RULES OF COURT

COMMON PLEAS COURT
OF SHELBY COUNTY, OHIO

GENERAL DIVISION

Effective July 1, 2015

James F. Stevenson, Judge

The Common Pleas Court of Shelby County, Ohio, General Division, adopts the following Rules for the conduct, government, and management of business operations, proceedings and other functions and services of the Court. They shall become effective July 1, 2015, supersede all previous Rules, and shall remain in effect until amended or repealed.

These Rules shall apply in all instances except Domestic Relations proceedings and when they conflict with the provision of Rules promulgated by the Supreme Court of Ohio, or are clearly not applicable. Separate Domestic Relations Rules have been adopted by the Court.

The Rules of this Court are designed with the purpose in mind to make the judicial system better for the people we all serve.

These Rules shall be construed to achieve an orderly administration of the business of this Court, to govern the practice of attorneys and parties before this Court and to secure the just, speedy and inexpensive determination of every action. Reference to status, regulations or Rules shall be interpreted to include all revisions and amendments thereto. Reference to the Clerk shall be interpreted to include the Clerk of this Court and any Deputy Clerk.

The Judge of this Court reserves the right to vary any rules, after hearing, in the interest of justice.

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These rules may be cited as "Local Rule _____".

RULE 1

Term of Court

The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be one term divided into three (3) parts, for purposes of Chapter 2313 O.R.C. Said parts shall be more particularly determined by Court Order annually.

RULE 2

Hours of Court Sessions

The hours for holding the regular sessions of this Court shall be from 9 a.m. until 12 noon, from 1 p.m. until 4 p.m., on Monday through Friday each week, except for those days designated by law as legal holidays. Said hours may be modified by the trial Judge to meet special conditions.

RULE 3

Deposit of Cash to Secure Costs, Bonds, etc.

No civil actions or proceedings shall be accepted for filing by the Clerk unless the party or parties offering the same for filing shall have first deposited a sum of money to secure the payment of costs. Except as otherwise provided by law, when applicable, such advance deposit shall be as follows:

Civil Complaint/Appeal to C.P.C. (other than foreclosure)	$300
Civil Foreclosure	$600
Certificate of Qualification	$200
Answer and Counterclaim (with service)	$150
Third Party Complaint	$150
Foreign Judgment	$150
Cognovit Complaint	$150
Writ of Possession	$150
Reopening/Motion for Modification	$150
Aid in Execution	$150
Order of Sale	$300
Jury Deposit (Due 30 days before trial.)	$500
Judgment Debtor Examination	$135 – service of one $25 – each additional
Preparation of Certificate of Judgment	$5
Filing of Certificate of Judgment	$20

Preparation and Filing of Certificate of Judgment	$25
Releasing of Certificate of Judgment	$5
Releasing a State Certificate of Judgment	$30
Notice of Appeal to Third District	$150
Garnishment	$135
Divorce Action	$300
Divorce Action with publication notice (Attorney to do publication and file proof with Clerk)	$300
Dissolution	$250
Agreed Entry	$135
Agreed Entry with Health Insurance Order	$160
Expungement	$200
Q.D.R.O.	$135
Notice of Intent to Relocate	$135
Objection to Intent to Relocate	$135
Motion for Contempt	$150
Fax transmission (incoming and out-going)	$3
Fax per page (incoming and out-going)	$3
New notary commission	$25
Renew notary commission	$20
Notary book	$5
Authentication of notary commission	$2
Copies per page (not certified)	10 cents
Exemplified copy of judgment	$4
Certified copies	$1 per page and $1 computerization fee per document
Recording of Proceeding	$10 per disc

In cases of multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the cost thereof.

The Clerk may require a deposit for costs in any proceedings at filing and not specifically covered in the foregoing paragraphs.

At such time as an Order of Sale is approved by the Court on foreclosure, or when precipe is filed for execution on real estate, the Clerk shall estimate all costs taxable through the Clerk's office, such as appraiser's fees, sheriff's fees and poundage, etc. A deposit from the party or parties initiating the action for the sale of the real estate shall be paid before further proceedings shall take place.

In lieu of cash deposit, costs may be secured by bond with surety approved by the Clerk.

If it is brought to the attention of the Court by the Clerk of this Court, or by any party to the proceeding, that any deposit is insufficient, the Court may require said deposit to be increased from time to time.

Where the Plaintiff makes an affidavit of inability to pay or secure costs as provided by 2323.31 O.R.C., the Clerk of Courts shall receive and file such complaint without such deposit or security, provided however, the Clerk shall not accept for filing any affidavit of a party's inability to make the required deposit for costs, unless and until the Court has indicated approval thereon. Said affidavits are subject to Court review at any stage of the proceeding.

To secure such approval, the attorney for the party desiring to file the affidavit shall certify that no monies have been paid to him by the party, and that to his best knowledge and belief, the party is unable to make the deposit.

The Clerk of this Court is granted the following powers in her discretion:

a. If any deposit is insufficient, the Clerk may require the deposit to be increased.

b. If the costs are not paid at the termination of litigation, any deposit for costs may be applied by the Clerk to the unpaid costs due.

c. In order to effectively collect costs, fines, restitutions or other monies due, to (a) apply any deposits, bonds or other monies in the possession of the Clerk; (b) to issue executions for the recovery of said monies; (c) to file Certificates of Judgment with this or any other Court, and (d) effect collection of such monies due by any other legal means.

d. The Clerk may make periodic or partial distribution of monies deposited for the purpose of fines and restitutions.

e. To refuse to file any paper or pleading not in complete conformity with these rules.

f. To refuse any check tendered for any payment unless certified.

No one other than Common Pleas Court personnel may remove a file from the Clerk of Court's office without approval of the Court.

The following number of any pleading shall be filed with the Clerk upon filing of the original pleading: in civil cases, three copies; in criminal cases, five copies.

RULE 4

Facsimile Filings

The provisions of this local rule are adopted under Civ.R. 5(E). This rule applies to civil, criminal and domestic relations proceedings in the Shelby County Common Pleas Court.

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to

937/498-4840 subject to the following conditions:

A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

The person filing a document by fax shall also provide therewith a cover page containing the following information:

1. The name of the court;
2. The title of the case;
3. The case number;
4. The assigned judge;
5. The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendant's Motion to Dismiss);
6. The date of transmission;
7. The transmitting fax number;
8. An indication of the number of pages included in the transmission, including the cover page;
9. If a judge or case number has not been assigned, state that fact on the cover page;
10. The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
11. If applicable, a statement explaining how costs are being submitted.

If a document is sent by fax to the Clerk of Courts without the cover page information listed above, the Clerk may, at its discretion:

1. Enter the document in the case docket and file the document; or
2. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document **shall not** be considered filed with the Clerk of Courts.

The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Courts **may** inform the sending party of a failed fax filing.

A party who wishes to file a signed source document by fax shall either fax a copy of the signed source document or fax a copy of the document without the signature but with the notation

"/s/" followed by the name of the signing person where the signature appears in the signed source document.

A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the title of the case, the case number, and the title of the exhibit being filed and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Courts will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Courts through whatever technological means are available.

No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. The Clerk of Courts shall be contacted prior to faxing when a filing fee is due, in order to make arrangements for the payment of filing fees.

Facsimile filings shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.

RULE 5

Copying Files

The Clerk shall upon request of the party or his attorney, furnish copies of pleadings (except bills of exceptions or transcripts of evidence) belonging to the files of the Court at a cost of 10 cents per page.

The Clerk shall permit any party to the action or his attorney or agent to make copies of any papers in the files of the Court (except depositions and bills of exceptions) the same to be made at the expense of the party requesting the same in accordance with the foregoing rule, or at the expense of such party or his attorney or agent at available county copying facilities.

RULE 6

Service

A. In General: 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.

B. By Publication: Counsel for a party desiring service by publication shall submit to the Clerk of Courts the proposed legal notice for approval. After approval, the Clerk will cause publication pursuant to Civil Rule 4.4 by returning said notice to the party for transmittal to a paper of general circulation. The requesting party shall be responsible for publication costs.

RULE 7

Trial Counsel and Co-Counsel Participation

In all actions filed in this Court all parties not appearing in propria personae shall be represented of record by a trial counsel who is entitled by the Supreme Court of Ohio to practice before this Court. When two (2) or more attorneys join in a single pleading only one (1) trial counsel shall be designated. Thereafter until such designation is changed by order of the Court, upon written motion, all papers filed on behalf of one (1) or more parties represented by counsel shall be signed by one (1) attorney in his individual name as the trial counsel, followed by the designation "Trial Counsel", together with his or her typed name, office address, telephone number, fax number and business e-mail address. Firm names and the names of co-counsel may appear on the pleadings for information only.

Trial counsel shall be responsible for the action and shall attend all hearings, conferences, pretrials and the trial. All notices and communications from the Court, and all documents required to

be served on parties by law will be sent to trial counsel. He or she shall be responsible for notifying the parties, co-counsel and associate counsel of all matters affecting the action.

Any member in good standing of the Bar of the United States District Court or the highest Court of any state may be permitted to appear and participate as co-counsel or associate counsel, upon Motion of the trial counsel for any party. Such permission may be withdrawn at any time. Said Motion is not required for the purpose of having Counsel's name appear on the pleadings.

RULE 8

Bail or Surety

No attorney of law or other officer of this Court shall be accepted or received as bail or surety on any undertaking of any kind in this Court, nor shall any bond or undertaking be approved having the name of any such person thereon as surety.

RULE 9

Pleadings, Motions, Captions - General Form

A) To facilitate scanning for electronic recording, the original of all pleadings and other documents shall be submitted to the clerk unbound other than by a paper clip or other easily removable clipping device. Copies to be file stamped and returned should be bound by staple.

B) All pleadings, motions, and other documents shall be single sided, legibly typewritten or printed on letter size (8-1/2" by 11") paper, with each sheet containing only one page of text.

C) The caption at the top thereof, in addition to stating the name of the Court, the county and state, shall state the name and address of all parties. A blank space of at least 3" shall be left at the top of the right side of the first page for endorsement thereon by the Clerk. Pleadings subsequent to the Complaint, including motions or applications, shall state the number of the cause, the name of the first party Plaintiff and first party Defendant on each side.

D) Any pleadings or other paper filed shall state in the caption the nature of the Complaint, pleading or paper, such as "Complaint for Personal Injury," "Answer to Amended Complaint," etc.

E) At least one attorney of record, whether the case is civil or criminal, shall sign all pleadings. All pleadings, whether civil or criminal, shall contain a signature block for the attorney which shall include typewritten or printed the attorney's name, bar

registration number, telephone number, telefax number, and e-mail address. If a party is pro se, the party shall comply with this rule as applicable.

RULE 10

Jury Demand

A party or counsel demanding a jury shall endorse the demand on the pleading and make it a part of the caption.

The Clerk is authorized to reject for filing any pleading not in conformity with this rule.

Any party demanding trial by jury, in a civil case, shall deposit the sum of $500 as an advance deposit to secure the costs of said jury. Said deposit shall be delivered to the Clerk at least 30 days prior to the trial. Further, failure to deliver and make such deposit within said time shall constitute a waiver of trial by jury.

RULE 11

Service of Copies and Notices

All certified mail shall be marked that delivery is restricted to addressee if title to real estate is involved in the proceeding.

RULE 12

Ex Parte Communications with the Court

Copies of all correspondence addressed to the Court by any party or counsel shall be mailed or furnished to other counsel or parties in the case, and the correspondence to the Court should disclose to whom it was furnished. The Court will disregard correspondence not in compliance with this rule.

RULE 13

Continuances

A continuance may be granted only upon full compliance with Rule 41 of The Rules of Superintendence for the Courts of Ohio. If the request is granted, the applicant shall prepare a Judgment Entry which shall contain the reason for the continuance, the name of the attorney who made the request and the new date certain to which the matter has been continued, which date shall

be first obtained from the Assignment Commissioner. The applicant shall there upon notify the opposing counsel by sending a copy of such Entry with proof of service noted thereon, immediately after filing. All continuances are discouraged. Counsel who plan to be away on vacation or otherwise, should notify the Assignment Commissioner well in advance of their anticipated absence. After a trial schedule is established, counsel who has a conflict with a scheduled trial date should immediately file a Motion for Continuance so that the case may be rescheduled and a replacement case inserted in its stead. All Motions for Continuance due to a scheduling conflict must be accompanied by a file-stamped copy of the scheduling notice creating the conflict.

RULE 14

Rule Day

A party who desires to plead after rule date shall apply in writing to the Court before rule date expires. Failure to comply will be at the risk of Default Judgment being granted pursuant to Rule 55 of the Civil Rules.

In all cases where the time for filing of a pleading or an amended pleading is not fixed by law or another Rule, the pleading or amendment shall be filed on or before the tenth day after the file date of the Entry requiring or granting leave for the filing of such pleading or amended pleading. Unless otherwise specified in the Entry.

RULE 15

Hearing and Submission of Motions

Motions to be ruled upon by the Court shall be in writing, accompanied by a Memorandum. If applicable, said Memorandum shall include citations supporting Movant's position. Within fourteen (14) days after filing of such Motion, each party opposing the Motion shall serve and file a like Answer Memorandum. The moving party may file a Reply Memorandum within seven (7) days after the filing of such Answer Memorandum. Upon expiration of the time of filing Memorandum, the matter shall be deemed submitted unless otherwise ordered by the Court. Failure to file a Memorandum at the time required is a waiver and consent to submit the issue or case to the Court forthwith for decision.

This rule shall apply to Motions to Dismiss filed pursuant to Civil Rule 12, but shall not apply to Motions for Summary Judgment filed pursuant to Civil Rule 56, or to any Criminal Motions. In the event a Motion to Dismiss is filed pursuant to Civil Rule 12, and the Court determines that it is in the nature of a Motion for Summary Judgment, notice of this fact will be given by the Court to the parties, and 20 days will be given opposing counsel to reply to the Motion.

All Motions shall be submitted without oral argument on the memoranda filed with the Clerk unless otherwise ordered by the Court. Upon filing of any Motion which requires oral hearing pursuant to the Ohio Rules of Civil or Criminal Procedure or any provisions of the law, the Movant shall, upon filing said Motion, obtain a date for such hearing and prepare the process or notice for

signature by the Assignment Commissioner.

This Court may, for good cause shown, provide for an early disposition of any Motion with or without the filing of memoranda by the parties. Further, to expedite the business of the Court, the Court may decide any Motion upon filing without notice to the parties when the motion addresses procedural matters only, is a request for an extension of time, or for a correction pursuant to Civil Rule 60(A), if supported by a showing of good cause made orally or in writing to the Court. In the event the opposing parties are in any way prejudiced by the granting of such ex-parte relief, the Court will afford them, upon their request, an immediate oral hearing which shall be granted priority on the calendar of the Court.

Motions for Summary Judgment shall be in accordance with Civil Rule 56. Unless otherwise ordered by the Court, such Motions shall be heard on briefs and other materials authorized by Civil Rule 56(C) without oral argument. The opposing party shall file any desired response within 20 days after the filing of the Motion with the Clerk. The moving party may file a Reply Memorandum to the opposing party's Response within seven (7) days after the Response is filed with the Court.

If an adverse party also files a Motion for Summary Judgment, the opposing party shall file their response within 20 days.

RULE 16

Case Management Plan

The purpose of this rule is to establish, pursuant to Rule 5 of the Rules of Superintendence, for the Courts of Common Pleas, a system for civil management which will achieve the prompt and fair disposition of cases, provide the Court with an efficient means of controlling the flow of cases, and save time by providing members of the Bar with information and case management facilities.

Administrative Appeal

Service of summons, in accordance with Rule 4.1 to 4.6 of the Ohio Rules of Civil Procedure, shall be checked by the Court staff 45 days after the action is filed. If service has not been obtained, the Court staff will check every 14 days for service. If service is obtained, the following briefing schedule shall be automatically ordered:

Appellant's Assignment of Errors Brief due 40 days after the filing of the transcript;

Appellee's Answer Brief due 30 days after service of Appellant's Brief;

Appellant may file a Reply Brief due 14 days after service of Appellee's answer Brief. Thereafter, the matter is considered submitted on the Briefs without oral hearing, unless otherwise specifically requested and ordered by the Court.

Civil

Service of summons, in accordance with Rule 4.1 to 4.6 of the Ohio Rules of Civil Procedure, shall be checked by the Court staff 45 days after the action is filed. If service has not been obtained, the Court staff will check every 14 days for service. If service of summons is complete, the case shall be diaried forward 28 days from the date of service when the following shall take place:

If all party defendants have filed an Answer, the assignment commissioner shall assign the matter for a scheduling conference.

If no Answer has been filed, then the assignment commissioner shall send counsel for Plaintiff notice to either proceed with default judgment or dismiss the action. If neither action has been taken after 14 days, then an entry dismissing the action shall be submitted to the Judge for approval and filing.

A. Scheduling Conference

Scheduling conferences may be held in chambers or by telephone conference as the Court may direct. At the scheduling conference, trial counsel shall be prepared to discuss the following:

a. Nature of proceedings;
b. Peculiar issues involved;
c. Analysis of the issues;
d. Scope and time needed for discovery, including cutoff date: there shall be no distinction between discovery depositions and trial depositions;
e. Exchange demonstrative evidence and exhibits;
f. Determine whether a pretrial conference and/or pretrial statement will be required;
g. Determine witness list exchange date;
h. A possible settlement;
i. Estimate of trial time;
j. Firm trial date.

As a result of the scheduling conference, the following scheduled dates will be set and forwarded to the parties in a scheduling conference order:

a. Cutoff date for discovery;
b. Cutoff date for filing pretrial motions;
c. Final pretrial date;
d. Final trial date or back-up trial date. Counsel shall be prepared to go forward with trial.
e. Any other dates the Court deems appropriate.

At the scheduling conference, the Court shall have the authority to decide any undetermined preliminary matter; to record any admissions, stipulations or agreements; to hear and decide the case with the consent of the parties; to make whatever findings, orders, judgment, or decrees which may be warranted or proper under the circumstances.

The parties are not required to appear at scheduling conferences unless specifically ordered by the Court.

B. Pretrial

All civil cases shall be assigned for pretrial conference unless specifically omitted by Court Order.

(i) Pretrial Statement

Pretrial statements by all parties shall be filed with the Judge's assignment commissioner (not the Clerk of Courts) at least five days before the date of pretrial. The pretrial statement may be e-mailed to the assignment commissioner at dwinchester@shelbycountycommonpleas.com, and a copy forwarded to opposing counsel. The pretrial statement shall include the following:

a. Statement of the facts giving rise to the claim of defense, and/or counterclaim.
b. Comprehensive statement of the issues involved.
c. Propositions of law or positions supported by law with at least two or three authorities cited.
d. List of witnesses with addresses who will be appearing on behalf of the party, including a short statement of testimony of witnesses. Witness lists shall be furnished to the court reporter.
e. List of all demonstrative evidence or exhibits which will be offered on date of trial. Exhibits shall be marked and exchanged with copies to the Court. Plaintiff shall mark exhibits by number. Defendant shall mark exhibits by letter.
f. Proposed jury instructions.
g. Demand or offer for settlement.
h. Estimate of trial time.

(ii) Pretrial Procedure

Trial counsel shall appear at each pretrial conference. Parties need not appear unless ordered by the Court. Counsel shall have complete authority to stipulate on items of evidence, admissions, and must have full settlement authority. If the parties to the proceeding are unwilling or unable to grant such complete authority to counsel, it is absolutely necessary that the parties to the proceeding shall be in attendance at the pretrial conference. In the event settlement authority rests with an insurance company, a representative of the company with full authority to settle shall attend the pretrial.

At the pretrial conference, the attorney shall be prepared to:

a. Freely discuss the theory or theories of their case, both factual and legal.
b. Discuss simplification of the issues.
c. Make admissions as to the facts and genuineness of documents and other exhibits which are not in dispute.

d. Eliminate parties unnecessary to the case.
e. Submit and consider authorities on unique or controversial issues, or guarantee their submission at least one week prior to trial.
f. Discuss any other matters that may expedite the trial or disposition of the case.
g. File requests for admission, interrogatories and depositions, and all other discovery material.

The statements of counsel made in the course of any pretrial conference shall not be binding on the parties unless expressly made so by written stipulation in the course of the pretrial conference.

Failure of any party to be prepared for pretrial conference, or failure of a party or attorney to appear, or to cooperate in good faith in the conduct of the pretrial conference, shall subject said attorney or party, in the discretion of the Judge, to any sanctions provided by Rule 37 of the Ohio Rules of Civil Procedure, including an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, the Court shall have the authority to proceed with all or any portion of the case and to decide and determine any or all matters ex-parte upon failure of the Plaintiff or Defendant to appear in person or by counsel at the pretrial conference. In addition, the Court may exclude exhibits if not produced at pretrial, or exclude testimony of witnesses who have not been identified to opposing counsel on witness lists at pretrial.

C. Trial

The trial will commence at 9 a.m. on the day of trial. Counsel shall report to the Judge's Chambers at 8:30 a.m. on the first day of trial. Continuances of the trial date may be granted by the Court only under special circumstances.

Criminal

The purpose of this rule is to establish, pursuant to Rule 5 of the Rules of Superintendence, for the Courts of Common Pleas, a system for criminal management which will achieve the prompt and fair disposition of cases, provide the Court with an efficient means of controlling the flow of cases, and save time by providing members of the Bar with information and case management facilities.

The scheduling of events begins when an indictment is filed:

Arraignments will be held within two weeks of the filing of the indictment. At the arraignment the Defendant will be advised of his rights, plea accepted and bond set. The prosecutor shall provide discovery to the Defendant or Defendant's attorney.

A pretrial conference will be scheduled approximately two to three weeks after arraignment.

A status conference will be scheduled approximately two weeks after the pretrial conference.

A final pretrial will be scheduled approximately two weeks after the status conference. At the final pretrial the following matters will be discussed:

a. Summary of each witness' expected testimony; review of each party's exhibits and length of trial and jury instructions. If either party deems special jury instructions are warranted, the same shall be submitted to the Judge at the final pretrial.

b. The Defendant may plead on the final pretrial date to any negotiated charge with permission of the Court.

A trial date will be scheduled approximately two weeks after the final pretrial. The trial will commence at 9 a.m. on the day of trial. Counsel shall report to the Judge's Chambers at 8:30 a.m. on the first day of trial. Continuances of the trial date may be granted by the Court only under special circumstances.

If at any time the Defendant pleads guilty, at the discretion of the Court, a pre-sentence investigation will be ordered and sentencing scheduled, or sentencing may be imposed immediately.

RULE 17

Discovery

Unless circumstances clearly dictate otherwise, counsel shall participate in informal pretrial discovery conferences to reduce, in every way possible, the filing of discovery demands and procedures; to that end, it is suggested that no Interrogatories, Requests, Motions or Applications or Protective Orders shall be filed under Civil Rule 26-37, inclusive, until counsel have diligently explored such objectives with opposing counsel in an effort to informally handle all discovery matters and to reduce or clarify the issues in controversy to facilitate their presentation at trial.

At such time as discovery cannot be completed informally, the party seeking discovery shall advise the Court in writing and file such Interrogatories, Requests, Motions, Applications or Protective Order requests as may be necessary or advisable to counsel for protecting the interests of their client. Such statements shall recite efforts made to resolve differences informally. In addition, such statements shall recite those matters that remain in dispute, and in addition, the date, time and place of such conference, and names of all parties participating therein.

Discovery demands, replies, interrogatories, depositions and other discovery material shall not be filed with the Clerk until needed for trial.

All discovery shall be completed by date of Pretrial, or at such other time as may be set by the Court. Unless authorized by the Court, any discovery after said date may not be offered at trial.

Any person who has responded to a request for discovery is under a continuing duty to supplement such response pursuant to Civil Rule 26 (E). Any party who fails to supplement such responses will be subject to sanctions by the Court at trial.

A Protective Order (pursuant to Civil Rule 26) will be issued ex-parte against interrogatories

consisting of more than forty (40) single questions.

RULE 18

Orders and Decrees in Civil Cases

Litigated Judgment Entries

Unless the Court otherwise directs, counsel for the prevailing party shall, within seven (7) days thereafter, prepare the proper Judgment Entry and submit it to opposing counsel who shall approve or reject the same within seven (7) days after receipt. When approved, it shall be endorsed and furnished to the trial Judge for approval and signature.

If counsel is unable to agree upon an Entry or if counsel to whom the Entry has been submitted fails to return such Entry, prevailing counsel shall prepare a substitute Entry and submit the same to the Court with the notation that it has been submitted to opposing counsel pursuant to this Rule. Opposing counsel's failure to return such Entry or an alternative Entry to the prevailing counsel shall be deemed approval of prevailing party's Entry. If such Entry is not prepared and presented for filing with the Court within 15 days, then it may be prepared and filed by the Court.

Agreed Settlement/Dismissal Entries

Counsel shall promptly submit an Order of Dismissal or Judgment Entry following the settlement of a case. If counsel fails to do so within fifteen (15) days after representations to the Court that the case has been settled, the Court may order the case dismissed for want to prosecute or file a Judgment Entry of Settlement and Dismissal and assess costs.

Provisions of this rule shall not preclude the Court at any time from sua sponte preparing and filing with the Clerk its own Judgment or Order.

RULE 19

Default Judgments

Default judgments shall be governed by Civil Rule 55.

In all cases where a party is seeking unliquidated damages or is entitled to a jury trial, at a time designated for default judgment, the party entitled to judgment shall present proper evidence in support of the allegations in pleadings for consideration by the Court and judgment shall be rendered according to the evidence and law applicable. Counsel shall set forth in the Entry that a trial by jury was waived and the matter submitted for decision by the Court.

In any action or proceeding commenced in this Court, if there shall be a default of any appearance by any party, the party seeking judgment shall file with the Court an Affidavit setting forth facts showing that the party in default is not in the military service. If unable to file such

Affidavit, the party seeking judgment shall in lieu thereof file an Affidavit setting forth that the party in default is either in the military service or the affiant is not able to determine whether or not such defaulting party is in the service. Unless it appears from the Affidavit filed the defaulting party is not in such military service, before judgment can be entered further proceedings shall be had pursuant to Soldiers and Sailors Civil Relief Act (50 U.S.C. 520 et. seq.).

In cases in which a Judgment, Order, or Decree has been rendered upon default, in addition to the requirements of Rule 60(B) of the Civil Rules, the Judgment, Order, or Decree shall not be set aside unless the party in default presents or offers to file a proper pleading in the case. Along with the pleading, his Affidavit or the Affidavit of his agent or attorney, setting forth the facts showing the cause of the default and that there is a meritorious cause of action or defense and the facts showing the nature of it, must be filed. The Court may, if justice requires it, set aside the Default Judgment or Decree, upon such terms as to costs as may be just, and shall order the pleadings for want of which the default existed to be filed forthwith, or within such time as the Court may designate.

RULE 20

Receiverships

In all cases where receivers are appointed by this Court, the following shall apply:

Unless the Court by Entry specifically authorized the receiver to continue a business, he shall expeditiously take control of the assets of the Defendant debtor, give notice to all known creditors of his appointment and afford them opportunity to present and prove their claims, cause the assets to be inventoried and appraised, determine the validity and priority of creditor's claims, take such steps as may be necessary to reduce the assets to cash, and make distribution of said cash between the various classes of creditors.

Within one (l) month after his appointment, the receiver shall report to the Court, submitting his inventory and appraisement, and include his accounting of receipts and expenditures to date. Such documents shall be handed to the trial Judge for his approval prior to filing with the Clerk. The several matters herein referred to shall be considered by the Judge and his approval thereof shall be by Entry, approved first by the receiver and his counsel.

Semi-annually, after filing the first report with inventory, appraisement and account, the receiver shall file with the trial Judge for his approval prior to filing with the Clerk, consecutively numbered reports with accounts, for approval by Entry by the Court, as to all receipts and expenditures made by the receiver during the reporting period and a summary of plans for the future conduct of the receivership.

RULE 21

Depositions

There shall be no distinction between a discovery deposition and a trial deposition. Depositions shall not be filed with the Clerk until needed for trial.

The fees of officers taking and certifying depositions shall be paid by the party on whose behalf such depositions are taken. If the deposition is used to present evidence at the trial, such payments may be taxed as costs in favor of the prevailing party and shall then become part of the judgment in the action, except as otherwise ordered by the Court.

When a deposition has been filed in any action, except in actions in which the law prescribes a different procedure, it shall be opened by the Clerk at the direction of the Judge. The fact and date of opening and the name of the person making such request shall be endorsed by the Clerk on the envelope containing the deposition, which envelope shall be preserved with the deposition.

Depositions on file shall not be withdrawn during the pendency of the action without leave of Court. After final disposition of the action, at the request of counsel for the party on whose behalf the depositions were filed, they shall be withdrawn or otherwise disposed of by Order of the Court.

All video depositions with a transcript shall be submitted to the Court (not filed with the Clerk) no later than 14 days before final pretrial and shall be accompanied by a written transcript of the testimony. The Court will rule on objections and allow the video to be edited by the trial date, if such editing is required.

Written transcripts of depositions are to be originals or certified copies. To facilitate scanning for electronic recording, transcripts are to be single sided on an 8 ½ x 11 sheet of paper with each sheet containing only one page of a transcript. The transcript must be bound in a report folder. Staples may not be used to bind a transcript.

RULE 22

Fees in Partition Cases

In partition cases where land is sold, counsel fees shall be allowed by Court and taxed as part of the costs, but all such fees shall be allowed only upon Application to the Court, supported by Affidavits, and based upon hourly rates and other factors presented to the Court. Counsel for any Defendant appearing in said partition case may be allowed counsel fees which shall be taxed as part of the costs. In such instances, all such partition fees on behalf of the attorney for the Defendant shall be upon Application, Affidavit, and upon an hourly basis and upon proper showing that such services were necessary and beneficial in the administration of the estate.

RULE 23

Judicial Sales

In any action for the marshalling and foreclosure of liens, and the judicial sale of real estate, or any action involving title to real estate, counsel for the party requesting such marshalling, foreclosure and/or judicial sale of real estate shall prepare and file with the Clerk of Courts a title opinion which shall inure to the benefit of all parties to the proceedings and the purchaser at a judicial sale. Such title opinion shall be filed in the proceeding at least ten days prior to the date of confirmation. Such title examination and title report shall not be taxed as part of the costs of the proceeding. Failure to file such title opinion shall make the requesting counsel liable for title defects. The state and its subdivisions, including the county, are excepted from the requirement to file a judicial report and title examination when prosecuting a judicial sale of real estate to collect delinquent taxes or debts.

The Clerk shall no longer prepare Orders of Sale. Said Orders shall be typed by the attorney requesting the sale and filed with the Clerk, which Order shall contain the following minimal information: address and legal description of the property, amount due, interest due and date to which interest will continue to accrue.

Any proposed Judgment Entry of Foreclosure/Order of Sale of real estate shall contain the following language relating to access to the subject property:

> "It shall be the responsibility of the attorney for the party who is prosecuting this foreclosure action to provide a key to the premises or to make other suitable arrangements with the Shelby County Sheriff's Department for access to the property for appraisal purposes. The Court hereby ORDERS, ADJUDGES AND DECREES that the party who is prosecuting this foreclosure action and the Shelby County Sheriff's Department should be and they hereby are authorized to use all reasonable means necessary or appropriate to gain access to the property for appraisal purposes, including but not limited to the retention of a locksmith. Expenses for gaining access to the property shall be taxed as costs."

The Shelby County Sheriff's Department shall not be required to initiate the appraisal process until such time as the attorney delivers the key or makes such suitable arrangements for the appraisers to view the premises.

When satisfactory arrangements have been made for the appraisers to view the premises as set forth above, the Sheriff shall cause the appraisal to be completed within fourteen (14) days thereafter.

Upon completion of the appraisal as required by law, the appraisers shall submit their findings on an appraisal report prescribed by the Court. The Sheriff shall cause the original of such report to be filed with the Court with a copy to be retained by the Sheriff. The Sheriff shall appoint three disinterested free holders as appraisers, as required by law, and designate one such appraiser to be the chairman of the group. It shall be the chairman's responsibility to secure all supporting documentation for the appraisal report. The chairman shall receive the sum of One Hundred Dollars ($100.00) as compensation for services rendered. The remaining appraisers shall each receive Seventy-Five Dollars ($75.00) as compensation.

The Judgment Entry Confirming Sale, Ordering Deed and Distribution of Sale Proceeds shall include payment of transfer tax to the Shelby County Auditor to be paid from sale proceeds at the customary rate per/thousand dollars of the sale price. This transfer tax payment shall be in addition to court costs and other charges.

RULE 24

Sheriff's Sale - Executions

All sales of real estate on Order of this Court shall be conducted by the personnel of the Sheriff's office, unless prior to the sale, on written Application for good cause, an Order is obtained hiring the services of an auctioneer to be taxed as costs. Appraiser's fees in excess of that allowed by law shall be authorized by Court Order.

On all sales of real estate, the Sheriff shall be required from the purchaser as soon as the bid is accepted, a deposit of a certified check payable to him, or cash tendered, in 10 percent of the amount bid, unless a purchaser is entitled to at least 10 percent of the proceeds of the sale.

On all sales of personal property by the Sheriff as upon execution, an additional deposit of Court costs in the amount of $75 shall be made.

Counsel for the party requesting any Sheriff's sale shall prepare any newspaper publication required, cause the same to be published at the party's expense, and file an Affidavit of Publication with the Clerk and Sheriff prior to sale.

Any judicial sale shall be first approved by the Sheriff as to exact time and date to avoid conflict. A written statement of the Sheriff shall be obtained as to such date and time and filed in the proceeding with the Clerk.

Precipes for Execution must contain a specific description of the property to be levied on. This description shall be a part of the Writ issued to the Sheriff pursuant to Section 2327.02 and Section 2327.01 R.C. The Sheriff is authorized to return a Writ of Execution to the Clerk for failure to comply with this rule.

RULE 25

Subpoenas

Except for good cause shown, the Clerk shall not be required to issue subpoenas, nor the Sheriff required to serve the same, unless requests are filed with the Clerk at least 24 hours prior to the time set for trial.

The Clerk of Courts shall not be required to issue subpoenas unless the party so requesting the issuance of a subpoena shall have deposited sufficient funds with the Clerk to pay witness fees as required by Section 2335.06 R.C.

RULE 26

Motions in Criminal Cases

The time for filing a Pretrial Motion in criminal cases is governed by Rule 12 of the Criminal Rules. All such Motions shall be heard by the Court at least 48 hours before trial.

All Motions made, other than those made at trial, shall be in writing and shall contain a written memorandum citing the authorities relied upon by the Movant. The Court may decide any Motion after it is at issue, without hearing, or schedule the matter for hearing or oral argument.

All Motions to Suppress evidence shall state with particularity the grounds upon which the Movant relies. Motions which failed to state specific grounds for suppression, including Motions claiming solely the matter is in violation of the Constitution of Ohio and the United States, shall be stricken from the files.

A party shall serve a copy of the Motion upon opposing counsel and file proof of service.

RULE 27

Guardian Ad Litem

No person other than an attorney at law, duly admitted to practice the profession of law in the State of Ohio, shall be appointed Guardian Ad Litem or Trustee for the suit in any matter or proceeding in this Court.

Fees of a Guardian Ad Litem shall be determined by the Court upon proper application and taxed as part of the costs.

RULE 28

Notary Public

Every person (other than an attorney at law) desiring to secure from the Judge of the Common Pleas Court a certificate as to his or her qualifications and ability to discharge the duties of a Notary Public shall secure written forms of application from the Clerk of Courts, and further submit to an examination to be given by the Clerk of Courts and upon completion of said application and said examination, and upon approval by the Clerk of Courts as to the qualifications of the person to act as a Notary Public, the matter will be submitted to the Common Pleas Court for approval. If the Shelby County Bar Association has informed the Court that a particular person is probably unqualified to be a Notary Public, or has become incapacitated to continue as such, the Clerk will conduct a suitable hearing to determine qualifications. The Clerk will not approve an application of any person who has been unlawfully practicing law. All such written applications shall be retained by the Clerk of Courts. The application to act as a Notary Public filed with the Clerk of Courts shall be accompanied by the filing fee in the amount of $25. Fifteen dollars ($15) shall be paid to the Commission Clerk for the Governor. Ten Dollars ($10) shall be paid to the Clerk of Courts. The Clerk shall retain $2 as costs and $8 shall be held to defray the costs of the Notaries program.

When a person wishes to renew their notary, they shall file with the Clerk of Courts an Affidavit and an application for renewal. The fee shall be $20.

RULE 29

Withdrawal of Trial Counsel

Trial counsel shall not be permitted to withdraw from any action within 20 days in a civil action/30 days in a criminal action in advance of trial or hearing. At other times, withdrawal shall be permitted only:

a. Upon written Application with the written consent of his or her client and the Entry of Appearance of a substitute trial counsel, or;

b. Upon written application, showing a good cause, notice to the client, and upon such terms as the trial Judge shall impose.

If counsel for a party shall die or formally enter withdrawal from a case, a party shall have 14 days in which to secure new counsel. During such time, no actions will be taken in said cause unless the Court shall determine that suspension shall work an injustice to the opposite party. Upon application of the parties, said time may be extended. If a party fails to procure counsel within 14 days or fails to request the Court for an extension, all pending actions will be assigned as in any other case, and the case will proceed. In such case, notice of assignment, filed with the Clerk and made a part of the original papers will be deemed notice to the party without counsel.

Any counsel formally withdrawing from a case shall advise the party to the action of this rule by furnishing a written copy of such rule to the party.

RULE 30

Conduct at Trial

Trial counsel shall meet in chambers with the Court on the first day of a trial at least 30 minutes before the time set for trial.

Except when making objections during testimony, counsel shall rise and remain standing when addressing the Court or jury.

Witnesses shall be expected to take the stand in all cases, unless prevented from doing so by physical infirmity. A witness not a party, when examined, cannot be recalled without express permission of the trial Judge.

The court reporter shall be the official custodian of all exhibits offered and admitted during the trial of any cause; the same shall be retained by her until otherwise ordered by the Court.

After a judgment and appeal, or after appeal time has expired without appeal, counsel for each party shall, upon issuing a receipt to the court reporter therefore, obtain return of the exhibits introduced into evidence by such counsel and cause them to be returned to the owner. In cases of doubtful ownership of the exhibits, counsel shall bring the matter before the Court for determination.

Preliminary to the trial of the cases assigned for trial, counsel upon request of the Court shall file a brief on all questions of law, including evidence involved in the proceeding, which briefs shall be exchanged by counsel.

The Plaintiff or movant in any proceeding shall be seated adjacent to the jury box.

Any party or their counsel who requests a view of the premises or scene must make a request in writing for such not later than seven (7) days prior to the scheduled date of trial. No request will be honored if made with less than seven (7) days notice. View requests will be granted only upon a showing to the Court that it will expedite or make the testimony of witnesses more understandable, and that it is necessary in the interest of substantial justice.

RULE 31

Findings of Fact and Conclusions of Law

When a request of Findings of Fact and Conclusions of Law is made pursuant to Rule 52 of the Civil Rules of Practice, the Court shall require any and all parties to submit their proposed Findings of Fact and Conclusions of Law.

Such request shall be made pursuant to Rule 52 and within the time limitations noted therein.

RULE 32

Transcripts

The compensation of reporters for making transcripts shall be set by order of the Court and shall be paid forthwith to the reporter by the party for whose benefit the same is made.

Every transcript filed in this court shall bear the name, address and telephone number of the court reporter making the same.

A reporter shall not be required to prepare a transcript until satisfactory arrangements for payment have been concluded.

Written transcripts are to be originals or certified copies. To facilitate scanning for electronic recording, transcripts are to be single sided on an 8 ½ x 11 sheet of paper with each sheet containing only one page of a transcript. The transcript must be bound in a report folder. Staples may not be used to bind a transcript.

The court reporter be, and she/he is hereby authorized and directed to erase all recordings used to support transcript and Court proceedings after the lapse of time as follows:

a. In all civil cases, two years after the case has been tried.

b. In all criminal cases, upon the release of the Defendant from a penal institution, or upon Defendant's removal from probation rolls.

RULE 33

Expungement Orders

All expungement orders filed pursuant to Section 2953.52 R.C. shall contain the following information concerning the applicant:

a. Exact name, including any applicable former name(s);

b. Date of birth;

c. Social security number;

d. Former conviction information including description of crime, applicable code section, date of conviction and sentence of court;

e. Bureau criminal investigation number;

f. Uniform crime reporting number;

g. FBI number.

RULE 34

Recording of Court Proceedings

For purposes of these rules the term "proceeding" shall be understood to apply to any public hearing held by the Court and term "record" shall be understood to encompass broadcast, televise, record or photograph.

This rule shall be applied in conjunction with Canon 3(A)(7) of the Ohio Code of Judicial Conduct and Rule 11 of the Ohio Rules of Superintendence for the Courts of Common Pleas.

The Court shall grant requests to record proceedings that are made in accordance with this rule. All requests to record proceedings shall be made in writing to the Judge; be on the appropriate from (Appendix 1) submitted through the bailiff; and as far in advance as is reasonably possible but in no event later than twenty-four hours prior to the courtroom session to be recorded. Upon a showing of good cause, the Judge may waive the advance notice provision. Media and recording equipment must be in the courtroom at least 30 minutes prior to the proceedings.

In the event the Judge decides to approve the request, the Judge shall sign the media request setting forth the conditions of recording. This request shall be made part of the record of the case.

No recording equipment shall be allowed in the Court and no recording of proceedings shall be allowed in the absence of a written request and authorization. In the event of a continuance of the court proceedings requested to be broadcasted, televised, recorded or photographed for a period of more than 30 days, a new media request shall be required.

No recording shall be made of proceedings in the Judge's chambers or court offices without the express permission of the Judge; in jury deliberation rooms at any time during the course of the trial or after the case has been submitted to the jury; of victims or witnesses who object to being recorded; or of jurors. Permission granted for recording shall not be interpreted to diminish the requirement that jurors are forbidden to discuss the case with any person until after the trial; and the ethical requirements that restrict judges and lawyers from releasing information pertaining to a case

while the case is pending.

The Judge, counsel, and witnesses shall not address any remark to or via the media when the court is in session. In all respects, the trial shall proceed in exactly the same manner as though there were no media recording in progress.

Any equipment which is nonportable shall be set up and ready for operation prior to the commencement of morning or afternoon court sessions. No person shall be permitted to bring equipment into the Courtroom while trial is in session.

Only one (1) still photographer and one (1) television camera may record court sessions. The first request received by the Bailiff will be allowed to record proceedings in the Courtroom. This rule is subject to the discretion of the Judge.

"Pooling" of equipment shall be required in all proceedings where multiple media requests are received. It is the responsibility of those requesting permission to record the proceedings to arrange for "pooling" of equipment.

No interviews will be recorded in the Jury Room, Courtroom or administrative offices of the Court before or after any court sessions. The media may record interviews in the waiting area of the third floor outside the Courtroom only if they pose no security risk and do not disrupt or interfere with the operations of the Court.

No media recording shall be made of any document or exhibit before or after such document or exhibit is admitted into evidence, except those which are clearly visible to spectators, e.g., maps, charts, blackboards, etc.

All media representatives shall be properly attired. Proper courtroom decorum shall be maintained by all media representatives.

Upon the failure of any person to comply with the conditions presented by the Judge and these rules, the Judge may revoke the authorization to record the proceedings.

If a recording of any proceeding is conducted without completing a request and obtaining an authorization or if the media disrupts the proceedings, the Bailiff or any authorized deputy sheriff may impound the recording equipment and the court may hold the equipment subject to future action. Upon such impoundment, the court shall schedule an appropriate hearing at the earliest possible time. This provision does not apply to employees of the court in reference to the use of official recording devices nor to recording devices used pursuant to the Ohio Rules of Superintendence for the Courts of Common Pleas.

IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
SIDNEY, OHIO

MEDIA REQUEST

_____ **of** _____
(Name of Representative) (Media Affiliation)

requests permission to _____ proceedings in the case of
(broadcast/televise/record/photograph)

_____ vs. _____, case

number _____, scheduled for _____

in the Shelby County Common Pleas Court.

I certify that I am familiar with the contents of Canon 3(A)(7) Code of Judicial Conduct, Rule 11 of the Ohio Rules of Superintendence, and Local Rule 34.

_____
Media Representative/Telephone Number

NOTE: The media request must be presented at least 24 hours in advance of a court proceeding.

Received by Bailiff_____ Date_____ Time _____

Special Conditions:

Approved: _____
Judge

RULE 35

Security

In order to provide for the security of all persons who utilize the Shelby County Courthouse, all such persons/property entering such building, are subject to search.

RULE 36

Jury Use and Management Plan

I. Opportunity for Service

A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

B. Jury service is an obligation of all qualified citizens of Shelby County, Ohio.

II. Jury Source List

A. Pursuant to Court Order, the jury source list shall be obtained from the Secretary of State's Office's list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service.

B. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.

C. The Court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.

D. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

III. Random Selection Procedures

A. The jury source list from the Secretary of State's Office shall be imputed into the Clerk's computer system. Thereafter, annually, during public viewing times, the names are drawn randomly for each term. Thereafter, the jury commissioners read and examine the names selected. The list of names shall constitute the prospective list of jurors for a term of court.

After retrieving the requisite number, the venires, containing the names and the respective places of residence of the persons drawn, and specifying for what Court and for what term or part of a term they were drawn, shall be signed by the Clerk or her deputy or to her designated representative and all the attending officers or their designated representatives. The officers or their designated representatives shall certify that Section 2313.01 to 2313.46 of the Revised Code have been complied with.

B. Departures from the principle or random selection are appropriate only to comply with lawful exceptions.

IV. Eligibility for Jury Service

A. All persons shall be eligible for jury service except those who:

1. Are less than eighteen years of age;

2. Are not citizens of the United States;

3. Are not residents of the jurisdiction in which they have been summoned to serve, to-wit: Shelby County;

4. Are not able to communicate in the English language; or

5. Have been convicted of a felony and have not had their civil rights restored.

V. Term and Availability for Jury Service

A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

VI. Exemption, Excuse and Deferral

A. Prospective jurors may be excused for the following reasons: absence from the county, physical inability to serve, recent death of the juror's spouse or the recent death or dangerous illness of a near relative of the juror or juror's spouse, prior service within the same jury year, material harm to the interests of the juror or public, or the juror is a member of a cloistered religious organization. Any other request for excusal shall be reviewed by the Court.

B. Deferrals for jury service for reasonably short periods of time may be permitted by the Judge or a specifically authorized Court official.

C. Requests for excuses and deferrals shall be in writing to the Judge and after disposition, filed with the Clerk's Office. See Application for Excuse for a Juror.

VII. Voir Dire

A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

B. The trial Judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

C. The Judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.

D. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process may be held on the record unless waived by the parties.

E. Rules on Voir Dire

1. The case may not be argued in any way while questioning the jurors.

2. Counsel may not engage in efforts to indoctrinate jurors.

3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

4. Jurors may not be asked what kind of verdict they might return under any circumstance.

5. Questions are to be asked collectively of the entire panel whenever possible.

VIII. Removal from the Jury Panel for Cause

A. If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Court.

IX. Peremptory Challenges

A. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. Administration of the Jury System

A. The responsibility for administration of the jury system shall be vested exclusively in the Shelby County Common Pleas Court.

B. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

XI. Notification and Summoning Procedures

A. The notice summoning a person to jury service should be:

1. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and

2. Delivered by ordinary mail.

B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.

C. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service. Jurors who fail to report for service may be scheduled for a contempt hearing to inform the Judge as to why they did not appear. Sanctions are imposed as warranted.

XII. Monitoring the Jury System

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

A. The representativeness and inclusiveness of the jury source list;

B. The effectiveness of qualification and summoning procedures;

C. The responsiveness of individual citizens to jury duty summonses;

D. The efficient use of jurors; and

E. The cost-effectiveness of the jury management system.

XIII. Juror Use

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. Jury Facilities

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of jurors needed to

accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

C. Jurors shall be accommodated in waiting facilities furnished with suitable amenities.

D. The jury deliberation room shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured.

E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors and parties, counsel, the Court and the public.

XV. Juror Compensation

A. Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority.

B. Such fees shall be paid promptly.

C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because or jury service.

XVI. Juror Instruction

A. The Judge shall:

1. Give preliminary instructions to all prospective jurors;

2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;

3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;

4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;

5. Before dismissing a jury at the conclusion of a case, the trial Judge should:

a. Release the jurors from their duty of confidentiality;

b. Explain their rights regarding inquiries from counsel or the press;

c. Advise them that they are discharged from service and may be called during the session; and

d. Express appreciation to the jurors for their service, but not express approval of disapproval of the result of the deliberation.

D. All communications between the Judge and members of the jury panel, from the time of reporting to the courtroom for voir dire until dismissal, shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. Jury Size and Unanimity of Verdict

A. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

XVIII. Jury Deliberations

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making and shall conform with existing Ohio law.

B. The Judge should instruct the jury regarding appropriate procedures to be followed during deliberations.

C. A jury should not be required to deliberate after normal business hours unless the trial Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and such deliberations are required in the interest of justice.

D. Training shall be provided to personnel who escort and assist jurors during deliberation.

XIX. Sequestration of Jurors

A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

B. The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.

C. The trial Judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

D. Standard procedures should be promulgated to:

1. Achieve the purpose of sequestration; and

2. Minimize the inconvenience and discomfort of the sequestered jurors.

E. Training shall be provided to personnel who escort and assist jurors during sequestration.

APPLICATION FOR EXCUSE FOR A JUROR

Common Pleas Court, Shelby County, Ohio

To the Judge of said Court:

Name of Applicant: _____ Telephone Number _____

Being first duly sworn, I request to be excused from jury service because: _____

_____

_____

_____

_____

_____

_____
Applicant

Sworn to before me and signed in my presence, this _____ day of _____, 2____.

_____
Signature of Officer

The foregoing application is hereby approved/disapproved this _____ day of _____, 2____.

_____
Judge

2313.16 Juror may be excused; ruling on request to be excused; undue or extreme physical or financial hardship; documentation

(A) Except as provided by section 2313.13 of the Revised Code, the court of common pleas shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the judge by either the juror or another person acquainted with the facts that one or more of the following applied:

(1) The interest of the public will be materially injured by the juror's attendance.
(2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
(3) The juror is a cloistered member of a religious organization.
(4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror, or the prospective juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months.
(5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court.
(6) The juror is over seventy-five years of age, and the juror requests to be excused.
(7) The prospective juror is an active member of a recognized amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.

(B)(1) A prospective juror who requests to be excused from jury service under this section shall take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.

(2) A prospective juror who requests to be excused as provided in division (A)(6) of this section shall inform the appropriate court employee appointed by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror shall inform that court employee of the request to be so excused by appearing in person before the employee or contacting the employee by telephone, in writing, or by electronic mail.

(C)(1) For purposes of this section, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:
(a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.
(b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.
(c) The prospective juror would suffer physical hardship that would result in illness or disease.

(2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.

(D) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.

(E) When a prospective juror who is liable to serve is excused in a case specified in this section, the prospective juror can be excused only by the judge presiding in the case or a representative of the judge. An excuse, including whether or not it is a permanent excuse, approved pursuant to this section shall not extend beyond that term. Every approved excuse shall be recorded and filed with the commissioners of jurors. After twenty-four months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

RULE 37

Certificate of Qualification for Employment

1. The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification (CQE) as set forth in Revised Code 2953.25 and Administrative Rule 5120-15-01 established by the Department of Rehabilitation and Corrections (DRC).

2. In order to request a CQE, the Petitioner shall file the Cover Sheet (Petition for Certificate of Qualification for Employment (RC 2953.25) [Form A]) with the Clerk of Courts for the Common Pleas Court where the Petitioner resides. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet, and shall attach a copy of the fully completed Electronic Petition.

3. All Petitions submitted through the DRC (www.drccqe.com) shall include electronic access to the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).

4. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of $200. Payment of this deposit may be made in any form otherwise accepted in the court of filing. A Judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency (Form B) or other relevant information for the Court's consideration if requesting a reduction in the filing fees.

5. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

6. Upon receipt of a Notice of Petitioner and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and assign the matter to a trial judge.

7. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition (see Order for Investigation (Form F)) or otherwise.

8. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Clerk of Courts shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment (Form C) and Submission of Information Regarding Petition for Certificate of Qualification for Employment (Form E) to each court so identified. Such Notice shall be sent via ordinary US mail.

9. The Clerk of Courts shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment (Form D) and Submission of information Regarding Petition for Certificate of Qualification for Employment (Form E) to the Prosecuting Attorney of the county in which the Petition was filed.

10. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.

11. The Judge or Magistrate may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision (see Order for Investigation (Form F) and Order for Additional Information (Form G)).

12. Once all information requested has been received, a Judge shall decide whether to Grant (Form H) or Deny (Form I) the Petition within sixty days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

13. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

RULE 38

Recording of Proceedings – Records Request

The Court will make an audio recording of the proceedings in the courtroom. Arrangements must be made with the Court to have copies of the audio recordings made at a cost of Ten Dollars ($10.00) per disc. All electronically recorded proceedings will be maintained by the Court for at least two (2) years from the date of the hearing.