

G. ACCOUNTING The chairperson of the committee shall submit an accounting of the committee's receipts and expenditures, annually, for the period ending June 30th of each year to the Toledo Bar Association and the judges of the Court of Common Pleas, Lucas County, Ohio.

### **9.03 WORK RELEASE**

A. AUTHORITY FOR PROGRAM The Work Release Department operates under authority of the Lucas County Common Pleas Court, General Trial Division, pursuant to RC 5147.28 and 5147.29. Municipal courts in Lucas County may participate in the use of this program upon proper agreement.

B. RESIDENT VIOLATIONS The department director, or in absence of the director, a designated representative, may either order the removal of any resident from work release to the Lucas County Corrections Center, the appropriate municipal jail, or the Corrections Center of Northwest Ohio, or place a resident under house arrest for an infraction of work release regulations. Removal or house arrest of a resident shall be reported within the next working day to the assigned judge who will schedule a hearing on the matter as soon as practicable.

### **RULE 10 – ELECTRONIC FILING THROUGH THE EFILE SYSTEM**

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 11, the Ohio Supreme Court Advisory Committee and the Court's draft Standards for Electronic Filing Processes, the Court hereby adopts the following Local Rule 10 governing electronic filing ("eFile") system.

### **10.01 EFFECTIVE DATE**

Effective May 1, 2017, attorneys may electronically file through the Court's eFile System. Filing through the eFile System is voluntary.

### **10.02 ATTORNEY REGISTRATION**

Each attorney will receive a unique identifier for purposes of filing documents electronically and will be deemed to have electronically filed any document submitted using that identifier.

### **10.03 SERVICE OF COURT INITIATED FILINGS**

Service of Court initiated filings will be made by email through the Clerk's eServices application.

### **10.04 OFFICIAL COURT RECORD**

Documents filed through the eFile System have the same force and effect as those filed by traditional means.

### **10.05 FORM AND REQUIRED FILINGS**

- A. Documents filed through the eFile System shall be filed in .pdf format, except for proposed orders, which shall be filed in Microsoft Word format or a format that is compatible with Microsoft Word. Documents filed shall otherwise comply with the requirements of Local Rule 1.04.
- B. Document filed shall be signed with an image of the author's signature, or with the typed phrase "/s/ [Name of Author]." The signature on a document filed through the eFile System is deemed a signature for all purposes under all applicable rules, statutes, and regulations.
- C. Documents requiring an original signature, such as an affidavit or other notarized document, may be filed through the eFile System as a .pdf document. The filer shall maintain the original signed document in the filer's records until the case is closed and the time for appeal has expired, or the appeals have been concluded and all opportunities for post judgment relief are exhausted.
- D. Documents filed through the eFile System shall not exceed 10 megabytes in size, and shall not contain active hyperlinks to material outside the document being filed.

E. In accordance with Sup.R. 45(E), Personal Identifiers should be omitted from documents filed through the eFile System. The term "Personal Identifiers" is defined in Sup. R. 44(H).

F. A Case Designation Form must be filed as a separate document when an original complaint is filed through the eFile System.

G. An Affidavit of Indigence/Poverty must be filed as a separate document when the document to which it relates is filed through the eFile system.

#### **10.06 FILING AND REVIEW**

A. Documents may be filed through the eFile System twenty-four hours a day, seven days a week. A document shall be deemed filed on the date and time it is filed through the eFile System, whether or not the Clerk's office is open at the time, and regardless when the Clerk's office processes it.

B. Should a controversy arise in connection with the eFile System, or from the failure of the electronic filing process, it shall be submitted to the Judge assigned to the case for resolution, or, if no Judge has been assigned, to the Administrative Judge. The party wishing to bring the controversy to the attention of the Court shall file a memorandum explaining the controversy and proposing a resolution. All interested parties shall be given notice of the submission of the controversy to the Court, and an opportunity to file a written memorandum addressing the controversy. The Judge hearing the controversy will then issue an order determining the controversy, which shall be made part of the record.

#### **10.07 SERVICE**

A. Instructions for Service must be filed as a separate document when documents to be served by the Clerk are filed through the eFile System. The Instructions for Service shall designate the names and addresses of the parties to be served. If the address of a party to be served is unknown, the filer shall substitute "unknown" for the address. The Instructions for Service shall designate a method of service pursuant to Civ.R. 4, unless an order providing otherwise has been entered by the Court. The Clerk shall then issue a summons and process the method of service in accordance with the Rules of Civil Procedure.

B. All other documents filed through the eFile System shall be served by counsel as required by Civ. R. 5.

#### **10.08 EXCEPTIONS TO ELECTRONIC FILING**

The following documents may not be filed through the eFile System:

- A. Any document in a criminal, juvenile, or domestic relation case.
- B. Any document required to be filed under seal or in camera.
- C. Exhibits, attachments, or other documents that cannot be filed as a .pdf document or exceed 10 megabytes in size.
- D. Any document that contains an active hyperlink to material outside the document being filed.
- E. Complaints on Cognovit Notes.
- F. Complaints in Appropriations Cases.
- G. Motions for temporary restraining orders, preliminary injunction or other immediate relief.
- H. Complaints filed pursuant to R.C. 2903.214 for Civil Stalking Protection Orders or Civil Sexually Oriented Offender Protection Order.
- I. All documents related to Judgment Lien Cases, Certificates of Judgment, Garnishments, Writs of Possession, Foreign Sheriff Deposits and Petitions for Court Ordered Certificate of Title.
- J. Depositions.

### **10.09 DEPOSITS AND FEES**

When a document requiring the payment of a deposit or fees is filed through the eFile System, the required deposit or fee must be paid by credit card at the time of the filing. A 3.5% convenience fee will be assessed on all deposits and fees paid in this manner.

### **APPENDIX A FILING FEES**

\$300.00	--	Civil suit by non-resident plaintiff
\$300.00	--	Civil suit filed by resident (including third party action). Notice of appeal from tribunals, commissions or administrative agencies
\$300.00	--	Application/motion to confirm an arbitration award
\$550.00	--	Civil foreclosure actions
\$125.00	--	Cost of civil execution
\$125.00	--	Counter-claims, cross-complaints or third party complaint where service is requested
\$ 50.00	--	Motion or Petition to request hearing on classification and/or registration requirements pursuant to R. C. 2950.03(E), R. C. 2950.032(E) or R. C. 2950.11

\$ 40.00	--	Proceedings in aid of execution, motion to vacate, revive, or modify judgment No proceedings in aid of execution shall issue unless all costs of former proceeding in aid of execution issues in the same case by the party requesting such proceedings have been paid
\$ 2.00	--	Sheriff - Writ of Possession
\$ 25.00	--	Service or execution of summons on non-resident defendant where service by foreign sheriff is requested
\$175.00	--	Costs for cognovit note complaint
\$ 32.50	--	Judgment lien from another court
\$ 37.50	--	Judgment lien from this court (includes State Liens)
\$ 5.00	--	Lien Release
\$ 5.00	--	Entering satisfaction of lien on record in County Recorder's Office and Clerk of Courts, each
\$400.00	--	Jury View for a civil case (see Gen.R. 1.06 E )
\$200.00	--	Fee for civil jury - (see Gen.R. 5.07 F)
\$ 5.00	--	Certificate of judgment for transfer
\$ 37.50	--	Foreign judgment
\$150.00	--	Notice of Appeal
\$ 2.50	--	Fee per disc for copy of digital recording of proceedings
\$ 50.00	--	Certificate of Qualification for Employment
\$100.00	--	Miscellaneous Case Filings

## APPENDIX B ASSIGNED COUNSEL FEE SCHEDULE

The following are the **maximum** fees permitted by County resolution, for appointments submitted on or after September 20, 2017.

1. **Aggravated Murder with Death Penalty Specification** -- \$75,000.00 (total fee for two attorneys)  
Hourly Rates for Capital Cases only: \$125.00 out of court and \$125.00 in court
2. **Aggravated Murder** with no Death Penalty

With two attorneys	\$6,000.00
One attorney	\$4,000.00
3. **Murder** \$ 3,250.00

4. <b>Rape</b> with possible life sentence		\$2,000.00
5. <b>Felony</b>	First Degree	\$1,750.00
	Second Degree	1,500.00
	Third Degree	1,250.00
	Fourth Degree	1,000.00
	Fifth Degree	900.00
6. <b>Misdemeanor</b>	First Degree	\$ 500.00
	Second Degree	400.00
	Third Degree	250.00
	Fourth Degree	150.00

**7. Appeals**

Aggravated Murder with Death Penalty with two attorneys	\$15,500.00
Aggravated Murder without Death Penalty	4,000.00
Murder and Rape with possible life sentence	1,500.00
All other felonies	1,000.00
All other proceedings including post-relief conviction	750.00
Misdemeanors	750.00
Juvenile termination of parental rights	2,000.00
Guardian ad litem	1,000.00
Juvenile delinquency	1,000.00

The court may award extraordinary fees not to exceed \$2,000 when appropriate.

**8. Juvenile Proceedings**

A. Felony Matters:	
First Degree	\$ 700.00
Second Degree	700.00
Third Degree	500.00
Fourth Degree	500.00
Fifth Degree	500.00
B. Juvenile Certification Proceeding (Bindover)	500.00
C. Misdemeanor	250.00
D. Minor Misdemeanor	100.00

E. Juvenile Traffic, Unruly, 250.00  
Community Control/Probation/Parole Violations,  
And Juvenile Civil protection Orders

F. Abuse/Neglect/Dependency  
Shelter Care, Adjudication Through  
Disposition 500.00  
Permanent Custody Proceedings 1,000.00  
Annual Review Hearing 500.00

G. Contempt Proceeding 300.00

H. All Other proceedings, including  
Post-conviction relief 500.00

I. Adult misdemeanor cases in the Juvenile Division shall have the same  
fee cap as the applicable General Division fee cap.

9. All other proceedings, including habeas corpus and post-conviction relief \$500.00

10. Maximum hourly rates for all non- capital cases in the General Division, Juvenile  
Division, Domestic Relations Division, and the 6<sup>th</sup> District Court of Appeals:

Up to \$50.00 per hour (out of court)

Up to \$50.00 per hour (in court)

The above rates are for the most serious charged offense and apply as  
aggregate ceilings regardless of the number of counsel working on an individual case.

For matters heard in the Lucas County Common Pleas Court, General Division,  
the trial judge may individually approve via journal entry an extraordinary fee of up to  
\$300 per charge or count, if there are multiple charges or counts on the case. The  
judge may also approve via a journal entry an extraordinary fee of up to \$250 per day  
beginning the first day of a jury trial until the jury receives a case for deliberation. The  
provisions herein shall not be applicable for any day subsequent to a jury receiving the  
case for deliberation.

In addition, an individual judge of the General Division may approve up to an additional \$1,000 in extraordinary expenses due to extraordinary circumstances for any felony case.

## **APPENDIX C CIVIL CASE DESIGNATION SHEET**

<http://co.lucas.oh.us/index.aspx?nid=1358>

(click link above)

On Website:

Click - Case Designation Form (non-foreclosure) link

Click - Case Designation Form (Foreclosure) link