

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

AS OF 2/01/2010

--TABLE OF CONTENTS--

RULE 1 -- GENERAL PRACTICE

1.01 COURT TERMS & SESSIONS

- A. TERMS
- B. SESSIONS

1.02 OFFICIAL LAW JOURNAL

- A. OFFICIAL JOURNAL
- B. ATTORNEY NOTIFICATION

1.03 ATTORNEYS

- A. COUNSEL
- B. TRIAL COUNSEL
- C. LIMITATIONS
- D. APPEARANCE OF COUNSEL
- E. INFORMATION FOR COURT

1.04 FILING REQUIREMENTS

- A. COURT RECORDS
- B. FILINGS
- C. ATTORNEY IDENTIFICATION
- D. CASE DESIGNATION
- E. JUDGES' NAMES ON FILINGS

1.05 FAX FILING

- A. AUTHORIZATION
- B. FAX COPIES
- C. REQUIREMENTS
- D. FAX DOCUMENTS AS ORIGINALS
- E. CHARGES

1.06 COURT COSTS AND FEES

- A. SECURITY FEES
- B. COMPUTER RESEARCH FEES
- C. MICROFILM FEES
- D. AUTOMATION FEES
- E. JURY TRIAL FEES
- F. FORECLOSURE FEE

1.07 RETENTION OF RECORD EVIDENCE

- A. DUTY
- B. TIME LIMITS
- C. CRIMINAL EXHIBITS
- D. PROFFERED EXHIBITS

RULE 2 -- COURT SECURITY & DECORUM

2.01 SECURITY

- A. SECURITY PLAN
- B. SEARCH
- C. WEAPONS

2.02 DECORUM

- A. DECORUM
- B. SANCTIONS

RULE 3 -- CASE MANAGEMENT

3.01 GENERAL

- A. AUTHORITY
- B. PURPOSE

3.02 COURT ACTION

- A. ASSIGNED JUDGE
- B. UNAVAILABILITY OF ASSIGNED JUDGE
- C. VISITING JUDGE

RULE 4 -- CRIMINAL CASES

4.01 GRAND JURY PROCEEDINGS

- A. TAPE RECORDING
- B. RECORD KEEPING

4.02 ASSIGNMENT OF CRIMINAL CASES

- A. RANDOM ASSIGNMENT
- B. MULTIPLE CASES
- C. SCHEDULING
- D. INVENTORY

4.03 BAIL & BONDS

- A. MUNICIPAL BAIL
- B. BOND SETTING & MODIFICATION
- C. PERSONAL RECOGNIZANCE BONDS
- D. SURETY & PROPERTY BONDS

4.04 COUNSEL

- A. APPOINTED COUNSEL
- B. INDIGENT DEFENDANTS
- C. APPLICATION FOR FEES
- D. PRIVATE CASES
- E. ATTENDANCE
- F. EXPERTS FOR INDIGENT DEFENDANTS

4.05 CRIMINAL MOTIONS

- A. WRITTEN MOTIONS
- B. MOTIONS TO SUPPRESS
- C. PROOF OF SERVICE
- D. DEADLINES
- E. PAGE LIMITATION

4.06 CRIMINAL TRIALS

- A. PRECEDENCE
- B. RETENTION OF RECORD EVIDENCE

4.07 VICTIMS & WITNESSES

- A. NOTIFICATION
- B. PRESENTENCE STATEMENTS

RULE 5 -- CIVIL CASES

5.01 CASEFLOW

- A. CASE DESIGNATION SHEET
- B. SERVICE
- C. INVENTORY AND REVIEW OF CASES

5.02 ASSIGNMENT PROCEDURES

- A. ASSIGNMENT AND REASSIGNMENT OF CASES

- B. CONSOLIDATION
- C. DISQUALIFICATION
- D. REASSIGNMENTS

5.03 TIME LIMITS

- A. GENERAL TIME LIMITS
- B. ADMINISTRATIVE APPEALS
- C. FORCIBLE ENTRY AND DETAINER ACTIONS

5.04 PLEADINGS, MOTIONS & OTHER PAPERS

- A. PLEADING EXTENSIONS
- B. AMENDMENTS
- C. MOTION REQUIREMENTS
- D. OPPOSITION
- E. REPLY
- F. SUBMISSION DATE
- G. HEARINGS
- H. EMERGENCY MATTERS
- I. PAGE LIMITATION

5.05 ORDERS & JUDGMENTS

- A. ROUTINE ORDERS
- B. INTERLOCUTORY ORDERS
- C. JUDGMENTS
- D. DEADLINES
- E. JOURNALIZATION
- F. SETTLEMENT
- G. COURT-PREPARED ORDERS

5.06 PRETRIAL CONFERENCES

- A. SCHEDULING AND ATTENDANCE
- B. INITIAL PRETRIAL STATEMENT
- C. ISSUES TO BE CONSIDERED
- D. INITIAL PRETRIAL ORDER
- E. FINAL PRETRIAL CONFERENCE
- F. SANCTIONS

5.07 CIVIL TRIALS

- A. SCHEDULING
- B. CONTINUANCES
- C. TRIAL DEPOSITIONS
- D. RETENTION OF EVIDENCE
- E. JURY COSTS
- F. JURY FEE

5.08 COMMERCIAL DOCKET

- A. DESIGNATION AND ORGANIZATION
- B. SCOPE OF THE COMMERCIAL DOCKET
- C. TRANSFER OF CASES TO THE COMMERCIAL DOCKET
- D. RE-FILED CASES
- E. ADJUSTMENT TO OTHER CASE ASSIGNMENTS
- F. REVIEW OF FILED CIVIL CASES

5.09 LIENS

- A. APPLICABILITY
- B. NOTICE TO BUNDLE LIENS
- C. JUDGE ASSIGNMENT
- D. DOCKETING
- E. RELEASE OF LIENS

RULE 6--- ALTERNATE DISPUTE RESOLUTION

6.01 CIVIL CASE MEDIATION PROGRAM

- A. PURPOSE
- B. SCOPE
- C. CIVIL CASE MEDIATOR
- D. ATTENDANCE
- E. MEDIATION PROCESS
- F. CONFIDENTIALITY
- G. SANCTIONS

6.02 OTHER ADR PROGRAMS

RULE 7 -- JURY MANAGEMENT & ADMINISTRATION

7.01 JURY MANAGEMENT

- A. JURY ADMINISTRATION
- B. MONITORING JURY SYSTEM
- C. JURY FACILITIES
- D. JUROR COMPENSATION

7.02 JUROR ELIGIBILITY

- A. GENERAL ELIGIBILITY
- B. THOSE INELIGIBLE
- C. TERM

7.03 JURY SELECTION

- A. SOURCE LIST
- B. PANEL SELECTION
- C. EXEMPTIONS, EXCUSES & DEFERRALS

7.04 JURY TRIALS

- A. ORIENTATION
- B. VOIR DIRE
- C. JURY INSTRUCTIONS
- D. DELIBERATION

RULE 8 -- SPECIAL PROCEDURES

8.01 BANKRUPTCY & APPROPRIATION CASES

- A. BANKRUPTCY
- B. APPROPRIATION CASES
- C. TAXES

8.02 FORECLOSURE PROCEDURES

- A. FILING OF FORECLOSURE COMPLAINT
- B. CASE DESIGNATION SHEET
- C. COUNTY TREASURER
- D. SHERIFF'S SALE**

RULE 9 -- MISCELLANEOUS

9.01 MEDIA

- A. APPLICATION
- B. PERMISSION
- C. LIMITATIONS

- D. POOLING
- E. SANCTIONS

9.02 COMMITTEE ON NOTARIES PUBLIC

- A. MEMBERS
- B. DUTIES
- C. FEES
- D. APPOINTMENTS
- E. TERMS
- F. OFFICERS
- G. ACCOUNTING

9.03 WORK RELEASE

- A. AUTHORITY FOR PROGRAM
- B. RESIDENT VIOLATIONS

APPENDICES

APPENDIX A FILING FEES

APPENDIX B ASSIGNED COUNSEL FEE SCHEDULE

APPENDIX C CIVIL CASE DESIGNATION SHEET

-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 **February 1, 2010**. 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 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.

1.03 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 shall promptly provide in writing any change in name, address, telephone or fax number to the clerk of courts and the office of the court administrator.

1.04 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 Every paper filed with the clerk of court 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.

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 January 1, 2007.

1.05 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 accord 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.

1.06 COURT COSTS AND FEES

A. **SECURITY FEES** Security fees shall be charged in accord 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 accord with R.C. 2303.201, the clerk of courts is authorized and directed to charge against the security fee \$3.00 on the filing of each cause of action or appeal under R.C. 2303.20.1 (A) All fees collected under this section shall be paid to the county treasury and shall be disbursed only upon court order.

C **MICROFILM FEES** For the microfilming 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 court records.

D. **AUTOMATION FEES** For automation, the clerk shall charge against the security fee \$10.00 for each case filed 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.

E. **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.

1.07 RETENTION OF RECORD EVIDENCE

A. **DUTY** The official court reporter shall receive and hold all exhibits proffered and admitted into evidence during the trial of any case. The court reporter 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 are 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 ordinance 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. This rule is effective immediately.

2.02 DECORUM

A. **DECORUM** Food, 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.

RULE 3 -- CASE MANAGEMENT

3.01 GENERAL

A. **AUTHORITY** In accord 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 insure 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 accord 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 accord with rules of the Supreme Court.

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 sent 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** If an indictment or information contains multiple defendants, the clerk shall randomly assign that case to a single judge. Multiple cases against the same defendant shall be assigned to a single judge.

C. SCHEDULING Each judge shall select a date and time each week for criminal cases for arraignment, pretrial, hearing, or sentence. When the grand jury report is received and cases are assigned by the clerk, each case shall be listed on the assigned judge's next scheduled criminal docket date unless the judge directs otherwise..

D. INVENTORY All pending criminal cases which have been on docket for more than six months shall be reviewed periodically by the assigned judges and a judge shall take appropriate action to move such a case to termination in accordance with the Rules of Superintendence.

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.

4.04 COUNSEL

A. APPOINTED COUNSEL The court may periodically require attorneys who desire criminal appointments to register with the office of the court administrator.

B. 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.

C. 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 accord 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 regular scheduled Judges' meeting.

D. 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

E. 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.

F. 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 will be responsible for the cost of services obtained.

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 All motions 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 according to established procedures. The court reporter 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. 2933.41. Shorthand notes taken by the court reporter shall be filed in the office of the court reporter and carefully preserved for either of the following time periods: 1) If the action is not a capital case, the notes 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 notes 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 accord 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) In all civil filings, the plaintiff shall initially choose one method of service as provided for in Civil Rule 4.1, and may not request service by an alternate method until there is a return showing failure of service.

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 requirement of Civil Rule 4.1 thought 4.6, any applicable local rules, and specific instruction for service as ordered by the Court in individual cases.

(b) Order The applicant requesting the designation shall submit an order captioned "In 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(B)(1) 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.

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.

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 case 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 their nature require more rapid adjudication as determined by the trial judge, shall be concluded within the following time periods:

A	Professional Tort	24 Months
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 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.

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 mail a copy of the order or judgment upon journalization to each counsel of record.

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:

- A Professional Torts
- B Product Liability
- C Other Torts
- G Complex Litigation
- H 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, 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 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 agreed to participate as a designated commercial docket pilot project court pursuant to Temp. Sup. R. 1.01 through 1.11.

2) Effective January 2, 2009, a commercial docket pursuant to the requirements of Temp. Sup R. 1.01 through 1.11 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".

B. SCOPE OF THE COMMERCIAL DOCKET - The cases accepted into the commercial docket shall include only those cases meeting the definition provided in Temp. Sup R.1.03(A).

C. Transfer of Cases to the Commercial Docket

1) All civil cases filed shall continue to be randomly assigned pursuant to Gen.R. 5.02.

2) If the case meets the definition as a commercial docket case and the case is not randomly assigned to a commercial docket judge, the attorney filing the case shall file a motion with the assigned judge for transfer of the case to the commercial docket.

3) If the attorney filing the case does not file a motion with the assigned judge for transfer of the case to the commercial docket, an attorney representing any other party shall file such a motion with that party's first responsive pleading or upon that party's initial appearance, whichever occurs first.

4) The assigned judge shall review the motion and, rule on the motion within two business days of filing. Upon a determination that the case meets the definition as a commercial docket case, the assigned judge shall prepare an order for the clerk to transfer the case to the commercial docket. The order shall be presented to either commercial docket judge for review and approval prior to the submission of the order to the clerk for the reassignment of the case to the commercial docket.

5) If no attorney representing a party in the case files a motion for transfer of the case to the commercial docket, 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. The order shall be presented to either commercial docket judge for review and approval prior to submission of the order to the clerk for reassignment of the case to the commercial docket.

6) In the event the judges disagree about the eligibility of the case for the commercial docket, the matter shall be presented to the Administrative Judge for final determination. If the Administrative Judge is one of the involved Judges, the matter shall be presented to the back-up Administrative Judge for final determination. The Administrative Judge or the back-up Administrative Judge shall decide the matter within two days. The decision of the Administrative Judge is final and not appealable.

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

D. RE-FILED CASES - if the re-filed cases was originally filed prior to January 2, 2009 , the originally assigned judge shall retain the case even if the case would otherwise be eligible for the commercial docket.

E. 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-foreclosure case or 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.

F. The commercial docket judges shall have recently filed civil cases routinely reviewed to identify cases for transfer 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 referral program.

B. SCOPE Civil case mediation is 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 judge assigned to 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. The civil mediation program does not encompass domestic violence cases nor protection orders.

C. 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.

D. ATTENDANCE The parties and their attorneys, and a representative of any insurance carrier involved ("participant(s)") shall take part in 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.

E. **MEDIATION PROCESS** In accordance with the Uniform Mediation Act, enacted as O.R.C. Sections 2710.01 to 2710.10 (the "UMA"), 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 alternative 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. 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 the court only whether a mediation or has ended, whether or not a settlement was reached, and who attend the mediation session. If mediation results in a settlement agreement, the participants are encouraged to memorialize the agreement in writing. Under the UMA, mediation communications contained in an written agreement signed by all participants are one of the few mediation communications are not privileged and confidential.

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

G. **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.

6.02 OTHER ADR PROGRAMS The court approves use of alternative dispute resolution programs such as arbitration and mediation which may be available to the participants prior to litigation.

RULE 7 -- JURY MANAGEMENT & ADMINISTRATION

In accord 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 insure 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 accord 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 accord 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 and first be applied to the payment of court costs with the balance held by the sheriff until further order of the court.

(3) DEFAULT If the purchaser fails to pay the balance due on the purchase price within thirty days after being notified that the deed is prepared, the deposit shall be forfeited

and shall first be applied to the payment of court costs with the balance held by the sheriff until further order of the court.

(4) TITLE WORK In every real property action subject to execution by sheriff's sale, with the exception of 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 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.

(5) 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 be appraised, reappraised or no appraisal or minimum bid set by attorney
5. Bankruptcy-if sta 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

(6) MOTIONS TO WITHDRAW PROPERTY FROM SHERIFF'S SALE Motions and proposed Order 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's 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.

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 accord 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.

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 representative 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 accord 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 shall consider broad representation of all practicing attorneys.
- E. **TERMS** Members of the committee shall serve a three-year term and 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 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.

APPENDIX A FILING FEES

\$275.00	--	Civil suit by non-resident plaintiff
\$275.00	--	Civil suit filed by resident (including third party action). Notice of appeal from tribunals, commissions or administrative agencies
\$275.00	--	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
\$ 15.00	--	Praecipe for Execution (covers \$6.00 fee for Legal News)
\$ 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 of summons or execution of non-resident defendant where service by foreign sheriff is requested
\$175.00	--	Costs for cognovit note complaint
\$ 25.00	--	Judgment lien from another court
\$ 30.00	--	Judgment lien from this court
\$ 5.00	--	Lien Release
\$ 15.00	--	State 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
\$ 29.50	--	Foreign judgment
\$150.00	--	Notice of Appeal

APPENDIX B ASSIGNED COUNSEL FEE SCHEDULE

The following are the **maximum** fees permitted by County resolution, for appointments on or after February 1, 2005. The previous fee schedule applies to earlier appointments.

1. **Aggravated Murder with Death Penalty Specification** -- \$60,000.00 (total fee for two attorneys)
Hourly Rates for Capital Cases only: \$90.00 out of court and \$100.00 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. **Rape** with possible life sentence \$2,000.00

5. **Felony**

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. **Misdemeanor**

First Degree	\$ 500.00
Second Degree	400.00
Third Degree	250.00
Fourth Degree	150.00

7. **Appeals**

Aggravated Murder with Death Penalty	
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with two attorneys	\$8,000.00
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**

Felony:	First Degree	\$	700.00
	Second Degree		700.00
	Third Degree		500.00
	Fourth Degree		500.00
	Certification Proceeding		500.00
	Misdemeanor		250.00
	Minor Misdemeanor		100.00
	Permanent Custody	1,000.00	
	Temporary Custody	500.00	
	Adult Offender Bind-over		400.00

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

10. Maximum hourly rates for all non- capital cases:
 Up to \$45.00 per hour (out of court)
 Up to \$45.00 per hour (in court)

An additional \$250.00 per day until the jury receives a case for deliberation may be added for each felony trial day starting with the first day of trial. The provisions herein shall not be applicable for any day subsequent to a jury receiving the case for deliberation.

The above rates are ceiling amounts and apply as aggregate ceilings regardless of the number of counsel working on an individual case. However, at the discretion of the trial judge, a maximum of up to \$300.00 for each additional count may be granted.

For those matters heard in the Lucas County Common Pleas Court, General Trial Division, upon a demonstration to and a finding by the judges of the general division of extraordinary circumstances, a fee of up to \$1,000.00 may be allowed for any felony case. The extraordinary fee will be permitted only after the assigned judge requests

such consideration, and a majority of judges approve the fee at a regularly scheduled judges' meeting.

APPENDIX C CIVIL CASE DESIGNATION SHEET

A	Professional Tort	24 Months
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