2020
ORDER
ESTABLISHING
RULES OF PRACTICE

JUDGE DONALD E. ODA II
JUDGE ROBERT W. PEELER
JUDGE TIMOTHY N. TEPE

COMMON PLEAS COURT
OF WARREN COUNTY, OHIO
GENERAL DIVISION

COMMON PLEAS COURT
WARREN COUNTY, OHIO
FILED

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JAMES L. SPAETH
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
STATE OF OHIO, COUNTY OF WARREN
GENERAL DIVISION

IN THE MATTER OF:	:	ORDER ESTABLISHING
	:	RULES OF PRACTICE
Local Rules of Practice	:	EFFECTIVE JANUARY 1, 2020

It is hereby ORDERED that the Local Rules of Practice, attached hereto, shall be the Rules of Practice for this Court, effective January 1, 2020. All prior Rules of Practice shall be null and void.

SO ORDERED.

Judge Donald E. Oda II

Judge Robert W. Peeler

Judge Timothy N. Tepe

WARREN COUNTY COMMON PLEAS COURT

GENERAL DIVISION

Local Rules

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1. SCOPE, AUTHORITY AND EFFECTIVE DATE

1.01 AUTHORITY. These rules are adopted as the Local Rules of Court governing practice and procedure in the General Division of the Warren County Common Pleas Court (hereinafter referred to as "the Court"). They are adopted pursuant to Article IV, Section 5(B) of the Ohio Constitution; Rule 5 of the Rules of Superintendence for Courts of Ohio; Rule 83(B) of the Ohio Rules of Civil Procedure; Rule 57(A)(2) of the Ohio Rules of Criminal Procedure.

1.02 SCOPE. These Local Rules shall apply in all proceedings in the Court unless inconsistent with rules promulgated by the Supreme Court of Ohio, with Ohio law or an order of the Judge specific to the case. These Local Rules are not to be interpreted in any way which conflicts with the various Ohio rules. Should any conflict exist, the Ohio Rules shall govern. These rules are intended to be supplemental and used in conjunction with:

a) The Ohio Rules of Civil procedure as amended,

b) The Ohio Rules of Criminal procedure as amended, and

c) The Ohio Rules of Superintendence for the courts of Ohio as amended.

1.03 CITATION. These rules shall be known as the "Warren County Common Pleas Court Rules" and shall be cited as "W.C.C.P. Local Rule *XX*".

1.04 EFFECTIVE DATE. These Rules are effective as of January 1, 2020 and govern all proceedings subsequent to that date and may be revised periodically as required.

2. COURT ADMINISTRATION

2.01 TERMS OF COURT. The Court is in continuous session for the transaction of judicial business. The calendar year is divided into three terms, commencing on the first day of January, May, and September respectively. All causes and proceedings, civil and criminal, and other matters pending on the last day of a term are continued to the next term without further order of the Court.

2.02 OFFICE HOURS. The office of the Court shall be open for the transaction of business Monday through Friday, 8:30 AM to 4:30 PM, with designated holidays, unless otherwise ordered by the Judge presiding at the session.

2.03 HOLIDAYS. No session shall be held on a day which by law, or proclamation of the President of the United States or the Governor of this State, is designated a national or state holiday.

2.04 ORIGINAL PAPERS. The Clerk of Courts shall file and preserve all papers delivered for that purpose. Original papers, transcripts, or depositions shall not be taken from the clerk's office except by officers of the Court. The clerk shall, upon request, furnish extra copies of pleadings or other papers upon the payment of the usual fee or other cost if no fee is fixed by law.

2.05 THE JOURNAL. The clerk shall indicate on the journal of the Court the name of the judge to whom each case is assigned and the nature or purpose of all filings as indicated in the caption of the case. An entry terminating an action shall be identified on the journal as a judgment or dismissal entry.

2.06 FORM OF PLEADINGS. All original papers submitted for filing in an action shall be on 8 ½ by 11, white bond paper printed on a single side without backing or cover. The first page shall have a top margin of at least three inches above the case caption.

a) The case caption shall identify the nature or purpose of the filing, the case number of the action, and the name of the judge to whom the case has been assigned

b) If an original paper is submitted by an attorney, it shall contain in legible or printed form the name, the Ohio Supreme Court attorney registration number, the mailing address, the email address, if available, and the telephone number of that attorney. It shall identify the party the attorney represents. If that attorney will not serve as trial counsel, the original paper shall also identify the trial counsel.

c) No pleading, motion or other filing may contain more than one case number. The Clerk of Courts shall have the option to reject any filing that contains more than one case number.

2.07 DISMISSAL OF ACTIONS. During the first week of the months of February, June, and October, the clerk shall prepare a list of all cases in which there have been no filings or hearings during the preceding six (6) months. After the list of dormant cases has been approved by the Court, the clerk will furnish notice, by ordinary mail, to every attorney of record or *pro se* party in each dormant case. The notice shall advise the attorney or *pro se* party that the case will be dismissed without prejudice as of the last day of the current month unless good cause be shown why it should not be dismissed. This rule shall not apply to cases that are presently scheduled for trial.

2.08 ELECTRONIC SIGNATURE. The Court hereby adopts the following policy for electronic signatures.

a) CASE MANAGEMENT SYSTEM. This process authenticates an electronic signature by the signer utilizing the Court's case management system to generate or receive the electronic record. The electronic record may be created from within the court's case management system (court user) or from an application outside of the court (non-court user). The signer must have a user name and secure password unique to the sender, a secure register is maintained by the Court. Non-court users who do not have a unique user name will not be permitted to use an electronic signature. This process may be used for the following applications:

1) Judges, Acting Judges and/or Magistrates.

2) Clerks, probation officers and other Court employees.

3) Attorneys, parties and/or litigants who are not physically present at the Court.

d) SIGNATURE PAD. This process authenticates an electronic signature with a signature pad which associates a digital representation of a physical signature of the person signing the record with an electronic record. To authenticate the electronic signature on the electronic record, the signature is be created or affixed in the presence of a court officer or clerk other than the signer, who shall input the record into the Court's case management system. This process may be used for the following applications:

1) Attorneys, parties and/or litigants who are physically present at the Court.

2) Judges, Acting Judges and/or Magistrates who are physically present at the Court where it is not feasible to utilize an electronic signature through the Case Management System process.

e) SECURE DATA TRANSFER. This process authenticates an electronic signature by complying with specific secure data transfer protocols (e.g., FTP, web services, etc.) with an established, contractual relationship with the Court or Clerk a trusted authority, such as a financial institution or government agency (i.e. BMV, BCI, Ohio Courts Network, other courts, local law enforcement agencies, etc.). This process may only be used in connection with the secure data protocol.

f) COMMERCIAL SOFTWARE. This process authenticates an electronic signature by utilizing an off-the-shelf third party software vendor (i.e. Microsoft, Adobe, etc.) which associates the electronic signature with the electronic record in such a manner that any subsequent alteration to the electronic signature is detectable and will invalidate the electronic record. This process may only be used in connection with administrative, personnel or interdepartmental county business. All records employing this process for electronic signature must be transmitted and stored on the county server for further inspection, authentication, audit and/or quality control measures.

g) "Electronic" and "Electronic Signature" have the same meaning as used in R.C. § 1306.01.

h) No Electronic Signature may be used on a Judgment of Conviction or Sentencing Entry pursuant to Crim.R. 32(C).

i) A document containing an electronic signature pursuant to this Rule shall be effective for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence and Ohio Revised Code.

2.09 SERVICE OF DOCUMENTS BY THE COURT. The preferred method for service of documents by the Court shall be by email. Pro Se parties shall be served by regular mail. Any attorney who does not wish to receive documents by email shall file a *REQUEST FOR MAIL SERVICE* in each case in which he or she does not wish to receive electronic documents. A copy of this request shall be delivered to the assignment commissioner of the assigned judge for that case.

2.10 FILING BY EMAIL. Effective May 1, 2019, the Clerk of Courts shall accept documents delivered to the Clerk of Courts by electronic mail (email).

a) The Clerk of Courts is only required to accept documents delivered by email for filing from licensed, Ohio attorneys who have already entered an appearance in the case.

b) Procedure for delivering documents to the Clerk of Courts via email:

1) SIGNATURE. The document must be signed via a digitally scanned signature, printing and physically signing the document, or by keying in /s/ followed by the filer's name on the signature line above the required attorney information.

2) CONVERSION TO PDF. The document must be converted to a Portable Document Format (PDF) for filing. The Clerk of Courts may reject any document delivered for filing that is not in a PDF format.

3) E-MAILING. The document shall be delivered to one of the following email addresses:

For civil cases: civilfilings@co.warren.oh.us

For criminal cases: criminalfilings@co.warren.oh.us

4) HARD COPIES. No paper hardcopies shall be delivered to the Clerk of Courts for documents delivered via email.

5) EXHIBITS. Exhibits are to be appended to the document they support and filed together as one document.

6) PROPOSED ENTRIES. A Proposed Entry or Order must be a separate PDF document included in the same email but not within the same document as the pleading, motion, and/or memoranda.

7) DOCUMENT SIZE. Documents can be up to 20 MB in size.

8) TIMELINE. The Clerk of Courts will process the document by the end of the next business day following receipt.

9) DOCUMENT REJECTION. The Clerk of Courts will notify the sender via email if a document has been rejected and the reason for the rejection.

10) A document will not be considered filed until it is reviewed, approved, and filed into the correct case file by the Clerk of Courts.

11) Anyone delivering documents for filing by email is urged to verify receipt and filing through the Clerk of Court's website.

c) Items Precluded From Being Delivered for Filing Via Email

1) Original complaints, answers, and any document requiring a filing fee may not be delivered to the Clerk of Courts for filing via email.

2) No documents seeking to be filed under seal may be delivered for filing under this rule.

d) Once the document is filed, the Clerk of Courts shall make electronic distribution of the filed document to all parties in the case.

3. CIVIL ACTIONS

3.01 METHOD OF ASSIGNMENT OF CIVIL CASES. The Court shall employ the Individual Assignment System as set forth in Sup.R. 36.

a) When a civil case is filed with the Clerk of Courts it shall be assigned a case number and randomly assigned to an individual judge by a computer program designed to provide equitable and random distribution of cases among the General Division Judges of the Common Pleas Court.

b) After the random assignment of the case, the Assignment Commissioner for the Administrative Judge shall reassign the case, if necessary, for any of the following reasons:

1) The case had previously been dismissed and is being refiled;

2) The case has one or more companion cases and the cases, in the interests of justice, should be heard by the same judge. If the case is not a refile, the cases shall be assigned to the judge randomly assigned to the lowest case number.

c) The Assignment Commissioner for the Administrative Judge shall reassign cases based on the reassignments provided for in the previous rule to ensure each judge has an approximately equal number of new cases.

d) All subsequent transfers of cases between judges must be by entry.

e) Assignment of cases shall be conducted in such a manner as to ensure judicial accountability for the processing of individual cases; timely processing of cases through prompt judicial control over cases and the pace of litigation; and random assignment of cases to judges through an objective and impartial system that ensures the equitable distribution of cases among the judges.

3.02 COSTS. No civil action or proceeding shall be accepted by the clerk for filing unless there is deposited as security for costs the amount specified in the Schedule of Costs, attached hereto as Appendix A, as this may be amended from time to time.

a) In the event that costs are not prepaid or secured as described above, the litigant shall pay them in full before the matter will be set for trial. In the case of costs to secure a jury demand, the jury demand will be denied if the costs are not paid or waived by the Court.

b) Any expense associated with the taking of a deposition to preserve testimony for trial, but not to conduct discovery, may be charged as part of the costs of the case upon approval of the trial judge.

c) After the termination of an action, the clerk shall return any unused cost security deposit to the attorney of record or to the *pro se* litigant who deposited the costs.

d) When a civil case has been filed in a municipal or county court and is later transferred to the Court for jurisdictional reasons, the party whose claim requires such transfer shall, within ten (10) days of docketing of the matter in the Court, deposit security for costs with the clerk. The amount deposited shall be the same amount required had the action originally been filed in the Court. In the event the party causing the transfer fails to deposit costs as required under this Rule, the other party may file a motion to dismiss that party's claims at any time before the commencement of trial.

e) In the event a case is voluntarily dismissed by a plaintiff or appellant, such party shall pay all costs required to be taxed as costs in the case at or prior to the filing of the dismissal.

3.03 WAIVER OF COSTS. Pursuant to R.C. § 2323.311, costs may be waived by the Court upon the filing of a civil action or proceeding and accompanying affidavit of indigency.

a) In order to qualify as indigent, the litigant or the litigant's attorney shall, upon the filing a civil action or proceeding, contemporaneously file an affidavit of indigency.

1) A sample affidavit is available through the Ohio Judicial College:

http://www.ohiojudges.org/Document.ashx?DocGuid=7bb73182-e13c-412a-be73-75b105d12d04

2) In the case of a litigant who is an inmate of a correctional facility, the Court may additionally require an affidavit from the cashier of the institution indicating the amount of money currently on deposit in the inmate's commissary fund.

b) Upon the filing of the civil action or proceeding and the affidavit of indigency, the Clerk of Court shall accept the action or proceeding for filing.

c) The Court shall review the affidavit of indigency and approve or deny the application to qualify as an indigent litigant.

1) If the application is approved, the Clerk of Courts shall waive the advance deposit or security and the Court shall proceed with the civil action or proceeding. An indigency finding shall excuse the indigent litigant from the obligation to prepay any subsequent fee or cost arising in the civil action or proceeding unless the Court addresses the payment or nonpayment specifically in a court order.

2) If the application is denied, the Clerk of Courts shall retain the filing of the action or proceeding and the Court shall issue an order granting the litigant thirty (30) days to make the required advance deposit or security. Failure to do so shall result in dismissal of the civil action or proceeding.

d) The Court may, at any time while the action or proceeding is pending, conduct a hearing to inquire into the applicant's status as an indigent litigant.

3.04 EXTENSION OF TIME TO PLEAD. Leave may be granted ex parte for an additional thirty (30) days for filing of an answer or a reply to a counterclaim, provided that the time for filing an answer or reply has not yet expired and no previous extension has been granted.

a) When counsel obtains an ex parte extension of time to plead, he or she shall immediately notify all other counsel of record or unrepresented parties in the case.

b) Where the time for Answer or Reply has already expired, additional time for filing such Answer or Reply may be obtained only as provided in Civ.R. 6.

3.05 MOTIONS. All motions shall be accompanied by a memorandum in support of the motion, which shall be a brief statement of the grounds for the motion, including legal citations to authorities demonstrating the movant is or is not entitled to the relief sought; affidavit or evidentiary materials where required by law; citations to the record in support of asserted facts; and proof of service in accordance with Civ.R. 5.

a) The original shall be filed with the Clerk of Court, plus any additional copies required for service.

b) Any memorandum contra to a motion, other than motions for summary judgment, shall be served upon the movant's trial attorney or, if unrepresented, upon the *pro se* movant within fourteen (14) days from the date the motion and proof of service thereof was served. Any memorandum contra to a motion for summary judgment shall be served within twenty-eight (28) days after service of the motion. Failure to serve and file a memorandum contra may result in the Court's

granting the motion without further opportunity to be heard. A reply memorandum may be served and filed within seven (7) days of the service of the memorandum contra to the original motion.

c) The time periods set forth in this section may be extended by the Court upon application and for good cause shown.

d) The Court may grant an ex parte extension of up to thirty (30) days for the filing of a memorandum contra provided that no prior extension has been granted. Any subsequent extension of time, or any extension in excess of thirty (30) days can be granted only with the written approval of the opposing party, or upon motion and notice to opposing counsel.

e) Unless otherwise directed by the trial judge, all motions shall be set for non-oral submission hearing twenty-one (21) days after filing. Oral argument on pending motions shall only be scheduled for cause upon a written request.

f) Motions and memoranda shall be limited in length as follows:

1) Original motions and memoranda in support shall be no longer than twenty (20) double-spaced pages in length, excluding attachments;

2) Memoranda in opposition shall be no longer than twenty (20) double spaced pages in length; and

3) Reply memoranda shall not exceed ten (10) double-spaced pages.

4) The Court may grant the filing of a supplemental memorandum, or sur-reply, upon motion and with good cause shown. A determination of the appropriate page length limitation for a supplemental memorandum shall be made by the Court at the appropriate time.

g) All typed motions and memoranda must include one (1) inch margins and be printed in no smaller than 12-point font.

h) To ensure compliance with Civ.R. 56(C), parties are directed to file evidentiary materials with the clerk of the Court, or to attach them to the motion or memorandum. If evidentiary materials are attached, the motion or memorandum shall indicate in the case caption that they are attached, i.e. "Memo Contra Plaintiff's Motion for Summary Judgment, Affidavit of Joe Smith attached." Documents not expressly authorized by Civ.R. 56(C) shall be attached to an authenticating affidavit. Failure to provide the Court with any evidentiary material as described in this Rule can result in the Court's not considering that material in connection with the motion or memorandum.

i) The Court will not entertain any motion, including a motion in limine, that is filed less than seventy-two (72) hours before the commencement of trial, unless the movant demonstrates that such motion could not reasonably have been filed sooner.

3.06 JUDGMENTS AND DISMISSALS. Any judgment, entry, or order endorsed by all counsel shall be forwarded to the assigned trial judge. If approved by the trial judge, it will be delivered to the clerk of courts for filing.

a) When a case has been settled, the parties shall promptly notify the staff of the trial judge and the matter will be set for presentation of entry. If an entry is provided prior to the date for the presentation of entry hearing, the attorneys

need not appear. If an entry is not provided prior to the presentation of entry hearing date, all parties shall appear. Failure to present an entry and failure to attend the presentation of entry hearing may result in the case being dismissed for lack of prosecution and/or sanctions, if appropriate.

b) After the Court has announced its decision on any matter requiring an entry or order, counsel for the prevailing party shall prepare the appropriate entry and forward it to opposing counsel within ten (10) days. Opposing counsel shall sign the entry, and if he or she objects to it based on form or content, counsel shall sign with the words "subject to objection" under his or her signature. Opposing counsel shall then prepare and sign his or her own entry and send it, along with the first entry, to counsel for the prevailing party. Prevailing counsel shall then submit both entries to the assigned judge, who will select one of them or draft the Court's own.

c) In the event that a motion for separate findings of fact is filed prior to the filing of the entry, the entry will be held in abeyance until said separate findings of fact have been prepared and filed.

d) As an alternative method to that described in paragraph (C) above, counsel for the prevailing party may prepare and circulate an entry, accompanying it with a certificate that all opposing counsel and unrepresented parties have been furnished with a copy. This certificate shall also notify all opposing parties that:

    1) The attached entry will be submitted to the Court for approval at a date and time specified in the certificate, but not sooner than fourteen (14) days following service of the certificate; and

    2) Any parties objecting to the form or content of the entry may be heard at the specified time; and

    3) Failure to appear at the specified time will be seen as agreement to the filing of the attached entry.

e) Nothing in this rule shall prevent the Court from preparing and filing its own entry.

3.07 AMENDMENTS AND ALTERATIONS. Pleadings and motions may be amended in accordance with Civ.R. 15. No motion, pleading, or entry may be altered by interlineation or obliteration without leave of court.

3.08 CASE MANAGEMENT CONFERENCE. All civil actions other than administrative appeals will be set for a case management conference between sixty (60) and ninety (90) days after the filing of the complaint.

a) At the case management conference, the Court may resolve particular issues, take action on service and motions for leave to plead, discuss early possibilities of settlement, and enter an order fixing deadlines to ensure the prompt and fair disposition of the case.

b) The parties or their attorneys will participate in the making of the Scheduling Order. Attorneys must appear at the case management conference. Parties represented by counsel need not appear personally, but shall be available for electronic communication with their counsel during the conference.

c) The Scheduling Order will set definite dates for the completion of all discovery, the filing of dispositive motions, the identification of expert witnesses' reports

disclosure of their opinions, the filing of jury instructions, and the order will set dates for a final pretrial conference and for a trial.

d) Modification of the Scheduling Order will generally not be permitted, unless the trial judge determines modification is necessary in the interests of justice.

e) Counsel for subrogated or non-participating parties may obtain the permission of the Court not to attend the Case Management Conference. Any party not in attendance is bound by the dates contained in the Scheduling Order.

3.09 CASE MANAGEMENT OF ADMINISTRATIVE APPEALS. Upon the filing of an administrative appeal, this matter shall be assigned to a Magistrate. Once service is complete, the Court will automatically issue a briefing schedule as follows:

a) Appellant's assignment of errors brief shall be due fourteen (14) days after the statutory transcript is filed. If the transcript has not been timely filed, appellant shall call said failure to the attention of the Court;

b) Appellee's answer brief shall be due thirty (30) days after the filing of appellant's brief;

c) Appellant may file a reply brief, due thirty (30) days after service of appellee's answer brief;

d) The case shall be docketed for argument seventy-five (75) days from the filing of the transcript;

e) If either side wishes to supplement the transcript with additional evidence, such motion must be filed within thirty (30) days of the filing of the transcript with the Court. If said motion is sustained, a new trial date will be assigned with its length to be determined by the Court with the aid of counsel.

f) If no decision is filed by the Court within thirty (30) days of argument, a reminder to that effect shall be generated to the assigned judge at thirty (30)-day intervals.

3.10 FAILURE TO PROSECUTE. Service of summons upon all parties defendant shall be checked by court staff forty-five (45) days after an action is filed.

a) If there is no return of service, the plaintiff will be notified. Service will be checked every twenty-eight (28) days thereafter, until all returns are filed.

b) If there is no return of service as to one or more defendants for a period of more than six (6) months, the case will be treated under Loc.R. 1.05 and Civ.R. 4(E) as a case that may be subject to dismissal for lack of prosecution.

c) If service is complete upon all defendants, but no answer or other appearance has been timely made, the assignment commissioner or judicial secretary shall notify the plaintiff to move for default judgment within thirty (30) days. Plaintiff's failure to move for default judgment or to show cause why default is not appropriate may result in the dismissal of the action.

3.11 FINAL PRETRIAL CONFERENCE. A final pretrial conference shall be held approximately two (2) weeks before the time scheduled for trial. The purpose of the pretrial conference is to clarify and reduce triable issues, to control procedures, to explore pretrial stipulations, to ensure readiness, and, if possible, to dispose of the case.

a) Trial counsel for each party shall appear at the pretrial, fully authorized to act and negotiate on behalf the parties they represent. They shall be prepared to discuss any matter relating to the settlement or trial of the case in depth.

b) A corporate party may appear by an officer or employee having knowledge of the subject matter of the case. A party who is insured concerning the claim may appear by a claim representative from his liability carrier. Said claim representative need not be present if he is available for immediate electronic contact.

c) Not less than seven (7) days before the pretrial conference, all parties shall file with the Court and serve upon all other parties in the action a pretrial statement containing the following information:

1) A statement of the nature of the action, including a detailed statement advising the Court of the factual and legal issues presented;

2) A list by full name and address of all lay and expert witnesses and a summary of their expected testimony, including the date each expert's report was furnished to the other parties;

3) A list of each trial exhibit the party intends to introduce and indication that exhibits have been forwarded to other parties, or will be forwarded by a date not less than two (2) weeks before trial;

4) An itemization of special damages and indication that opposing parties have been furnished with verification of the damages. Where lost wages or impairment of earning capacity are claimed, the statement shall set forth the support for the loss, i.e., testimony of the party, employer, etc.;

5) A statement of the party's position on legal issues, including significant evidentiary questions, with a citation of authorities in support;

6) A statement of the party's legal authority for any requested jury instructions not contained in OJI;

7) A statement advising the Court of the current status of settlement discussions;

8) A statement advising the Court of any other pretrial matters, or any matters specifically ordered by the assigned judge.

d) Upon the failure of any party either to serve and file a pretrial statement or to attend the pretrial conference after notice of such conference has been sent, the Court may impose the sanctions authorized by Civ.R. 37, may order the dismissal of an action, may grant some or all of the relief sought in the complaint, or may order the exclusion of certain evidence.

e) Stipulations of facts, issues, or exhibits contained in a pretrial order are binding upon the parties and may be admitted at trial without need for further proof as to the matters stipulated.

f) Any witness who is not listed in the pretrial statement shall not be permitted to testify at trial, except as permitted by the trial judge for good cause shown.

3.12 VIEW OF THE SCENE. A request for a view of the scene shall be made at least fourteen (14) days before trial.

a) In civil cases, the request shall be accompanied by an appropriate cost deposit according to the attached schedule.

b) In criminal cases, the request need not be accompanied by a cost deposit.

c) Counsel shall hand-deliver or email a copy of the request to the assignment commissioner of the trial judge.

3.13 FORECLOSURE ACTIONS. Every action filed which demands a judicial sale of real estate shall be governed by the following:

a) JUDICIAL REPORT. the party requesting said sale shall, not later than fourteen (14) days after the filing of the Complaint (or other pleading requesting a judicial sale), file either a preliminary judicial report, or a commitment for an owner's fee policy of title insurance, as required by R.C. §2329.191. The preliminary judicial report, or title insurance commitment, shall include a legal description of the subject property and shall indicate that the legal description has been approved as being sufficient for conveyance purposes. Pursuant to R.C. 2329.22, the requirement to file a preliminary judicial report is inapplicable to the sale of lands by the state and therefore the requirements of R.C. 2329.191 do not apply to proceedings in which county government seek the sale of property to enforce a lien for delinquent real property taxes.

b) DECREE OF FORECLOSURE. Every decree of foreclosure shall be submitted to each party who has answered in the action with language that he/she has ten (10) days to object to the signing of the entry.

c) Every decree of foreclosure shall contain the following:

1) Date and method of service on every defendant in grid format;

2) Except in tax foreclosure cases, priority of liens language;

3) Except in tax foreclosure cases, a signature line for each counsel of record and each party who filed an answer to the complaint. Signature authority may be obtained by counsel via fax or telephone; and

4) In tax foreclosure cases, a certification by the Prosecuting Attorney that a copy of the proposed judgment entry has been submitted by U.S. Mail, facsimile transmission or electronic mail to each counsel of record and each party who filed an answer to the complaint with a statement that the Court may approve and file the judgment entry unless the counsel or party files written objections to the proposed judgment entry within fourteen (14) days of the submission of the proposed judgment entry to counsel and parties.

5) A legal description of the real estate, including the parcel number.

6) If a homeowner's personal liability has been discharged in bankruptcy, this should be explicitly stated in the decree of foreclosure, and the case caption should contain the phrase "Judgment in Rem."

7) Notice of the Right of Redemption pursuant to R.C. 2329.33.

d) ATTACHMENTS TO DECREE OF FORECLOSURE. Every decree of foreclosure shall have the following attachments:

1) a military affidavit as to each party who signed the mortgage note, or in the case of tax foreclosure cases, as to the owner of the property as reflected in the real property records of Warren County, Ohio;

2) except in tax foreclosure cases, an affidavit as to the remaining balance on the mortgage; and

3) where the foreclosure is based upon the default of a mortgage note that is no longer held by the original mortgagee, an assignment of mortgage to the current mortgagee.

e) NOTICE OF SALE. In every action where a judicial sale of real estate is ordered by the Court, the attorney for the plaintiff, or such other party requesting the sale, shall promptly mail notice of the time, date and location of the sheriff's sale to the record owner(s) of the subject real estate and to all other interested parties not in default for failure to appear, or their counsel of record, at their respective last known addresses.

1) The record owner(s) of the real estate shall be noticed by mail in all cases whether or not in default for failure to appear, except when said owners were originally served with summons solely by publication.

2) No other parties to the proceeding in default of answer need be served with notice of sale except by publication as provided by R.C. §§2329.26 and 2329.27.

3) Failure to provide timely notice to interested parties shall constitute grounds for denying confirmation of the sale.

f) CERTIFICATE OF SERVICE OF NOTICE. Not less than fourteen (14) days prior to the scheduled sale date, counsel for the party requesting the sale shall file with the Clerk of Courts a certificate of service of notice of sale date specifying the date and manner of service and the names and addresses of all interested parties who received notice. Failure to timely file the certificate of service required by this rule shall constitute grounds for denial of the confirmation of sale.

g) WITHDRAWAL. If the sale is withdrawn, or the case is dismissed, additional fees may be required.

h) ORDER OF SALE. Upon filing his return of an Order of Sale or Writ of Execution, the Sheriff shall provide a copy of such return to the Judge to whom the case is assigned.

i) SHERIFF'S SALE. Sale of real estate ordered by the Court to satisfy judgment against a defendant shall be conducted by the Warren County Sheriff under the general direction of the Court. The Sheriff shall require bids in no less than $100.00 increments at all sales. The Sheriff's agent, in his or her discretion, may increase the minimal increment to no more than $500.00 after announcement during the bidding.

j) Within thirty (30) calendar days after the Sheriff's return of an Order of Sale or Writ of Execution indicating that property had been sold pursuant to such Order or Writ, counsel for the party requesting the sale shall submit to the Court a proposed Order confirming the sale.

k) CONFIRMATION. Within thirty (30) calendar days after the Sheriff's return of an Order of Sale or Writ of Execution indicating that property had been sold pursuant to such Order or Writ, counsel for the party requesting the sale shall submit to the Court a proposed Order confirming the sale.

1) An accurate property description must be attached to every confirmation entry before it will be approved by the Court.

2) The Confirmation Entry shall also order that the counsel for the party requesting the sale shall prepare, and deliver to the Sheriff within seven calendar days after filing of the Confirmation Entry, a deed conveying title to the purchaser. Any counsel who fails to timely file the proposed Confirmation Entry may be cited for contempt.

3) Within thirty (30) days after the Sheriff's return, the Court shall, in accordance with R.C. §2329.31, either approve the order confirming the sale or notify counsel submitting the proposed Order of changes required before the proposed Order may be approved for filing; the revised Order including any required changes shall be returned to the Court within seven (7) calendar days.

4) No sale shall be confirmed, nor dismissal entered, until full payment of all costs, including appraisal fees, publication costs and the costs (including exam fees and premiums) of both the preliminary judicial report and the final judicial report.

3.14 MAGISTRATES. The following matters shall be assigned to a Magistrate for hearing and disposition: Civil Stalking Orders, Garnishment Hearings, Administrative Appeals, and any other matter as ordered by the Court through the issuance of an order of reference.

a) Persons filing objections to a Magistrate's decision shall obtain a date from the Assignment Commissioner for Submission of Objections for Decision (with no appearances required).

b) A memorandum in opposition shall be filed within fourteen (14) days from the filing of the objections to the Magistrate's decision and any reply shall be filed no later than seven (7) days after the memorandum in opposition is filed.

c) No oral hearing will be held except on motion filed by a party and granted by the Court. Any motion must provide specific grounds for the necessity of an oral hearing and must be accompanied by a proposed entry granting same. The Court may, upon its own notice, set the matter for oral hearing without a motion from either party.

d) If a party intends to object to a Magistrate's decision pursuant to Civ.R. 53 on the basis that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, that party shall provide a transcript of all evidence relevant to such findings or conclusions. See LR 3.12, Transcripts.

4. MEDIATION

4.01 PURPOSE. To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution, the Court has established the Warren County Common Pleas Court Mediation Program.

4.02 To the extent not inconsistent with this Rule, the Court incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

4.03 DEFINITIONS. All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by the Court through this local rule including, but not limited to the following:

a) "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

b) "Mediator" means an individual who conducts mediation.

c) "Mediation Communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening mediation or retaining a mediator.

d) "Proceeding" means either of the following:

1) A judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery; or

2) A legislative hearing or similar process.

4.04 ELIGIBILITY. Except as provided in subsection (a) and (b), at any time, any civil action under the jurisdiction of the Court may be referred to mediation. The Warren County Common Pleas Court Mediation Program may determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

a) Use of mediation is prohibited in any of the following:

1) As an alternative to the prosecution or adjudication of domestic violence;

2) In determining whether to grant, modify, or terminate a protection order;

3) In determining the terms and conditions of a protection order; and

4) In determining the penalty for violation of a protection order.

b) The following actions shall be exempted from mediation upon request of any party:

1) Cases in which one of the parties is mentally ill or has intellectual disabilities which make the mediation process unworkable;

2) In emergency circumstances requiring an immediate hearing by a jurist; or

3) Cases in which the parties have achieved an executed Agreed Judgment Entry.

4.05 REFERRAL. The Court shall explore the appropriateness of Mediation at the Case Management Conference.

a) The Court, on its own motion, or on the motion of any of the parties, may refer disputed issues to mediation in whole or in part by "Notice of Scheduled Mediation" which shall, at a minimum, indicate the date, time, and place and contact information of the mediation.

b) All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two (2) or more persons whose attendance is required by the referral order.

4.06 MEDIATOR SELECTION AND ASSIGNMENT. The following methods may be used to determine the mediator for the case:

a) If the parties mutually agree to a mediator who is on the Court's roster of approved mediators, the Court will generally assign the requested mediator unless there is a reason to do otherwise.

b) If there is no agreement as to the mediator, the Court shall randomly assign a mediator to the case from the Court's roster of approved mediators.

c) Parties may mutually agree to a mediator who is not on the Court's roster of approved mediators at their own expense.

d) In special instances, the Court may appoint a mediator with particular expertise.

4.07 MEDIATOR QUALIFICATIONS. To be a court-approved mediator, the following qualifications apply:

a) Attorney, licensed and in active, good standing with the Ohio Supreme Court;

b) At least six (6) years of legal practice experience;

c) Professional liability insurance with appropriate coverage.

4.08 LIST OF MEDIATORS. The secretary of the administrative judge shall maintain a list of qualified mediators. A copy shall be distributed to all judges and magistrates of the Court.

a) All those interested to become mediators shall submit to the court administrator updated curriculum vitae (including a list of training related to the field of dispute resolution and professional or association memberships) along with proof of liability insurance.

b) The Court will review applications of person seeking to be added to the list of qualified mediators in accordance with the procedures adopted by the judges of the Court.

4.09 DATE, TIME AND PLACE OF MEDIATION. The mediator will be responsible for setting the date, time, and location of mediation. The Court may be used when available and should be requested through the court administrator.

4.10 MEDIATION PROCESS. In accordance with all applicable provisions of this Rule, if a case is deemed appropriate for the Warren County Common Pleas Court Mediation Program, mediation will be scheduled. A mediator may confer by telephone, email, or separate meeting with the parties and/or their attorneys individually prior to bringing the parties together for any reason, including further screening. A mediator may schedule multiple mediation sessions if necessary and mutually agreeable for the resolution of the issues in part or in their entirety.

a) Before and during the mediation, the mediator is responsible for continued screening for domestic violence.

b) Before and during the mediation, the mediator shall make appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

4.11 PARTICIPATION IN MEDIATION. If a case is referred for mediation, each party to the case or the representative of each party who has full settlement authority shall attend the mediation conferences.

a) A judge, magistrate, and/or mediator shall require the attendance of the decision-making parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.

b) If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, he or she shall promptly inform the mediator as well as the assigned judge or magistrate.

c) If the opposing parties to any case are (i) related by blood, adoption, or marriage; (ii) have resided in a common residence, or (iii) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have a duty to participate in any screening required by the Court.

d) By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

4.12 CONFIDENTIALITY/PRIVILEGE. All mediation communications related to or made during the mediation process are subject to and governed by the UMA, R.C. 2710.01 to 2710.10, and any other pertinent judicial rule(s). In furtherance of the confidentially set forth in this rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session. If a new or different person(s) attend a subsequent session, their signatures shall be obtained prior to proceeding. A blank "Agreement to Mediate" form is available for review by any prospective participant by contacting the magistrates' assignment commissioner.

4.13 CONFLICT OF INTEREST. In accordance with R.C. 2710.08(A) and (B), the mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflict that may affect the mediator's impartiality as soon as such conflict becomes known to the mediator.

a) If counsel or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator should withdraw and request that the assigned judge or magistrate appoint another mediator from the roster of qualified mediators that is maintained by the Court.

b) The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest.

4.14 TERMINATION. If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by the Court.

4.15 STAY OF PROCEEDINGS. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue throughout the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

4.16 CONTINUANCES. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The judge or magistrate who referred the case may continue the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no

continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

4.17 MEDIATION CASE SUMMARY. Attorneys may, at their option, or must if required on a specific case by the judge, magistrate or mediator, submit a "Mediation Case Summary" to the mediator, which shall contain the following:

a) A summary of material facts;

b) A summary of legal issues;

c) A statement regarding the status of discovery;

d) A listing of special damages and summary of injuries or damages;

e) A report of settlement attempts to date, including demands and offers.

4.18 MEDIATION MEMORANDUM OF UNDERSTANDING. The assigned mediator, parties or counsel, if applicable, as agreed by the parties, shall immediately prepare a written memorandum memorializing any agreement reached by the parties.

a) The "Mediation Memorandum" should be signed by the parties and counsel.

b) A signed "Mediation Memorandum" is not be privileged pursuant to R.C. 2710.05(A)(1).

c) The written "Mediation Memorandum of Understanding" shall become an order of the Court after review and approval by the parties and their attorney, if applicable.

4.19 MEDIATOR REPORT. At the conclusion of the mediation and in compliance with R.C. 2710.06, the Court shall be informed of the status of the mediation including all of the following:

a) Whether the mediation occurred or was terminated;

b) Whether a settlement was reached on some, all, or none of the issues;

c) Attendance of the parties; and

d) Future mediation session(s), including date and time.

4.20 FEES AND COSTS. Mediation costs shall be set by the Court and reviewed periodically.

a) The cost for foreclosure mediation is $250.00.

b) The cost for other civil mediation will be based on a single-session fee of $500.00 for sessions up to six (6) hours, plus $100.00 per hour for each additional full or partial hour of a mediation session lasting more than six (6) hours.

c) The mediator, with consent of the parties, may schedule further sessions after the first six (6) hours. The mediation fees shall be taxed as court costs.

d) At any time the parties or a single party may discontinue the mediation process. If a single party discontinues the mediation process on the first day, the judge or magistrate may hold that party alone responsible for the $500.00 fee for mediation.

4.21 SANCTIONS. If any individual ordered by the Court to attend mediation fails to attend without good cause, fails to pay mediation fees, or fails to abide by the Court's mediation policy, the Court may impose sanctions, which may include, but are not limited to, the

award of attorney fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

5. CRIMINAL ACTIONS

5.01 METHOD OF ASSIGNMENT OF CRIMINAL CASES. The Court shall employ the Individual Assignment System as set forth in Sup.R. 36.

a) When a criminal case is filed with the Clerk of Courts, whether by referral from a municipal or county court or by direct indictment, each defendant shall receive a case number.

b) The case management system shall randomly assign the case to an individual judge in a manner that provides equitable and random distribution of cases among the General Division Judges of the Common Pleas Court.

c) After the random assignment of the case, the Assignment Commissioner for the Grand Jury Judge shall reassign the case, if necessary, for any of the following reasons:

1) The defendant has an additional, pending indicted case;

2) The defendant has a previous indicted case;

3) The defendant has co-defendants and the cases, in the interests of justice, should be heard by the same judge.

i) If one of the co-defendants has a pending or previous case with a judge, all the cases shall be assigned to that judge.

ii) If none of the co-defendants has a pending or previous case with a judge, the cases shall all be assigned to the judge randomly assigned to the lowest case number.

4) The purpose of the transfer from the randomly assigned judge shall be noted on the docket.

d) All subsequent transfers of cases between judges must be by entry.

e) Assignment of cases shall be conducted in such a manner as to ensure judicial accountability for the processing of individual cases; timely processing of cases through prompt judicial control over cases and the pace of litigation; and random assignment of cases to judges through an objective and impartial system that ensures the equitable distribution of cases among the judges.

5.02 ASSIGNMENT OF MURDER CASES. Indictments for Aggravated Murder (R.C. § 2903.01) with or without death penalty specifications and Murder (R.C. § 2903.02) shall be randomly assigned separately from criminal cases assigned pursuant to Local Rule 5.01.

a) When a murder case is filed with the Clerk of Courts, whether by referral from a municipal or county court or by direct indictment, the case shall be assigned a case number and the Administrative Judge shall be notified.

b) The Administrative Judge shall randomly assign the case between/among the judges of the general division, excepting however the judge who was most recently assigned a murder case pursuant to this section shall be excluded from consideration in the assignment.

5.03 ASSIGNMENT OF THREE JUDGE PANEL. In a capital murder case where a defendant waives his right to a trial by jury pursuant to Revised Code § 2945.06, the Presiding Judge for the Common Pleas Court shall assemble a three judge panel as follows:

1) The assigned trial judge shall be assigned to and preside over the panel.

2) The remaining two judges shall be assigned, by random draw, from the pool of judges from all divisions who have completed the Capital Case Seminar offered/approved by the Ohio Judicial College pursuant to Gov. Jud. R. IV, Section 10(B)(3).

3) The draw shall not take place unless and until the Defendant waives his right to a trial by jury pursuant to law.

4) The draw shall take place in the courtroom, on the record and in the presence of the Defendant.

5.04 GRAND JURY JUDGE. Each term, one Judge will be assigned to supervise the Grand Jury. The Grand Jury Judge shall handle criminal matters that may arise in individual cases prior to indictment and/or arraignment where a specific judge has not already been assigned, including the setting of bonds.

5.05 COURT APPOINTMENTS. When it appears to the satisfaction of the Court that a criminal defendant is indigent, or for any other reason is unable to retain counsel to represent him, the Court shall appoint a defense attorney from the Court Appointed Attorney List.

a) Attorneys who wish to be on the Court Appointed List shall make application in writing. The application shall be reviewed by the judges and a decision will be made by a majority of the General Division judges to approve or disapprove applications. Attorneys must meet the following requirements:

    1) Licensed Ohio attorney in good standing.

    2) Experience as lead counsel or co-counsel on three (3) or more criminal/traffic or delinquency cases.

    3) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Code of Professional Responsibility.

    4) A local office suitable for client conferences including clients with disabilities.

b) Appointment will be approved for one calendar year and, thereafter, performance will be reviewed a minimum of once per year.

c) Attorneys can be removed from the list, upon a concurrence of the majority of the General Division judges, for reasons such as tardiness, failure to meet with the client prior to pretrial or failure to meet the professional standards of representation.

d) Appointment of counsel shall be made from the Court Appointed List in such a manner that ensures an equitable distribution of appointments among all persons on the appointment list.

1) The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload.

2) The Administrative Judge shall review the Court Appointed List no less than annually to make sure it is updated and to ensure the equitable distribution of appointments among persons on the list.

e) The appointed attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner. Court appointed counsel shall personally represent the client for whom he or she was appointed and shall not, absent an emergency, allow substitute counsel to represent the client. Appointed Counsel must be present at all dispositive hearings. Repeated failure to personally represent the client will result in removal from the appointed counsel list.

f) The appointed attorney shall have a working phone with a secretary and/or voice mail to be able to respond to calls from the Court or clients. The Attorney shall inform the court promptly of a change of address or phone number.

g) At the conclusion of the case, the appointed attorney shall file with the Court a motion for compensation on forms provided by the Court. Counsel shall attach to the motion a properly executed affidavit of indigency (OPD-206R rev. 09/2017). Counsel shall either use his federal tax identification number on the motion, or he shall attach a tax identification number verification form, available from the Court, to his motion.

h) Compensation shall be allowed by the Court in accordance with the schedule of fees established and approved for such purposes. Said motion for compensation shall be filed within thirty (30) days after the Court's final judgment or entry in the case has been journalized.

i) A request for compensation which exceeds the established fee schedule may be granted in extraordinary cases. Compensation in an amount that exceeds the limit set by the established fee schedule is considered an Extraordinary Fee. Extraordinary Fees may only be approved as follows:

1) Where the Extraordinary Fees requested are less than 50% of the amount set as the limit on the established fee schedule, the Extraordinary Fees may be approved by the trial judge.

2) Where the Extraordinary Fees requested are greater than an additional 50% or more than the limit on the established fee schedule, the Extraordinary Fees may only be approved by a majority vote of all the general division judges.

j) In the event a criminal case is resolved without a trial, an appointed attorney seeking compensation for more than ten (10) hours of work (approximately $500.00) shall provide a separate, written explanation for the reason for the requested fee amount.

k) Failure to timely submit a motion for payment will result in a fifty (50) percent reduction in the compensation.

l) Court appointed counsel shall not accept compensation from any other source than the Court for an appointed case.

m) Except in extraordinary cases, court appointed counsel shall meet with the client prior to the pretrial conference.

5.06 BAIL OR SURETY. When bail has been fixed in a criminal case prior to said case being filed in the Court, and either the prosecuting attorney or the defendant desires to modify the amount or conditions of said bail, such party shall make application to the Court. Notice thereof shall be given to opposing counsel prior to the making of such application. No attorney, officer, or employee of the Court or of the sheriff shall be accepted as principal or as agent for bail or surety.

5.07 PRETRIAL MOTIONS. All pretrial motions shall be filed in accordance with the time limits prescribed in the Ohio Rules of Criminal Procedure unless leave to file a motion beyond the prescribed time limit is granted by the assigned trial judge, after notice to the opposing counsel.

a) Pretrial motions shall be forwarded to the assigned judge, who shall set the case for hearing, if necessary.

b) The moving party shall immediately furnish a copy of the motion to opposing counsel.

5.08 DISCOVERY. The exchange of discovery is governed by Crim.R. 16, and shall to the extent possible be exchanged prior to the pretrial conference.

a) Discovery is not to be filed in the clerk's office, but defense counsel shall execute, serve, and file a written receipt acknowledging the material provided to him or her.

b) The prosecuting attorney shall draft and provide such a receipt along with the discovered material.

c) Discovery of tangible items such as clothing or guns may be made by making the items available for inspection at the office of the prosecuting attorney, at the office of defense counsel, or at some other suitable place.

5.09 ARRAIGNMENT. Arraignment of all criminal cases will be held before a judge or magistrate of the Court.

a) If the defendant is incarcerated, his or her arraignment will be set for the next scheduled arraignment date. If the defendant is not incarcerated, the prosecuting attorney shall set the arraignment so that at least seven (7) days are allowed for service of the indictment.

b) If the defendant is not represented by counsel, the Court shall determine whether he or she is indigent. If deemed indigent, the Court shall appoint counsel for his or her defense. If not deemed indigent, the Court will continue the arraignment for one (1) week to permit the defendant to retain counsel. The defendant shall appear at the next arraignment to inform the Court whom he or she has retained or to notify the Court what attempts he or she has made to retain counsel.

c) If the defendant fails to appear for arraignment, and it appears of record that he or she was served with the indictment and notice of the arraignment, a warrant shall issue for the defendant's arrest. If it does not appear of record that the defendant was served, the matter shall be continued to allow perfection of service.

5.10 CASE MANAGEMENT. It shall be the responsibility of the assigned judge to ensure criminal cases are completed within the guidelines set by the Ohio Supreme Court.

a) At the earliest-possible time, no later than seven days after arraignment, the prosecuting attorney shall provide the assignment commissioner for the assigned judge the "to-be-tried-by" date representing the final day for speedy trial purposes. The assignment commissioner shall issue a scheduling notice setting a pretrial, a final conference, and a trial date.

b) All criminal cases shall be tried within the speedy trial limitations set forth in R.C. § 2945.71, or within six months of the date of arraignment, whichever comes first. These limitations can be extended by the trial judge where allowed by law for good cause shown.

c) All cases shall be set for a pretrial conference between counsel and the Court. The purpose of the pretrial conference is to clarify and resolve issues, to control the procedure, to ensure readiness for trial, to assign or confirm a date for trial, and if possible, to dispose of the case.

d) All cases shall be set for a trial conference immediately prior to the trial. The purpose of the trial conference is to discuss any extraordinary factual or legal issues, review any outstanding witness or evidentiary matters and, if possible, dispose of the case.

e) Trial counsel shall participate in and facilitate this procedure. Defense counsel shall contact his or her client prior to the pretrial conference, and defense counsel is encouraged to meet with the prosecuting attorney prior to the pretrial conference to resolve and define discovery issues and to confer on plea or trial options.

f) Defense counsel shall notify the defendant of the time and place of the pretrial conference. The defendant must be available at the courthouse at the time of the pretrial conference. If the defendant is incarcerated, the prosecuting attorney shall prepare a conveyance order to allow for the presence of the defendant at the pretrial conference.

5.11 INACTIVE BINDOVER CASES When an accused has been bound over to a grand jury and no final action is taken by the grand jury within sixty days after the date of the bindover, the court or the administrative judge of the court shall dismiss the charge unless for good cause shown the prosecuting attorney is granted a continuance for a definite period of time.

5.12 WARREN COUNTY DRUG COURT PROGRAM

a) CREATION OF SPECIALIZED DOCKET, "WARREN COUNTY DRUG COURT" PROGRAM. Warren County Drug Court Program, a.k.a. Drug Court, is created according to the requirements set forth in Sup. R. 36.20 – 36.29, Specialized Docket Standards, Appendix I Rules of Superintendence. Drug Court is to facilitate efficient and effective treatment of drug addicted offenders. Offenders shall be supervised by the Warren County Court Services Department to ensure compliance with community control sanctions and to assist offenders with criminogenic needs.

b) ELIGIBILITY CRITERIA FOR WARREN COUNTY DRUG COURT PROGRAM ADMISSION. Offenders may be referred to Drug Court by his or her assigned judge through a plea and sentencing, a probation violation, a judicial release, or via Intervention in Lieu of Conviction (ILC) pursuant to R.C. §2951.041. The offender must meet the following criteria: (1) be at least eighteen (18) year of age; (2) be amenable to community control or ILC; (3) be charged with a felony offense of third, fourth, or fifth degree; (4) be charged with an offense that is directly related to

substance abuse; (5) be determined to be a drug and/or alcohol dependent person that would benefit from treatment; (6) reside in Warren County, Ohio or a peripheral county; (7) have no history of violent behavior; and (8) demonstrate a sincere willingness to participate in a long-term treatment process. Additional criteria may be required by the Drug Court Treatment Program.

c) REFERRING CRIMINAL OFFENDERS TO THE WARREN COUNTY DRUG COURT PROGRAM. Drug Court receives referrals from the General Division Judge to whom the case is assigned. The Drug Court team shall review the case for legal/clinical eligibility as identified in the Drug Court Program Description. The Drug Court Judge shall have the authority to accept or reject cases referred to the Drug Court Program. No offender may be accepted into Drug Court without being referred for acceptance by the assigned judge and accepted by the Drug Court Judge.

d) SENTENCING. Once the offender has been ordered into the Drug Court Program as a condition of community control, or as a condition of ILC, the case shall be transferred to the Drug Court Judge. Thereafter, he or she shall preside over all matters and have full authority over the case.

e) WARREN COUNTY DRUG COURT PROGRAM TEAM. The Warren County Drug Court Program team shall consist of the Judge, Magistrate, Specialty Courts Program Director/Coordinator and subordinate staff, probation officers, case managers, licensed treatment providers, the assistant prosecuting attorney, and defense counsel. The Drug Court team shall convene weekly to handle the docket, to discuss the progress and status of individual offenders, and to apply sanctions and incentives as needed.

f) WARREN COUNTY DRUG COURT PHASES. The Warren County Drug Court participants shall be required to complete phases of treatment, and all other requirements, as identified in the Drug Court Program Description, the Drug Court Participant Handbook, and the Drug Court Participation Agreement. While in Drug Court, offenders shall receive services to assist in meeting criminogenic needs. Upon completion of Drug Court, the offender may remain under community control sanctions to ensure continued compliance/success.

g) UNSUCCESSFUL TERMINATION FROM THE WARREN COUNTY DRUG COURT PROGRAM. Reasons for termination from the Warren County Drug Court Program include, but are not limited to, failure to remain abstinent from illegal substances, violations of the rules of community control or ILC, and failure to comply with the Warren County Drug Court Program Participation Agreement. Noncompliance with the aforementioned may result in a probation violation, or an Intervention in Lieu of Conviction revocation hearing. Any such hearing shall be adjudicated by the Warren County Drug Court Program Judge. At said hearing, the offender may have the conditions of his/her community control or ILC modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), revocation of the offender's ILC, termination from the Warren County Drug Court Program, and revocation of the offender's community control. The Drug Court Judge maintains discretion to terminate an offender from Drug Court and refer the offender back to his/her previously assigned General Division Judge for further proceedings.

h) STATISTICAL REPORTS. For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned Judge when the offender is

sentenced to the Drug Court Program, or if the offender is ordered to participate in the Drug Court Program as a condition of ILC.

5.13 CIVILIAN CLOTHING. If a defendant is incarcerated, he or she may appear in civilian clothing at trial only if civilian clothing is provided to the jail the night before the trial. The defendant may then dress at the jail, after the clothing has been cleared by security. The defendant will not be permitted to change into civilian clothing at the courthouse on the day of trial.

5.14 NOTICE OF APPEAL FOR INDIGENT DEFENDANT. Where a Defendant has previously executed an Affidavit of Indigency indicating he or she is unable to obtain private counsel, the Clerk of Courts shall accept a filing of a Notice of Appeal without a cost deposit.

5.15 SENTENCING ENTRY. The Clerk of Courts shall, within 3 days of the filing of a Sentencing Entry, serve a copy of the Sentencing Entry electronically on all parties of record.

5.16 **VETERANS INTERVENTION COURT PROGRAM**

a) CREATION OF SPECIALIZED DOCKET, "VETERANS INTERVENTION COURT" PROGRAM. Veterans Intervention Court (VIC) is created according to the requirements set forth in Sup. R. 36.20 - 36.29, Specialized Docket Standards, Appendix I Rules of Superintendence. VIC is to supervise Veteran offenders who are required to complete community control sanctions. Offenders shall be supervised by the Warren County Adult Probation Department to ensure compliance with community control sanctions and to assist offenders with criminogenic needs.

b) ELIGIBILITY CRITERIA FOR VETERANS INTERVENTION COURT PROGRAM ADMISSION. Veteran offenders may be ordered by the sentencing judge of the Warren County Common Pleas Court General Division to the Veterans Intervention Court Program through a plea and sentencing, probation violation, judicial release, or through Intervention in Lieu of Conviction pursuant to R.C. §2951.041. The offender must have a Warren County Common Pleas Court General Division case; be amenable to community control sanctions; be a Veteran of the United States Armed Forces; and demonstrate a sincere willingness to participate in a long-term treatment process.

c) REFERRING CRIMINAL OFFENDERS TO THE VETERANS INTERVENTION COURT PROGRAM. VIC receives referrals from the General Division Judge to whom the case is assigned. The VIC team shall review the case for legal/clinical eligibility as identified in the VIC *Program Description.* The VIC Judge shall have the authority to accept or reject cases referred to the Veterans Intervention Court Program. Written eligibility information is then sent to the sentencing judge. The sentencing judge shall have final discretion to decide if the offender is ordered to the Veterans Intervention Court Program.

d) SENTENCING. Once the offender has been ordered to the Veterans Intervention Court Program as a condition of community control, or as a condition for Intervention in Lieu of Conviction, along with any other appropriate sanctions, the case shall be transferred to the Veterans Intervention Court Judge where any, and all further Court proceedings with respect to that, shall be heard by the VIC Judge.

e) VETERANS INTERVENTION COURT PROGRAM TEAM. The Veterans Intervention Court Program team shall consist of the Judge, Magistrate, Specialty Courts Program Director/Coordinator and subordinate staff, probation officers, Veterans Justice

Outreach Specialist, Warren County Veterans Service Commission representative, Homeless Veterans Reintegration Project (HVRP) case manager, the assistant prosecuting attorney, and defense counsel. The VIC team shall convene weekly to handle the docket, to discuss new potential participants for the program, to discuss the progress and status of offenders currently in the program, and to apply sanctions as needed.

f) VETERANS INTERVENTION COURT PROGRAM PHASES. Veterans Intervention Court Program offenders shall be required to complete phases of the program, and all other requirements, as identified in the VIC *Program Description,* the VIC *Participant Handbook,* and the VIC *Participation Agreement.* While in VIC, offenders shall receive services to assist in meeting criminogenic needs. Upon graduation from VIC, the offender may remain under community control sanctions to ensure continued compliance/success.

g) UNSUCCESSFUL TERMINATION FROM THE VETERANS INTERVENTION COURT PROGRAM. Reasons for termination from the Veterans Intervention Court Program include, but are not limited to, failure to remain clean from illegal substances, violations of the rules of community control, violations of the conditions as set forth for an Intervention in Lieu of Conviction, and/or failure to comply with the Veterans Intervention Court Program *Participation Agreement.* Noncompliance with the aforementioned may result in a community control, probation, or Intervention in Lieu of Conviction revocation hearing. Any such hearing shall be adjudicated by the Veterans Intervention Court Program Judge. At said hearing, the offender may have the conditions of his/her community control, or the conditions of his/her Intervention in Lieu of Conviction modified. Modifications may include, but are not limited to, commitment to a non-lockdown residential treatment facility, commitment to a Community-Based Correctional Facility (CBCF), local jail incarceration, revocation of the offender's Intervention in Lieu of Conviction, termination from the Veterans Intervention Court Program, and/or revocation of the offender's community control. The VIC Judge does maintain discretion to refer the offender back to the General Division Judge originally assigned to the case for further proceedings.

h) STATISTICAL REPORTS. For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned judge when the offender is sentenced to the VIC Program, or if the offender is ordered VIC as a condition of Intervention in Lieu of Conviction.

6. TRIAL PRACTICE

6.01 COURT ATTENDANCE. Counsel shall be prompt and prepared for all hearings. If extraordinary circumstances require Counsel to be late, he or she shall notify the Court and provide an anticipated time of arrival. Repeated lateness may result in a finding of contempt.

6.02 CONTINUANCE OF TRIAL OR HEARING. No party shall be granted a continuance of a trial or other hearing except upon written motion endorsed by the party and his counsel.

a) The motion shall also indicate whether opposing counsel supports or opposes the motion.

b) In civil cases, the motion shall be signed by both counsel and the party on whose behalf the continuance is sought.

c) No continuance shall be granted without contemporaneously setting the matter for new date(s).

d) When a continuance of a trial is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the Court or another court, the case which was set first for trial shall have priority and shall be tried on the date assigned.

e) Criminal cases assigned for trial have priority over civil cases assigned for trial.

f) The Court will not entertain any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached thereto and the motion is filed not less than thirty (30) days prior to trial.

g) The assigned trial judge may waive any of the requirements listed above upon a showing of good cause.

6.03 WITHDRAWAL OF COUNSEL. An attorney seeking to withdraw as counsel in a pending case shall present a filed motion and proposed entry to the assigned Judge or Magistrate.

a) The motion shall contain the following:

1. A date and time of any scheduled hearings;
2. The reason(s) for withdrawal;
3. A statement that the client must promptly obtain new counsel unless new counsel is already in the case;
4. A statement that no continuances of pending hearings will be granted solely for the reason of change of counsel.

b) If the client has agreed to the withdrawal and signed the entry, the Court may consider the motion forthwith.

c) If the client has not signed the entry, the motion shall also state that the Court may sign the entry unless the client requests a hearing within seven (7) days after the motion is served.

d) In order to request a hearing, the client shall contact the Assignment Commissioner of the assigned trial judge.

e) The certificate of service on the motion must include the withdrawing counsel's client as well as the opposing counsel or party.

f) In the absence of extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than thirty (30) days prior to a scheduled hearing.

g) Attorneys may not withdraw prior to completion of any assigned entries.

h) The above-outlined procedure is not necessary to effect a substitution of counsel where an entry is submitted containing signatures of both the withdrawing counsel and the substituting counsel.

6.04 CONDUCT OF TRIAL. On each day of a jury trial, counsel shall be present and available to the Court at 8:30 AM.

a) Except when making objections, counsel shall rise when addressing the Court or jury unless excused by the trial judge.

b) All statements and communication by counsel shall be made from counsel table or the lectern, if one is provided.

c) While the Court is in session, counsel shall not approach the bench unless the trial judge gives leave to do so.

d) Arguments of counsel shall be addressed to the Court and, at the proper time, to the jury.

e) Arguments between counsel are not permitted.

f) Arguments upon rulings or objections shall be permitted at the discretion of the trial judge.

g) Only one attorney for each party may examine or cross-examine any particular witness, and only that same attorney may object during the testimony of that witness.

h) Counsel and parties will be at their places in the courtroom at the time designated. Counsel shall have witnesses available during trial so that the case runs smoothly and without delay. Any anticipated delay in the appearance of a witness or the proposed calling of any witness out of turn shall be discussed in advance with the trial judge and opposing counsel.

i) Counsel shall not approach any witness on the stand during trial except with leave of the trial judge.

j) For every deposition to be used at trial, a transcript must first be filed with the clerk.

6.05 EXPERT WITNESSES. A party may not call an expert witness to testify unless a written report has been procured from the expert and forwarded to opposing counsel.

a) It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to ensure that each report adequately sets forth the expert's opinion.

b) Unless good cause is shown, all reports must be supplied to opposing counsel as set forth in the scheduling order, but no later than thirty (30) days prior to trial.

c) The report of an expert must reflect his or her opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.

d) If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise, together with his or her qualifications, and a detailed summary of his or her testimony. The Court shall have the power to nonetheless exclude testimony of the expert if good cause is not determined for the absence of a report.

6.06 EXHIBITS. The parties shall prepare their trial exhibits prior to the hearing.

a) Plaintiff shall use numbers.

b) Defendant shall use letters.

c) Counsel shall supply a witness list, exhibit list and a copy of each exhibit to the Court prior to the trial and/or hearing.

6.07 FILING OF AUDIO/VIDEO DEPOSITION TRANSCRIPT. If an audio/video version of a deposition transcript is to be presented during trial or hearing, the attorney presenting the audio/video version of the deposition transcript shall submit the audio/video version of the deposition to the Court Reporter of the trial judge five (5) working days prior to the trial or hearing unless otherwise ordered by the Court.

a) The Court will not accept or permit the audio/video version of the deposition transcript to be presented during trial or hearing unless a written transcript of the deposition accompanies the submission.

b) The audio/video version of the deposition transcript shall include an attached written certification from the officer who took the audio/video deposition. The certification shall state that the witness was fully sworn or affirmed by the officer and that the audio/video version of the deposition is a true record of the testimony given by the witness. The officer's log of the deposition shall be included with the certification.

c) The audio/video version of the deposition shall be marked as an exhibit of the party who presented the deposition and shall be retained as evidence in the trial or hearing.

6.08 RETENTION SCHEDULE FOR EXHIBITS IN CRIMINAL CASES. All exhibits in criminal cases shall be retained pursuant to Ohio Supreme Court guidelines set forth in Rules 26 through 26.05 of the Ohio Rules of Superintendence for the maintenance, preservation and destruction of records.

a) If the Defendant is acquitted or there is a hung jury, the exhibits shall be immediately returned to the parties unless the Court orders otherwise.

b) If the Defendant is convicted, the exhibits shall be retained by the Court Reporter in the custody of the Court.

1. Exhibits in cases where the maximum possible sentence is lifelong incarceration or the death penalty shall be permanently retained in the custody of the Court. The Court Reporter shall note on the Inventory that the exhibits pertain to life imprisonment and/or death penalty.

2. Exhibits containing Biological Material or Biological Evidence as defined by R.C. § 2933.82 shall be retained until the Defendant is no longer incarcerated, under a community control sanction, on probation, on parole, under judicial release, under supervised release, under post-release control, subject to sex offender registration and/or notification or involved in civil ligation in connection with the offense. The Court Reporter shall note on the Inventory that the exhibits contain Biological Material or Biological Evidence. Exhibits defined as "biological evidence" shall be retained in an amount and manner sufficient to develop a DNA profile from the biological material contained in or included on the evidence.

3. Except as provided in the preceding paragraphs, exhibits shall be retained in felony cases for a period of five (5) years after: the date of

the judgment entry of conviction if no appeal is taken, or the judgment entry of the appellate court/ Supreme Court if an appeal is taken.

4. Except as provided in the preceding paragraphs, exhibits shall be retained in misdemeanor cases for a period one (1) year after: the date of the judgment entry of conviction if no appeal is taken, or the judgment entry of the appellate court/ Supreme Court if an appeal is taken.

6.09 RETENTION SCHEDULE FOR EXHIBITS IN CIVIL CASES. All exhibits in civil cases shall be retained pursuant to Ohio Supreme Court guidelines set forth in Rules 26 through 26.05 of the Ohio Rules of Superintendence for the maintenance, preservation and destruction of records.

a) Exhibits in matters determining title or interest in real estate shall be permanently retained in the custody of the Court. The Court Reporter shall note on the Inventory that the exhibits pertain to an interest in real estate.

b) All other exhibits shall be retained a period of three (3) years after: the date of the judgment entry if no appeal is taken, or the judgment entry of the appellate court/ Supreme Court if an appeal is taken.

6.10 DISPOSITION OF EXHIBITS. Following the expiration of the time set forth for the retention of exhibits, the Court may order their disposition or destruction.

a) Written notice shall be provided to the parties that the Court intends to dispose of the exhibits, including depositions and/or transcripts. The notice shall advise the parties the right to either object to the disposal of the exhibits or request to retrieve them within sixty (60) days.

b) If either party files an objection to the disposal of the exhibits or a request to retrieve them, the Court shall order disposition or permit their retrieval as the interests of justice require.

c) If neither party files an objection to the disposal of the exhibits or a request to retrieve them within sixty (60) days, the Court may order their destruction. Tangible exhibits in criminal cases may be photographed and turned over to the prosecutor's office or sheriff for destruction.

6.11 SUBSTITUTION OF PHOTOGRAPHS FOR EXHIBITS. Following a trial or hearing, except in criminal cases where the maximum possible sentence is lifelong incarceration or death, the Court may order the photographing of physical evidence, including but not limited to drugs, weapons, money or other tangible items. The Court shall set a date and time for the photographing of the evidence and thereafter, the photographs shall be substituted as evidence in the matter. The original evidence shall be returned to the party proffering the evidence or to other such person or entity as the Court, in the interest of justice, shall order.

7. BEHAVIOR AND CONDUCT

7.01 PROPER ATTIRE. All individuals using the Court, including but not limited to court employees, attorneys, prosecutors, defendants, jurors, media, or observers will be properly attired. No shorts, tank tops or shirts exposing midriffs shall be permitted.

7.02 BEHAVIOR. It is the duty of every person in the courtroom to give respectful attention to the Court at all times when in session.

7.03 TIMELINESS. All individuals scheduled to appear before the court, including but not limited to parties, attorneys, prosecutors, defendants, and witnesses shall arrive and be prepared to act on their case at the scheduled time of the hearing. If an individual is late, they may be subject to sanctions at the discretion of the assigned judge. Failure to appear for a hearing will result in sanctions.

7.04 ELECTRONIC DEVICES. Individuals entering the courtroom will turn electronic devices such as cell phones, pagers, PDA's or portable computers to silent mode or off. No cellular telephone calls shall be initiated or received while in the courtroom while Court is in session.

7.05 CONDUCT OF ATTORNEYS. Attorneys in proceedings before the Court shall refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel or others. This prohibition does not preclude legitimate advocacy when race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, or other similar factors, are issues in the proceeding.

7.06 SANCTIONS. Failure to comply with the required behavior and conduct may result in contempt of court.

7.07 CONTEMPT OF COURT. To insure that decorum and dignity which should characterize the practice of the law and to aid the Court at all times in the discharge of its duties, it is hereby declared to be contempt of the Court for any person to use insulting, vulgar, or profane language in the presence of the Court while Court is in session.

8. JURY MANAGEMENT PLAN

8.01 ADOPTION. In accord with Rule 5(B)(2) of the Rules of Superintendence, the Court adopts these rules to ensure the effective use and management of jury resources. Jury service is an obligation of all citizens, and the opportunity to serve on a jury shall not be denied on the basis of race, gender, religion, income, or occupation.

8.02 JURY ADMINISTRATION. The Warren County Common Pleas Court administers the jury system for the county through the office of a jury commissioner, and shall from time to time evaluate the system for the effectiveness of summoning and qualification procedures; the inclusiveness of the jury source list; the cost effectiveness of the jury management system; and the responsiveness of individuals to jury duty summonses.

a) The jury commissioner is responsible for summoning persons for jury service and collecting information so that each person's eligibility for service can be determined, as well as basic information generally sought during voir dire. The jury commissioner shall establish procedures to respond to failures of summoned persons to report for jury duty.

b) The jury commissioner, on an annual basis, draws a list of potential jurors from the list of registered voters in Warren County maintained by the Board of Elections. Persons are randomly selected from this list to be summoned for jury service.

c) All residents of Warren County who are citizens of the United States, at least eighteen (18) years of age, able to communicate in the English language, and not ineligible due to a felony conviction are eligible for jury service.

d) The Court shall make reasonable accommodations for those jurors having special needs due to physical impairment.

e) Persons called for jury duty will be paid a reasonable fee for their service. Employers are not permitted by law to penalize jurors who miss work due to jury duty.

8.03 EXCUSAL OF JURORS. Persons otherwise eligible for jury service may be excused from service according to standards provided in R.C. 2313.14. Eligible persons may be granted a short deferral of jury service according to standards provided in R.C. 2313.15.

a) A person requesting a deferral or excuse shall apply to the Court in writing no later than seven (7) days before the date he or she is scheduled to report for jury duty.

b) The Court will rule on the application and notify the individual whether the request has been granted.

c) Individuals summoned as potential jurors are required to be available for jury service for four (4) months, but are excused from further service after the completion of two (2) trials.

8.04 VOIR DIRE. Voir Dire is directed at determining each potential juror's ability to examine the evidence in a fair and impartial manner.

a) The trial judge will begin the voir dire examination and then permit counsel to question potential jurors.

b) Persons may be excused from serving on a particular jury for cause, or upon a peremptory challenge issued by a party to the case.

c) The trial judge may limit the time for voir dire examination.

8.05 NOTES. Jurors may take notes during testimony and engage in limited controlled questioning at the option of the trial judge after consultation with the parties.

8.06 INSTRUCTIONS. Written jury instructions shall be submitted by the judge to the jurors for use during their deliberations.

8.07 DELIBERATIONS. During deliberations, jurors will be escorted and supervised by the bailiff of the trial judge. Deliberations shall take place under conditions and with procedures designed to ensure impartiality and 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 deliberations would not impose an undue hardship upon the jurors and is required in the interest of justice. Meals shall be provided for the jury during deliberations as necessary, at the discretion of the trial judge.

8.08 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 bailiff oversees all aspects of sequestration. The Court will make every reasonable effort to achieve the purposes of sequestration while minimizing the inconvenience and discomfort to jurors. In appropriate cases, the costs of sequestration may be taxed as court costs.

9. BROADCASTING, PHOTOGRAPHING OR RECORDING WITHIN THE COURTHOUSE

9.01 INTENT. This Rule, pertaining to recording or broadcasting within the Courthouse, is to be read in conjunction with Rule 12 of the Rules of Superintendence.

9.02 MEDIA ROOM. Individuals wishing make a video, photographic or audio recording of court proceedings, including cell phones when used for this purpose, may do so from the media room with prior approval of the Court.

a) Photographing or videotaping jurors is not permitted.

b) Audio equipment shall be controlled that it will not pick up conferences or conversations between counsel and client, between counsel and the judge at the bench, or between counsel and official Court Reporter as in the case of a proffer.

c) Attorneys shall inform witnesses and/or victims of their right to object to being filmed, videotaped, recorded or photographed. Upon objection, the trial judge may make a ruling prohibiting the recording of the victim or witness.

d) No equipment may be used which causes distracting sound or light.

9.03 RECORDINGS IN THE COURTROOM. No video, photographic or audio recording device, including cell phones when used for this purpose, may be used to record court proceedings inside the courtroom without prior approval.

a) Anyone wishing to broadcast, record, or photograph of court proceedings must receive prior approval of the Court Administrator. The Court Administrator will confer with the assigned trial judge for approval.

b) The written application must be made prior to each hearing for which permission is sought, and shall indicate the applicant's news media affiliation, if any, the recording equipment proposed to be used (video camera, still camera, audio recording device), and any special requirements, such as microphone hook-ups or electrical conduits.

c) The trial judge will assign positions in the courtroom to approved media representatives and technicians. They will not be permitted to move about the courtroom, nor to enter or leave the courtroom during active court proceedings.

d) There shall be no recording or broadcasting of activities in the courtroom that take place during the recesses of a hearing, or during the half-hour before or after the hearing.

e) Photographing or videotaping jurors is not permitted.

f) Audio equipment shall be controlled so that it will not pick up conferences or conversations between counsel and client, between counsel and the judge at the bench, or between counsel and official Court Reporter as in the case of a proffer.

g) The use of artificial lighting and flash photography is prohibited. Equipment used in the broadcasting or televising of proceedings, such as microphones and television cameras, must be positioned prior to the commencement of the hearing, and must remain in position until the entire proceeding is concluded.

h) Attorneys shall inform witnesses and/or victims of their right to object to being filmed, videotaped, recorded or photographed.

i) The filming, videotaping, recording or taking photographs of victims or witnesses who object shall not be permitted.

j) If the Court orders that a particular witness or other person in the courtroom is not to be photographed or recorded, it will be the responsibility of each individual to inform assistants of the trial judge's instructions.

9.04 The Court may further regulate the conduct of any broadcasting or recording activity so as to avoid distracting the participants and to guarantee a fair trial.

10. INTERPRETATION , TRANSLATION AND SPECIAL ACCOMMODATIONS

10.01 ADOPTION. The Court incorporates by reference Rules 80 and 88 of the Supreme Court Rules of Superintendence, and adopts Loc.R. 4.03 concerning interpretation and translation of court proceedings.

10.02 DEFINITIONS. The Court adopts the definitions set forth in Sup.R. 80.

10.03 FOREIGN LANGUAGE INTERPRETER. Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the Court shall appoint a foreign language interpreter in a case or court function when the Court determines, either in its discretion or at the request of a party or witness, that the party or witness is limited English proficient or non-English speaking and the services of the interpreter are necessary for the meaningful participation of the party or witness.

10.04 SIGN LANGUAGE INTERPRETER. Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the Court shall appoint a sign language interpreter in a case or court function when:

a) A party, witness, or juror who is deaf, hard of hearing, or deaf blind requests a sign language interpreter, giving primary consideration to the method of interpretation chosen by the party, witness, or juror; or

b) The Court determines a party, witness, or juror is deaf, hard of hearing, or deaf blind, and determines the services of an interpreter are necessary for the meaningful participation of the party, witness, or juror.

10.05 SPECIAL ACCOMMODATIONS. Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing assistive technology or other accommodations without additional cost.

11. COURT SECURITY

11.01 SECURITY PLAN. The Court shall adopt Security Policy and Procedures Manual to ensure consistent, appropriate and adequate security procedures.

a) The manual shall include a physical security plan, routine security operations, a high risk trial plan, and emergency procedures (fire, bomb, disaster, hostage, etc.)

b) A copy of this manual shall be made available to all persons assigned to the Court so as to ensure understanding and compliance.

c) The Security Plan shall be reviewed periodically, but not less than annually.

11.02 FIREARMS OR DANGEROUS WEAPONS. Except as set forth in Revised Code § 2923.123(C), no person may be in possession of a firearm or dangerous weapon in the Court Facility.

a) The Court Facility includes the building and the adjacent sidewalk. Furthermore this order will extend to any other facilities that the Court may deem, from time to time necessary, for its efficient operation.

b) Weapons include but are not limited to handguns, firearms, explosives, knives or ordinances, or any item that can be used as a weapon.

c) If employees or visitors have questions regarding whether items are prohibited by this policy, they should contact the Court Administrator before bringing the items to the Court facility.

d) Any employee failing or refusing to comply with any aspects of this policy will be subject to discipline, up to and including immediate termination.

12. THE OFFICIAL RECORD AND TRANSCRIPTS

12.01 RECORDING OF PROCEEDINGS. Pursuant to R.C. 2301.20, all civil and criminal actions in the Court shall be recorded. The reporter shall take accurate notes of or electronically record oral testimony. The notes and electronic records shall be filed in the office of the official reporter.

12.02 TRANSCRIPT. The transcript of proceedings is the part of the record that reflects the events in the trial not represented by the original papers. It is the testimony of witnesses and the oral participation of counsel and the trial judge as recorded by stenographer or by electronic audio recording.

12.03 OFFICIAL COURT REPORTER. The Official Court Reporter is an individual employed by the Court and appointed by the administrative judge pursuant to R.C. 2301.18.

12.04 TRANSCRIPTION. Transcription is the process of converting stenographic or audio recording into a typed format. Pursuant to R.C. 2301.23, if the Court or either party to the suit requests written transcripts of any portion of the proceeding, the reporter reporting the case shall make full and accurate transcripts of the notes or electronic recording.

12.05 COMPENSATION FOR TRANSCRIPTS AND COPIES. Costs for transcripts and copies shall be as follows:

a) The compensation of reporters for making written transcripts shall be $4.00 per page.

b) If more than one transcript of the same testimony or proceeding is ordered, the reporter shall provide an electronic copy of the transcript free of charge.

c) Photocopies of transcripts can be obtained by the parties pursuant to the fee for photocopies outlined in Appendix A.

d) The compensation shall be paid by the party for whose benefit a transcript is made. The compensation for transcripts requested by the prosecuting attorney or an indigent defendant in criminal cases or by the trial judge in either civil or criminal cases, and for copies of decisions and charges furnished by direction of the Court shall be paid from the county treasury and taxed and collected as costs.

e) When ordered by either party in a criminal case or when ordered by the Court, the costs of transcripts shall be taxed as costs in the case. If, upon final judgment, the costs or any part of the costs are adjudged against a defendant in a criminal case, the defendant shall be allowed credit of the amount paid for the transcript the defendant ordered. If the costs are finally adjudged against the state, the defendant shall have the defendant's deposit refunded.

f) If the testimony of witnesses is taken before the grand jury by reporters, they shall receive for the transcripts the same compensation and be paid in the same manner as provided in this Rule.

12.06 AUDIO RECORDINGS. Digital copies of audio recordings of court proceedings shall be made available, upon written request to the Court Administrator.

13. PROCESS SERVERS.

13.01 ONETIME APPOINTMENT. If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, the party or counsel must submit a motion and a proposed entry appointing a special process server. The following must be stated in the motion and entry:

a) the name of the person to be appointed as process server;

b) that the person to be appointed as process server is eighteen (18) years of age or older; and

c) that the person to be appointed as process server is not a party to the action.

13.02 STANDING PROCESS SERVER. A person may apply to be designated as a "Standing Special Process Server" for cases filed in the Court by filing an application supported by affidavit setting forth the following information:

a) the name, address and telephone number of the applicant;

b) that the applicant is eighteen (18) years of age or older;

c) that the applicant agrees not to attempt service of process in any case in which the applicant is a party;

d) that the applicant does not have a felony criminal record; and

e) that the applicant agrees to follow the requirements of Civil Rules 4 through 6, and any applicable Local Rules and special instructions for service of process as ordered by the Court in individual cases.

f) The applicant requesting designation shall also submit an entry captioned "In re The Appointment of (name of applicant) as Standing Special Process Server" and stating "applicant has complied with the provisions of the WCCP Local Rule 13; (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in the Court, to serve until further order of the court."

g) The Clerk shall record such appointment on the Court's general docket, and shall retain the original applications and entries.

h) In any case thereafter, the Clerk of Courts shall accept a copy of the timestamped appointing entry as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.

14. RECEIVERSHIP

14.01 APPOINTMENT. When an application is made for the appointment of a receiver, a hearing on the application will be set by court order, and notice will be sent to all parties.

a) Unless otherwise ordered, a schedule of all creditors, secured and unsecured, shall be filed within seven (7) days of the filing of the application.

b) The Court shall consider any recommendations made by unsecured creditors, or by creditors whose security is threatened, as to the appointment of a particular receiver or its counsel.

c) When a receiver is appointed, the receiver shall post bond in an amount set by the Court, and the receiver shall file an inventory within thirty (30) days of appointment.

14.02 APPLICATION FOR FEES. In any matter in which a receiver or other fiduciary appointed by the Court seeks compensation through the Court for fees, he or she shall file a written application for compensation, which shall include notice of the time and date of a hearing upon the application. Hearing will be set no less than seven (7) days from the date the application is filed. This rule shall not apply in cases in which the fees sought are less than $1,000.00, nor in cases in which the fees have been fixed in a journal entry approved by all counsel in the case.

15. CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT.

15.01 SCOPE. This rule defines procedural requirements for an application (also called a "Petition") for a Certificate of Qualification for Employment ("CQE") as set forth in R.C. 2953.25 and Ohio Administrative Code Rule 5120-15-01, and related rules established by the Ohio Department of Rehabilitation and Corrections ("ODRC").

15.02 RESIDENCY. Residents of Warren County may seek a CQE from this court using the procedure set forth below. Those residing in another Ohio county must file in their county of residence, even if they previously were convicted in Warren County.

15.03 PROCEDURE. In order to request a CQE, all applicants must first complete the electronic Petition available online through the ODRC at www.drccqe.com. Once the ODRC reviews the electronic Petition, the Petitioner will be assigned an Electronic Petition Number. The Petitioner is then responsible for filing a Notice of Petition (Form "A", available upon request at the Clerk's office) with the Warren County Common Pleas Clerk of Courts and shall provide the ODRC Electronic Petition Number and attach a printed copy of electronic Petition previously submitted through the ODRC.

a) The Petitioner must deposit a uniform, non-refundable filing fee with the Clerk in the amount of $80.00 at the time of filing. The fee must be paid before any action is required on the Petition. The Petitioner may submit an Affidavit of Indigency (Form "B", available upon request at the Clerk's office) if requesting a reduction in the filing fee.

b) 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.

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

d) Unless the assigned judge deems it unnecessary because sufficient information is known to justify denial of the Petition, the Probation Department shall investigate and summarize the criminal history of the Petitioner. In doing so, the Department may use any records of this court. The resulting report is not a public record.

e) The Probation Department 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 Probation Department shall send a notice and request for information to all courts/local prosecutors identified by the Department for each CQE Petition, and collect as part of the case file responses to such requests. This notice and request shall be sent via ordinary US mail or by electronic means, as the Probation Department deems expedient. No fewer than 14 days shall be permitted by the Probation Department for responsive information to be supplied.

f) Upon completion of its investigation, the Probation Department shall deliver an information packet containing the Petition, the criminal history, and other information obtained to the assigned judge. This packet is not a public record and shall not be made part of the Clerk's file.

g) The Judge or Magistrate shall review the packet submitted by the Probation Department, 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.

h) The Judge or Magistrate may order any additional report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision.

15.04 DECISION. Once all information requested has been received, a Judge shall decide whether to grant or deny 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.

15.05 NOTICE. 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 shall include language that a final appealable order has been filed. The Clerk shall also notify the ODRC of the disposition of the petition as required under the Administrative Rules, and if granted order the ODRC to issue the CQE to Petitioner.

16. SPECIAL PROJECT AND COMPUTERIZATION FEES

16.01 NECESSITY. Under the authority of R.C. §2303.201(E)(1), the Court finds that, for its efficient operation, additional funds are necessary to acquire and pay for special projects. Special projects fees shall be used for purposes, including, but not limited to, the hiring and training of court staff, staff attorneys/magistrates, facility renovations, and the acquisition of equipment for the Court and its departments.

16.02 GENERAL SPECIAL PROJECT FEE. The General Special Project Fee shall be Thirty-Five Dollars ($35.00) to be assessed on every civil action or proceeding, or judgment by confession, except foreclosure cases. Fees collected by the Clerk of Courts under this Rule shall be paid to the County Treasurer for deposit into a General Division Special Projects Fund established through the County Auditor.

16.03 FORECLOSURE SPECIAL PROJECT FEE. The Foreclosure Special Project Fee shall be Seventy-Five Dollars ($75.00) to be assessed on every civil foreclosure action. Fees collected by the Clerk of Courts under this Rule shall be paid to the County Treasurer for deposit into a General Division Special Projects Fund established through the County Auditor.

16.04 COURT COMPUTERIZATION. Under the authority of R.C. §2303.201(A), the Court finds that for the efficient operation of the Court, additional funds are required to maintain the computerization of the Court. The Clerk is hereby authorized and directed to charge an additional fee of Six Dollars ($6.00) on the filing of each action or appeal under R.C. § 2303.(A)(Q) and (U). All moneys collected under rule for this purpose shall be paid to the Treasurer of Warren County to be disbursed upon an order of the Court for the costs of such computerization and maintenance.

16.05 CLERK COMPUTERIZATION. Under the authority of R.C. §2303.201(B), the Court finds that for the efficient operation of the Court, additional funds are required to make technological advances and/or maintain the computerization of the Clerk of Courts. The Clerk is hereby authorized and directed to charge an additional fee of:

a) Twenty Dollars ($20.00) on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under R.C. § 2303.20 (A), (P), (Q), (T), and (U).

b) Three Dollars ($3.00) for the services described in R.C. § 2303.20 (B), (C), (D) and (F).

c) Two Dollars ($2.00) for the services described in R.C. § 2303.20 (H), and (L).

16.06 DISBURSEMENT. Disbursements from these funds shall be upon an order of the Administrative Judge of the General Division in an amount no greater than the actual cost of the project.

17. RECORDS RETENTION SCHEDULE

17.01 NECESSITY. The purpose of this rule is to establish a system for court records management and retention, to provide the minimum standards for the production, maintenance, preservation and destruction of records within the courts and to authorize alternative electronic methods and techniques for record preservation in accordance with the Ohio Supreme Court's Superintendence Rule 26.

17.02 RETENTION. Any records not specifically listed herein or in Superintendence Rule 26 will be retained according to the General Retention Schedule of Warren County and any

other records retention schedules for court records put forth by the Warren County Records Commission.

17.03 The adoption of this rule is consistent with the Superintendence Rule 26, and the adoption thereof by the Warren County Records

So ordered.

Donald E. Oda II

Robert W. Peeler

Timothy N. Tepe

Appendix A

Filing Fees

Civil case ..... $ 200.00
Civil case by publication ..... $ 300.00
Domestic relations case with children ..... $ 300.00
Domestic relations case without children ..... $ 250.00
Domestic relations case by publication ..... $ 500.00
Domestic relations case with affidavit of indigency ..... $ 15.00
Answer and cross complaint with service ..... $ 200.00
Jury demand ..... $ 200.00
Personal service by Sheriff, each party ..... $ 50.00
Motion to view the scene ..... $ 100.00
Post decree motion ..... $ 75.00
Motion to revive a judgment ..... $ 50.00
Third party complaint with service ..... $ 200.00
Foreclosure case ..... $ 520.00
Publication of order of sale per week (min. 3 weeks) ..... $ 100.00
Writ of possession ..... $ 125.00
Criminal case sealing of record ..... $ 50.00
Notice of appeal-Workers' comp (with or without complaint) ..... $ 200.00
Notice of appeal from an administrative body ..... $ 50.00
Notice of appeal to 12th District Court of Appeals ..... $ 225.00
Foreign judgment (out of state) ..... $ 50.00
Foreign decree of divorce (filing only) ..... $ 50.00
Foreign decree of divorce (Petition to adopt) ..... $ 100.00
Garnishment ..... $ 75.00
Garnishment fee-Other than employer ..... $ 1.00
Judgment debtor exam ..... $ 50.00
Certificate of judgment-Preparation and filing ..... $ 41.00
- Preparation for filing in foreign court ..... $ 5.00
- CJ from foreign court ..... $ 36.00
- Release ..... $ 5.00
- Release of state tax lien ..... $ 7.00

Execution ..... $ 50.00
Court-ordered certificate of title ..... $ 50.00
Authenticated copy ..... $ 5.00

Certified copy – Per page ..... $ 1.00

Photocopies – Per page ..... $ 0.05

Certificate of official character ..... $ 1.00

Notary commission ..... $ 5.00

Certification and seal on notary commission ..... $ 1.00

Registered land ..... $ 75.00

Subpoena witness fee – Warren County resident ..... $ 6.00

Subpoena witness fee – Non-Warren County resident .... $ 12.00

Electronic transmission via fax or email ..... $ 2.00

Each page of transmission $1.00