

IN THE COMMON PLEAS COURT OF ALLEN COUNTY, OHIO

IN THE MATTER OF :
LOCAL RULES OF COURT : JUDGMENT
ENTRY

In accordance with Article IV, Section V (B) of the Ohio Constitution, Civil Rule 83, and Criminal Rule 57, the following are rules of court for practice and procedure in the General Trial Division, Domestic Relations Division and Criminal Division of this Court effective the 1st day of January, 2005. The Local Rules supercede and replace all prior Local Rules adopted by this Court.

The Clerk of this Court shall forward a certified copy of these rules to the Supreme Court of Ohio pursuant to Civil Rule 83. Said Clerk shall provide a copy to each resident attorney having an office in or residing in Allen County, Ohio and shall further forward copies hereof to any other attorney duly licensed to practice law before this Court upon written request, at a nominal charge of \$10.00 per copy.

Judge Richard K. Warren

Judge Jeffrey L. Reed

Judge Matt C. Staley

RULES OF COURT

ALLEN COUNTY COURT OF COMMON PLEAS

PREAMBLE

In accordance with Article IV, Section V(B) of the Ohio Constitution, Civil Rule 83, and Criminal Rule 57, the following Rules of Court for practice and procedure in the General Trial Division, Criminal Division, Domestic Relations Division and, where applicable, the Juvenile Division and Probate Division of this Court, are hereby adopted.

These rules of Court shall be designated Local Rules when cited.

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COURT SESSIONS**

In accordance with R.C. 2301.05, the annual term of court is divided into three sessions of court beginning January 1, May 1, and September 1 of each year.

LOCAL RULE 1.01

CASE MANAGEMENT PLANS

1.01 Purpose of Case Management Plan

Cases do not automatically flow steadily and smoothly from filing to termination. In terms of court involvement, the life of a case may be characterized as a series of events separated by times during which there is no Court activity. The goal of case management is to make the sequence of timing of these events more predictable and more timely.

Three fundamental elements of a case management system are: (1) clear rules consistently applied; (2) trial date certainty; and (3) assurance of timely disposition.

Case management by the Court and adherence to the Rules of Court by attorneys will enhance the quality of justice by imparting rationality and predictability to the process and minimize delay in disposition.

Continuance of scheduled trials should be limited to unforeseen and exceptional circumstances which require an adjournment. The Court must maintain control over both the process and date to which a case is continued. An atmosphere must be fostered in which timely, high-quality attorney preparation minimizes the need for a continuance.

1.01(A) Case Management Plan for Civil Division

(1) Each original civil action, except administrative appeals as provided for in Local Rule 1.01 (D), shall be reviewed by the assigned judge within sixty (60) days of its filing.

(a) If service of process is not complete, the assigned judge shall forward responsible counsel a notice pursuant to Superintendence Rule 6 for the appropriate remedial action.

(b) If service of process is complete, the assignment commissioner for the assigned judge shall assign the matter for a scheduling and pretrial conference to be held within 120 days of the status review required herein.

(2) Further case management action on the matter shall be by pretrial order pursuant to Civil Rule 16 and Local Rules 2 through 9.

1.01(B) Case Management Plan for Criminal Division

- (1) At arraignment, the arraigning judge shall notify the defendant and his/her counsel of whom the assigned judge for the case will be and shall establish a scheduling and pretrial hearing date before said assigned judge within 21 days of the arraignment.
- (2) All further case management action on the matter shall be by pretrial order pursuant to Criminal Rule 17.1 and Local Rules 10 through 19.
- (3) The assigned judge shall be primarily responsible for the determination of every issue and proceeding in the case(s) assigned to him/her until the termination of the case except:
 - (a) An individual assignment of a case can be modified by redistribution of the case to one of the specialized criminal dockets of the court in accordance with Loc. R. 18, in which case, the judge who presides over the specialized docket shall be responsible for the determination of every issue and proceeding in that case while the case remains on the specialized docket. Sup. R. 36(B)(2)
 - (i) **However, if the case is removed from the specialized docket and returned to the regular docket, the judge originally assigned to the case resumes responsibility for said case.**

1.01(C) Case Management Plan for Domestic Relations Division

- (1) Each original domestic relations action shall be reviewed by the assigned judge or a designated magistrate within sixty (60) days of its filing.
 - (a) If service of process is not complete, the assigned judge shall forward responsible counsel a notice pursuant to Superintendence Rule 6 for the appropriate remedial action.

- (b) If service of process is complete, the assignment commissioner shall assign the matter for appropriate action pursuant to Local Rule 20 as follows:
- (1) Dissolution - Local Rule 20.02
 - (2) Contested action - Local Rule 20.03
 - (3) Uncontested action - Local Rule 20.03
- (2) All further case management action on the matter shall be by pretrial order pursuant to Civil Rule 16 and Local Rules 20 through 29.

1.01(D) Case Management Plan for Administrative Appeals

- (1) Each administrative appeal filed pursuant to Revised Code, Chapters 2506 and/or 119 shall be reviewed by the assigned judge within thirty (30) days of its filing.
- (2) All further case management action on the matter shall be by pretrial order pursuant to Local Rule 5.

LOCAL RULE 1.02

JURY MANAGEMENT PLANS

(Adopted May 1, 1994)

1.02 Purpose of Case Management Plan

Pursuant to Supt. R. 9 for the Courts of Common Pleas, the Court hereby adopts a jury management plan for implementation of the jury standards adopted by the Ohio Supreme Court on August 16, 1993.

1.02(A) Opportunity for Service

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

jurisdiction.

(2) Jury service is an obligation of all qualified citizens.

1.02(B) Jury Source List

(1) The names of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court's jurisdiction.

(2) The jury source list shall be representative and should be as inclusive of the adult population as is feasible.

(3) The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction and is feasible.

(4) In the event the court determines that improvement is needed in the representativeness of inclusiveness of the jury source list, appropriate corrective action should be taken.

1.02(C) Random Selection Procedures

(1) Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each Eligible and available person with an equal probability of selection. These methods shall be documented.

(2) Random selection procedures shall be employed in:

- (a) selecting persons to be summoned for jury service;
- (b) assigning prospective jurors to panels; and
- (c) calling prospective jurors for voir dire.

(3) Departures from the principle of random selection are appropriate:

- (a) to exclude persons ineligible for service in accordance with Local Rule 1.02(D);

- (b) to excuse or defer prospective jurors in accordance with Local Rule 1.02(F);
- (c) to remove prospective jurors for cause or if challenged peremptorily in accordance with Local Rules 1.02 (H) and (I); and
- (d) to provide all prospective with an opportunity to be called for jury service and to be assigned to a panel in accordance with Local Rule 1.02(K).

1.02(D) Eligibility For Jury Service

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

- (1) are less than eighteen years of age;
- (2) are not citizens of the United States;
- (3) are not residents of the jurisdiction in which they have been summoned to serve;
- (4) are not able to communicate in the English language; or
- (5) have been convicted of a felony and have not had their civil rights restored.

1.02(E) Term of and Availability for Jury Service

- (1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- (2) A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.
- (3) Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of

time.

1.02(F) Exemption, Excuse, and Deferral

- (1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service shall be eliminated.
- (2) Eligible persons who are summoned may be excused from jury service only if:
 - (a) their ability to receive and evaluate information is so impaired that they are excused for this reason by a judge; or
 - (b) they request to be excused because their service would be a continuing hardship to them or to members of the public, and they are excused by a judge or specifically authorized court official.
- (3) Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official upon completion and filing of Affidavit.
- (4) Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded.

1.02(G) Voir Dire Examination

- (1) Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- (2) To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party prior to the day on which jury selection is to begin.
- (3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time as determined by

the trial judge.

- (4) The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- (5) In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

1.02(H) Removal From the Jury Panel For Cause

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

1.02(I) Peremptory Challenges

Peremptory challenges shall be exercised in accordance with the applicable Civil Rules, Criminal Rules and/or statutes.

1.02(J) Administration of the Jury System

- (1) The responsibility for administration of the jury system shall be vested exclusively in the judges of the Court.
- (2) All procedures concerning jury selection and service shall be governed by Ohio Rules of Court.
- (3) Responsibility for administering the jury system shall be vested in a single administrator acting under the supervision of the administrative judge of the court.

1.02(K) Notification for Service

- (1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 - (a) contained in a single document;

- (b) phrased to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - (c) delivered by ordinary mail unless otherwise ordered.
- (2) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.
 - (3) The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - (a) determining whether a person meets the criteria for eligibility;
 - (b) providing basic background information ordinarily sought during voir dire examination; and
 - (c) efficiently managing the jury system.
 - (4) Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

1.02(L) Monitoring of the Jury System

The courts shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- (1) the representativeness and inclusiveness of the jury source list;
- (2) the effectiveness of qualification and summoning procedures;
- (3) the responsiveness of individual citizens to jury duty summonses;
- (4) the efficient use of jurors; and
- (5) the cost-effectiveness of the jury management system.

1.02(M) Juror Service

- (1) The court shall employ the services of prospective

jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

- (2) The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
- (3) The court shall coordinate jury management and calendar management to make effective use of jurors.

1.02(N) Jury Facilities

- (1) The court shall provide an adequate and suitable environment for jurors.
- (2) The entrance area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the facility.
- (3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
- (4) Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
- (5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

1.02(O) Jury Compensation

- (1) Persons called for jury service shall receive a reasonable fee for their service and expenses.
- (2) Such fees shall be paid promptly.
- (3) Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

1.02(P) Juror Orientation

- (1) Orientation programs shall be:
 - (a) designed to increase prospective juror's understanding of the judicial system and prepare them to serve competently as jurors; and
 - (b) presented in a uniform and efficient manner using a combination of written, oral, audiovisual materials.

- (3) The courts shall provide orientation or instructions to persons called for jury service:
 - (a) upon initial contact prior to service;
 - (b) upon first appearance at the court; and
 - (c) upon reporting to a courtroom for voir dire.

- (3) The trial judge shall:
 - (a) give preliminary instructions to all prospective jurors.
 - (b) give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - (c) prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations.

Such instructions should be made available the jurors during deliberations;
 - (d) prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
 - (e) recognize utilization of written instructions is preferable.
 - (f) before dismissing a jury at the conclusion of a case:
 - (1) release the jurors from their duty of confidentiality;
 - (2) explain their rights regarding inquiries from counsel or the press;
 - (3) either advise them at they are discharged from service or specify

- where they must report; and
- (4) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

- (4) All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

1.02(Q) Jury Deliberations

- (1) Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making.
- (2) The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.
- (3) The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 1.02(R).
- (4) A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- (5) Training should be provided to personnel who escort and assist jurors during deliberation.

1.02(R) Jury Sequestration

- (1) A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- (2) During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.
- (3) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the

responsibility to oversee the conditions of sequestration.

- (4) Standard procedures shall be promulgated to:
 - (a) achieve the purpose of sequestration; and
 - (b) minimize the inconvenience and discomfort of the sequestered jurors; and
 - (c) provide for the jury's security.
- (5) Training shall be provided to personnel who escort and assist jurors during sequestration.

1.03 Electronic or Photographic Equipment

Use in the Courtroom

In compliance with C.R. Sup.R. 11, the Court shall permit the broadcasting, recording and taking of photographs in Court proceedings. Requests for permission to use such electronic recording or photographic equipment shall be in writing. Application forms shall be available in the office of the Court Receptionist.

LOCAL RULE 2

GENERAL PROCEDURES

2.01 Security for Costs & Fees

No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding and established fees except as otherwise provided by law. Such advance deposit and fees shall be in accordance with the following schedule:

- A. 1.a. Civil petitions, complaints, counterclaims, cross-claims, third-party claims \$175.00
- b. Real estate actions (\$150.00 allowance for appraiser's fees) **\$325.00**
- c. Personal service or out of county service, an additional \$ 20.00
per person
- d. Proceedings in aid of execution **\$150.00**

- e. In cases where there are over five (5) defendants, an additional \$ 50.00
- f. Motion to vacate, revive or modify a former judgment entry of this court in a civil action, the moving party shall pay all unpaid court costs which said moving party has been ordered to pay and in addition thereto shall deposit **\$175.00**
- g. For seizure of motor vehicle upon REPLEVIN or execution, an additional \$375.00
For seizure of farm machinery, mobile home, roadworking equipment or other oversized units an additional amount to be determined by the Court in each particular case.
- h. Foreign Judgments \$ 50.00
- 2.a. Domestic Relation complaints, or petitions **\$225.00**
Cross-claim, Counter-claim
- b. Personal service or out of county service, an additional \$20.00
(per person)
- c. Motion(s) for Temporary Orders, an additional \$25.00
- d. Cases with children, for "Parenting Class", each parent shall deposit \$5.00
- e. Child custody, home study investigation, an additional \$450.00
- f. Motion to vacate, revive or modify a former judgment entry in a domestic relation action, the moving party shall pay all unpaid court costs which said party has been ordered to pay and in addition thereto shall deposit **\$150.00**
- 3. Criminal Expungement proceedings, where all past court costs have been paid \$125.00
- B. Deposit for transcript pursuant to Local Rule 9.02 \$150.00

- C. PUBLICATION RULE: On cases of "Service by Publication", the party desiring such service shall file a praecipe and legal notice with any newspaper of general circulation and the cost of such service shall be paid directly to the publisher by counsel. Counsel shall provide a copy of the legal notice to the Clerk of Courts for filing. A proof of publication shall be forwarded to the Clerk upon completion of publication for filing in the appropriate case.

1.2 Inability to Secure Costs

If a party claims inability to either prepay or give security for costs pursuant to Local Rule 2.01, the party shall complete the affidavit of indigency required by R.C. 2323.30 and R.C. 2323.31 in the form approved by the court and adopted as Local Rule Form 2.02 stating the reasons for the inability to prepay or give security for costs. Such affidavit shall be completed in its entirety and filed with the pleadings as a public record, treated as other papers in the case, and be subject to review by the Court at any state of the proceedings.

The waiver of a security deposit in no manner effects the responsibility of a party to pay costs if so charged.

2.03 Discretion of the Clerk

The Clerk of this Court is granted the following power in his discretion:

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

2. The Clerk may make periodic or partial distribution of monies deposited for the purpose of restitution, pursuant to court order, unless otherwise ordered

by the court in a particular case.

2.04 File Stamping

(THREE INCH MARGIN AT TOP)

The top right hand corner of the initial sheet

of every pleading, motion, brief, or other paper filed for record shall have an area approximately 3" by 3" left blank for the Clerk of this Court to file stamp the date and time of filing. The Clerk is authorized to refuse to accept any document not conforming to such requirement.

2.05 Designation of Assigned Judge

As soon as it is determined to which judge a case has been assigned, whether civil or criminal, the name of such judge shall be set forth in the style of each pleading or other paper filed for record.

2.06 Notice of Default Judgment Hearing

In any action in which a default judgment hearing is required, the Clerk shall file stamp and retain a copy of the notice of hearing as a permanent record in such actions.

2.07 Companion Cases

Where companion cases have been assigned to different judge, the cause of action with the later case number shall be reassigned to whichever judge has been assigned the cause of action with the earlier case number, unless the Administrative Judge specifically orders otherwise.

2.08 Pleading Signatures

The Clerk of this Court shall refuse to accept for filing any pleading or other document which is unsigned, rubber stamped or signed by an unidentified third-party not an attorney or party acting in a pro se capacity.

2.09 Bankruptcy Adjudication

Whenever any party to an action pending in this Court files bankruptcy, the attorney of record or the party, if acting in a pro se capacity, shall within 15 days after bankruptcy adjudication file written notice of bankruptcy with the Clerk of this Court. Such notice shall include a copy of the order of

bankruptcy or other appropriate documentation confirming and giving the date of such adjudication.

Such attorney or party shall likewise serve such notice on other counsel or pro se parties of record in such pending litigation in conformity with Civil Rule 5.

2.10 Publication by Posting

(A) Pursuant to the requirements of Civil Rule 4.4, this Court designates two (2) additional public places in the County, in addition to the Courthouse, where publication of service of process by "posting" shall be had, to-wit:

(1) the Clerk of Courts - Title Office, 330 North Elizabeth Street, Lima, Ohio or any other location to which it might relocate.

(2) the Municipal Hall of Justice, 109 North Union Street, Lima, Ohio or any other location to which it might relocate.

(B) The Clerk of this Court shall cause the requisite notice to be posted in a conspicuous place and manner in the above denominated places for the requisite six (6) consecutive weeks. Upon completion of posting for six (6) consecutive weeks, the Clerk shall remove the notice, complete the return of service, file the same and notify counsel as provided by law.

2.11 Fees for Computer Research and Services

(A) Pursuant to the authority of R.C. 2303.201 (B) it is determined that, for the efficient operation of the Civil, Criminal and Domestic Relations Divisions of this Court, additional funds are required to computerize the office of the Clerk of Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or 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).

All funds collected pursuant to this rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be disbursed, upon an order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than the usual cost to the court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas.

(B) Pursuant to the authority of R.C. 2303.201(E)(1) it is determined that for the efficient operation of the Court, the fee of \$25.00 shall be charged at the commencement and re-openings of all civil, domestic relation and criminal cases.

2.12 Copying Fees - Other than Fax

The Clerk is authorized to charge a fee for the copying of any records or documents requested by parties or public at large which are maintained in office.

Said fees shall be calculated at \$1.00 for the first page copied and \$.25 for each page copied thereafter.

Said fees shall be paid in advance as much as practicable and shall not be charged as costs in any action. Said fees shall be paid into the Treasury of Allen County as provided by law for such Miscellaneous collections.

The fees for certified copies shall be \$4.00 for the first page and \$.25 for each page thereafter.

For fax - See 3.09(E)

Requests for copies shall be submitted via fax, phone or mail only.

2.13 Court Costs Upon Disposition

Upon the disposition of a case, the Court shall order which party or parties are responsible for payment of costs. If the Court is silent, the costs will be assessed against the non-prevailing party(s).

If there are insufficient fees on deposit to cover the costs, the responsible party(s) will be billed. If the costs remain unpaid at the conclusion of one

billing and four statements (150) days the Clerk may file a certificate of judgment for the amounts due on the party(s) responsible.

2.14 Attorneys (Duties and Pro hac vice)

I. Attorney Withdrawal

A. No attorney who entered appearance in any civil or criminal action shall withdraw appearance, or have it stricken from the record, except by an entry of the Court.

B. An attorney who appears or enters appearance for a defendant in a criminal case shall not be permitted to withdraw except in open court in the presence of the defendant and upon written entry approved by the court.

II. Conduct

Attorneys shall at all times conduct themselves with dignity and propriety.

III. Communication with Jury

When permission is granted for the jury to visit the scene, the bailiff, or acting bailiff, shall point out places or objects agreed to by counsel or ordered by the Court. No other person shall communicate with the jury.

IV. Engaged Counsel

A. If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the Administrative Judge may require the trial attorney to provide a substitute trial attorney.

B. If the trial attorney fails to provide a substitute trial attorney, the Administrative Judge shall remove the trial attorney as counsel in the case. If the attorney was appointed by the court, the court shall appoint a substitute trial attorney.

C. All counsel are directed to familiarize themselves with and conform to Rule 41 of the Rules of Superintendence for the Courts of Ohio.

V. Admission of Out-of-State Attorneys

Pursuant to Rule I of the Supreme Court Rules for the Government of the Bar of Ohio, an attorney must be admitted to practice in the State of Ohio in order to practice in the Court of Common Pleas. The assigned judge to the particular case has the discretion to admit out-of-state counsel upon written motion for admission *pro hac vice* and may require local counsel.

2.15 Filing and removal of papers from custody of clerk

I. Filing

A. Duties of Clerk

The Clerk of Courts shall file and maintain all documents delivered to the Clerk's office. No Judgment Entry or Order shall be accepted or docketed by the Clerk until it is approved by the appropriate judge.

B. Size of Documents, pagination and heading requirement

All pleadings, motions, briefs and other similar documents that are filed with the Clerk shall be typewritten or printed, double spaced on 8½ x 11" paper, in at least a 12 point regular type font, one-sided, and paginated sequentially. In all filings, a blank space of at least three inches shall be left at the top of the first page for endorsements thereon and shall have appropriate top, bottom and side margins of not less than one inch.

C. Documents Requiring Service of Notice

All documents requiring service or notice upon filing shall:

1. Include the address of the plaintiffs and defendants in the caption of the document; or

2. Indicate that the addresses of the plaintiffs and defendants are unknown if such addresses are in fact unknown.

The Clerk shall not accept for filing any document that must be served upon counsel or parties which does not designate their names and addresses. Unless specifically requested by praecipe, service will be perfected by certified mail.

D. Attorney Registration Number

All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio on all documents filed with the Court.

II. Removal

A. Original Documents

1. Removal

No person except a judge of the Court, magistrate or representative to either shall remove any documents or case files from the custody of the Clerk.

2. Examination

Upon request, the Clerk of Courts shall allow any person to examine, but not remove, any original documents or case file that is maintained by its office. Examination shall be allowed during regular business hours.

3. Duplication

Upon request and the payment of a photocopy fee, the Clerk shall provide copies of any original documents maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a 24-hour response time.

4. Transcripts of Testimony

The inspection, examination and duplication of transcripts of testimony shall be governed by Local Rule 2.12.

2.16 Duties of Clerk

No Judgment Entry or Order shall be accepted or docketed by the Clerk of Courts until it is approved by the assigned judge and/or other judge acting in the assigned judge's absence.

2.17 Documents Requiring Service or Notice

If a praecipe is not included with a new case filing then the Clerk of Courts shall proceed with service by certified mail. The Clerk shall not attempt service on "unknown party" at an "unknown address" even if presented with a praecipe.

LOCAL RULE 3

CIVIL ACTIONS: PLEADINGS, MOTIONS, HEARINGS

3.01 Documents (Amended 1-1-90)

All pleadings, motions and other litigation documents shall be typewritten or legibly printed on paper securely bound at the top.

The caption in every complaint shall state the name and address, if known, of each party.

Each civil complaint or petition shall state in the caption the nature of the action in one of the following categories: (1) Professional Torts; (2) Product Liability; (3) Other Torts; (4) Workers' Compensation; (5)

Administrative Appeal; (6) Foreclosure; (7) Complex Litigation; or (8) Other Civil.

Each domestic relations complaint, petition or motion which initiates or re-initiates the jurisdiction of the Court shall state in the caption the nature of the action in one of the following categories: (1) Divorce with Children; (2) Divorce without Children; (3) Dissolution with Children; (4) Dissolution without Children; (5) Custody Modification; (6) Visitation Modification or Enforcement; (7) Support Modification or Enforcement; (8) Domestic Violence; (9) U.R.E.S.A.; or (10) Miscellaneous Enforcement.

Subsequent pleadings, motions, briefs, or other litigation documents shall set forth the case number, the name of the judge to which the case has been assigned, the name of the first party plaintiff and the first party defendant.

The Clerk shall not accept for filing any document which does not comply with this rule.

3.02 Rule Day Extensions

Civil Rule 12 prescribing Rule Day for Pleadings will be strictly enforced. Extensions of time will be granted only by written order of the Court.

3.03 Hearings on Motions Other Than Summary Judgment

All motions shall be accompanied by a brief stating the grounds thereof and citing the authorities relied upon. The opposing counsel or party may file an answer brief by the fourteenth day after the day on which the motion was filed. Thereafter, the motion shall be deemed submitted to the judge to whom the case is assigned. Unless ordered by the Court, oral argument will not be allowed except on leave of the trial judge upon written request by a party prior to a submission and the time of hearing and length of such argument shall be fixed by said judge. This rule shall apply to all motions, including motions for new trial, motions for judgment notwithstanding the verdict, and motions for reconsideration except as otherwise provided herein.

3.04 Hearing on Summary Judgment Motions

Unless otherwise ordered by the Court, motions for summary judgment shall be heard on briefs and other materials

authorized by Civil Rule 56 (C) without oral arguments thirty days after service of the motion upon the opposing party. If an adverse party also files a motion for summary judgment, the hearing date shall be extended to thirty days from the service upon the opposing party of the latter motion.

No motion shall be filed in any case after it has been set for pre-trial without leave of the trial judge first obtained, who may establish the times for filing of briefs and submission of the motion.

3.05 Discovery Papers

(A) In accordance with Ohio Civil Rule 5(D), all papers, after the complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding. The Clerk of Court shall not accept for filing the transcript of a deposition unless it is accompanied by a certification by counsel that the deposition is being filed on order of the court or for use as evidence or for consideration of a motion in a proceeding.

(B) Effect of Rule: Certificate

(1) No application for protective order, objections to any form of discovery, motions for sanctions or the like shall be filed until the impasse which provoked it has been discussed with opposing counsel, and a diligent effort has been made to solve the problem informally.

(2) A certificate to that effect shall be affixed to or made a part of the application or motion and it shall include the specific times and methods of attempted informal resolution.

(3) The presentation of any insufficient or unwarranted application, objection or motion and any unwarranted opposition to discovery, formal or informal, will subject the offender to sanctions under Rule 37 of the Ohio Rules of Civil Procedure and this Local Rule, including the imposition of costs, expenses and reasonable counsel fees.

(C) Policy of Local Rule

(1) It is declared policy of this Local Rule to encourage professional informal discovery wherever practicable in preference to formal discovery and to avoid the Court's involvement in the discovery process. Counsel shall make every effort to comply with this policy.

(2) This policy is not intended to discourage the use of depositions to discover and to record evidence as provided in the Ohio Rules of Civil Procedure.

3.06 Jury Costs

Pursuant to R.C. 2335.28, the Clerk shall assess as costs all those expenses which are directly associated with the calling and serving of jurors in all civil cases unless otherwise ordered by the court. Said expenses shall include, but not be limited to jury view expenses, meals, lodging and attendance fees.

3.07 Foreclosure Actions

(A) A case will be reported as terminated to the Ohio Supreme Court upon filing of foreclosure entry. Whether the case proceeds to the sale of the property has no influence on the termination of the case for reporting purposes.

(B) Within 21 days after filing of any judgment of foreclosure, if a praecipe for sale has not been issued, the Clerk shall compute costs and pay same from the deposit made.

(C) If a party wishes to proceed with sale of property after case has been closed and deposit returned, it shall file a praecipe for Order of Sale and deposit sufficient monies to cover costs as set forth in Rule 2.01(A)(1)(b).

(D) Once an Order of Sale has been issued by the Clerk to the Sheriff, there shall not be a cancellation of said sale without (1) direction from attorney ordering the sale and payment or sufficient monies on deposit to pay all costs, (2) satisfaction of judgment, (3) a bankruptcy stay order.

3.07(E) Judicial sale of real estate

I. CERTIFICATION

In every action hereinafter filed in any division of the Common Pleas Court of Allen County, Ohio wherein a judicial sale of real estate is contemplated by the

Complaint or subsequent pleadings the party praying for said sale or the attorney for the party praying for said sale shall endorse thereon the following Certification:

"The undersigned hereby certifies that an examination of the public records of Allen County, Ohio has been made to determine the ownership of subject real estate and all parties who may claim an interest therein, and that, in the opinion of the undersigned, all parties have been named as parties to this action," stating as exceptions any interested party not so named.

3.08 Videotaped Testimony and Evidence

In addition to the requirements of Rule 12 of the Rules of Superintendence for Courts of Common Pleas, a written transcript of the deposition shall be filed when the videotape is filed. It is the responsibility of the party intending to use any videotape testimony at trial to:

1. File the video tape and written transcript with the Clerk of Courts seven (7) days prior to trial;
2. Notify the appropriate bailiff of the intended use seven (7) days prior to trial;
3. Ensure the necessary equipment will be available; and
4. Provide other equipment or personnel, if necessary.

3.09 Facsimile Copy Filing with Clerk (amended 1/2005)

I. ORIGINAL FILING

(A) Pursuant to the authority extended to the Court by Civil Rule 5(E), the General and Domestic Relations Divisions of the Court adopt the following procedures for the Clerk of Courts' acceptance of facsimile copies, subsequent to the original complaint, of pleadings and other papers not longer than ten (10) pages in length. No documents longer than ten

(10) pages in length shall be filed in this manner, unless approved by the Court.

(B) The Clerk of Courts shall maintain an independent private telephone line, publish the number of the same, and maintain a facsimile machine for utilization by members of the bar authorized to practice law in Ohio in filing documents with the Court and its' Clerk as provided herein. Pleadings and other papers may be filed with the Clerk of Courts by transmission to 419-222-8427 subject to the following conditions.

C) The filing of pleadings or other papers, subsequent to the original complaint and not requiring a security deposit pursuant to Local Rule 2.01, may be filed with the Clerk by facsimile copy. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document the Clerk of Courts but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

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

(E) Proposed Judgment Entries and Orders submitted for the Courts review and signature of either judge or magistrate shall become the original copy for the purposes of filing with the Clerk of Courts. There is no need to send the original source document.

(F) Fax filings may NOT be sent directly to the Court for filing but shall only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

II. COVER PAGE

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

1. The name of the Court;
2. The title of the case;
3. The case number;

4. The assigned judge;
5. The title of the document being filed; (i.e. Defendant Jones' Answer to Amended Complaint)
6. The date of transmission;
7. The transmitting fax number;
8. The number of pages included in the transmission, including the cover page;
9. The name, address, telephone number, fax number and Supreme Court registration number, if applicable.

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

C) The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing that does not obtain transmission verification from their facsimile transmission device may verify receipt of such filing with the Clerk of Courts.

(D) The Clerk of Courts is not required to file any unsigned fax transmitted documents.

III. TIME OF FILING

(A) Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk of Courts shall be considered filed with the Clerk of Courts as of the date and time the Clerk receives the document.

(B) The office of the Clerk of Courts will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business. In the event any facsimile copy is received by the Clerk of Courts after 4:30 p.m. on a regular business day or anytime on a weekend or holiday the facsimile copy shall be considered filed on the next ensuing regular business day for the Clerk.

IV. FEES AND COSTS

(A) Costs to be charged for both incoming and outgoing fax transmissions shall be \$2.00 per transmission plus \$1.00 per page. Unless otherwise arranged for in advance, the costs shall be charged to the case in which the documents are to be filed.

3.10 Pretrial and Trial Procedure

Pretrial Procedure

The procedure for civil Pretrial conferences shall be as follows:

(A) Exceptions

A pretrial conference shall be held in every civil case filed, unless:

(1) the assigned judge enters an order dispensing with said conference; or

(2) said judge permits an agreed statement of counsel in lieu of said pretrial conference. Upon entry of such order or agreed statement dispensing with the pretrial conference, provision shall be made for scheduling the case for trial.

(B) Appearance of Counsel; Continuance

Counsel who will actual handle the trial of a case shall attend all pretrial conferences unless excused by the judge. Continuances may be granted only by the judge scheduled to preside at the pretrial conference.

No trial continuance will be granted on the grounds that counsel is not prepared to go forward if such counsel has failed to attend the pretrial conference.

(C) Parties to be Present

All parties must be present at the pretrial conference unless excused by the judge. If a claim for relief by any party is covered in whole or in part by insurance, a representative of the insurance company or carrier authorized to handle the claim(s) for relief in controversy must be present at the pretrial conference, unless otherwise ordered by the judge. If a claim for

relief against any party is fully covered by insurance, that party's presence at the pretrial conference is not required unless otherwise ordered by the Court.

(D) Attorney Preparation

At the pretrial conference, attorneys for all parties should be prepared to:

- (1) discuss factual and legal theories of the case
- (2) discuss necessity or desirability of amendments to

any pleadings or the filing of additional pleadings;

- (3) discuss simplification of issues;
- (4) make admissions as to facts and genuineness of documents and other exhibits not in dispute;
- (5) eliminate parties unnecessary to the case;
- (6) give names of witnesses whom they intend to call at trial, together with a statement of the general nature of the testimony of each witness; if the Court so orders, counsel shall not be permitted to call additional witnesses at trial, except rebuttal witnesses, unless the names and addresses of such witnesses and the general nature of their testimony are furnished, in writing, to opposing counsel of record within a reasonable time prior to trial;
- (7) give names, addresses and area(s) of expertise of any anticipated expert witness;
- (8) exchange reports of any expert witnesses expected to be called upon to testify at trial;
- (9) discuss limitations on the number of expert witnesses;
- (10) provide a list of exhibits to be introduced at trial, and, if required by the judge, produce the exhibits for examination by the judge or parties;
- (11) furnish an itemized list of special damages and expenses, and a full description of the nature of any injuries for which compensation is claimed;
- (12) exchange medical reports and hospital records;
- (13) produce information relative to insurance agreements in accordance with Civ.R. 26(B)(2);
- (14) discuss necessity of supplementing interrogatory answers or other previous discovery;
- (15) discuss procedures and time limitations for completion of any additional discovery;
- (16) discuss whether a view of the premises is

- appropriate or necessary;
- (17) discuss possibility of consolidation of cases for trial;
 - (18) consider the possibility of separation of issues, if any, for determination by or to the judge or the jury, and separate determination of the issues of liability and damages;
 - (19) submit and consider authorities on unique or controverted issues, or guarantee their submittal at least two (2) working days prior to trial;
 - (20) fully explore and be authorized to conclude settlement; and,
 - (21) discuss any other matters that may expedite the trial or disposition of the case.

(E) Motions

The judge may decide or take under consideration for decision, any motions pending in the case at the time of the pretrial conference.

(F) Failure to Appear

Failure of any attorney or party to appear at a pretrial conference, failure of any attorney to be prepared, and/or failure of any party to cooperate in good faith in the conduct of the pretrial conference, shall render said attorney or party, subject to sanctions as provided by Civ.R. 37 at the judge's discretion. Such sanctions may include an award of expenses and/or attorney fees to any party prejudiced by said failure and any other appropriate sanctions ordered by the Court.

3.11 Citations Made in Legal Memoranda

Legal memoranda and briefs submitted to the Court shall include, as an attachment, all opinions previously referred to as "unpublished" that are not posted on the Ohio Supreme Court website under Rule 3 of the Supreme Court Rules for Reporting of Opinions.

LOCAL RULE 4

ENTRIES

4.01 On Decree

Unless the trial judge otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered, shall within five (5) work days thereafter prepare the proper judgment entry and submit it to opposing counsel who shall approve or reject the same within five (5) work days after receiving it. Approved judgment entries shall be immediately forwarded to the judge. If counsel are unable to agree upon the entry, it shall be submitted to the trial judge who will direct what entry shall be made. If counsel fail to present an entry within twenty (20) calendar days after the order is decreed, or the judgment is rendered, the trial judge may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.

4.02 On Settlements

Counsel shall promptly submit an entry of dismissal to the trial judge following settlement of any case. If counsel fail to present such an entry to the trial judge within twenty (20) days after representation to the court that a case has been settled, the trial judge may order the case dismissed for want of prosecution. In addition, if a case has been assigned for trial and it is settled, counsel shall forthwith notify the court. Failure to do so may be considered as a contempt of court by the trial judge who may take such action as is appropriate under the circumstances.

4.03 Final Orders Involving Titled Property

To facilitate disposition and avoid rejection at the Title Department and/or Auditor's Office, it is recommended that all Final Orders that involve the disposition of a titled vehicle, watercraft or manufactured home include the YEAR, MAKE, and SERIAL NUMBER.

As to real estate, said Order should include a legal description or permanent parcel number.

LOCAL RULE 5

ADMINISTRATIVE APPEALS

5.01 Statutory Time Limits

Where the time for filing bills of exceptions, assignments or errors and briefs is fixed by statute or rule of the Ohio Supreme Court, they shall be filed within such time or Extension thereof as may be granted in writing by the judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by such judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the judge.

5.02 Time Limits

Where the time for filing is not fixed by statute or rule of the Ohio Supreme Court, the appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the appellee shall file his brief within ten (10) days after the filing of the brief of the appellant and any reply brief shall be filed within five (5) days after the filing of the appellee's brief. Extensions of time may be granted by entry by the judge to whom the case is assigned.

In all cases in which demand or request to the agency by the appellant is prerequisite to the preparation of filing of the transcript of the record by the agency, such demand or request shall be filed by the appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law or rule of Ohio Supreme Court.

Upon the expiration of the time for filing of the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by the judge.

5.03 Revised Code, Chapter 2506 and 119 Applicability

The applicable procedures of paragraphs 5.01 and 5.02 above shall apply to all appeals including those under Chapter 2506 and Chapter 119 of the Revised Code. Under those chapters or any the provision of law including appeals from the Industrial Commission, if the offering of additional evidence or a trial de novo is granted or required by law, the case

shall be deemed ready for trial at the discretion of the trial judge.

5.04 Briefs

Failure of appellant to file a bill of exceptions, assignments of error, brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the judge to whom the case is assigned.

LOCAL RULE 6

MEDIATION (OTHER THAN DOMESTIC RELATIONS)

6.01 Cases for Mediation

Any civil case filed in the Court of Common Pleas may be referred to Mediation.

6.02 Referral to Mediation

(a) The judge may, by appropriate entry, refer the case to mediation.

(b) Any party may request, in writing to the Judge, that the case be considered for referral to mediation.

(c) Referral of a case to mediation shall not operate as a stay of discovery proceedings unless otherwise ordered by the Court.

6.03 Mediation Conferences

(a) The mediator may direct the parties and their attorneys to attend a mediation conference in person. Such a conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the mediator and the parties determine may aid

in the handling or the disposition of the proceedings.

(b) Mediation shall continue until the parties have reached a settlement, until they are unwilling to proceed further, or until the mediator determines that further mediation efforts should cease. The mediator may schedule such sessions as may be necessary to complete the process.

(c) The mediator may request that the parties bring documents and witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

6.04 Mediation Fees

(a) No fees shall be charged for civil cases referred to the Allen County Court of Common Pleas when a judge mediates.

(b) If the case is referred to a mediator other than a Judge of the Common Pleas Court, the parties shall share the cost of the mediation in such proportions as they may agree.

6.05 Confidentiality

(a) The provisions of Section 2317.023 of the Ohio Revised Code shall control.

(b) All communications and information not otherwise discoverable presented during mediation are confidential.

(c) The mediator shall not disclose to the Court or to any judge of the Court the contents of mediation discussions unless agreed to by all of the parties.

(d) No party to mediation shall call the mediator as a witness for any purpose.

(e) Each party shall submit a mediation statement not to exceed three (3) pages to the Court Mediator and all parties no later than ten (10) business days prior to the mediation conference.

These statements are not to be filed with the Clerk of Courts and will be maintained separate and apart from the case file.

6.06 Reporting to the Court

(a) The mediator shall notify the Court promptly when a case is not accepted for mediation. At the conclusion of cases accepted for mediation, the mediator will also report the fact that the mediation process has ended.

(b) If a case is settled during mediation, the attorney for one of the parties shall prepare and submit to the Court an entry reflecting the fact of settlement as in any other case.

(c) If some but not all of the issues in the case are settled during mediation or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint statement to the Court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within 30 days of the termination of mediation.

LOCAL RULE 7

ARBITRATION

7.01 Establishment of Mandatory Arbitration

Pursuant to Sup. R. 15, the Court of Common Pleas of Allen County, General Division, does hereby adopt this plan for the mandatory arbitration of civil cases.

7.02 Cases for Arbitration

A Judge of this Court, may by general order cause any case to be heard and decided by a Panel of Arbitration, which panel shall consist of three (3) members of the Bar of this Court, except as limited hereinafter:

- A. before submitting a case to arbitration, a pretrial conference must first be held by the assigned trial judge.
- B. actions involving title to real estate, equitable relief and appeals shall be excluded.

Counsel in any civil action which is at issue, may stipulate, in writing, before or after pretrial, that the

case be submitted for arbitration in accordance with these rules.

7.03 Selection of Arbitrators

In all cases subject to arbitration, the Court shall appoint three (3) arbitrators by random selection from a Court approved list. The Court shall select a Chairman of the panel.

Not more than one (1) member of a law partnership or an association of attorneys shall be appointed to a particular panel. No member of a panel shall be related by blood or marriage to any party in the case or to any attorney of record in the case.

7.04 Assignment of Cases for Arbitration

The Chairman shall be responsible for setting the matter for arbitration and notifying the parties of the time and place of arbitration.

- A. Arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment.
- B. No case shall be assigned to the panel within thirty (30) days from the time such case is ordered into arbitration unless the assigned trial judge directs that the case be set specifically within the thirty (30) day period.
- C. No disclosure shall be made to the arbitrators prior to the filing of the report and award of any offers of settlements made by either party except by agreement of the parties. An arbitrator who has knowledge of settlement demands or offers shall be disqualified prior to the delivering of the Court file to the panel.

7.05 Hearings: When and Where Held: Notice

Hearings shall be held at a place provided by the Court.

Unless counsel for all parties and the panel agree otherwise, that place shall be in the Allen County Courthouse. The Chairman shall fix a time and date of

hearing and shall notify the other arbitrators, the parties or their attorney.

- A. The time set for hearing shall not be less than thirty (30) days nor more than sixty (60) days after appointment, unless otherwise ordered by the assigned trial judge.
- B. Since sufficient time is available to the parties prior to the hearing date to settle or compromise their disputes, once a hearing date is set, the hearing shall proceed forthwith at the scheduled time. There shall be no communications by counsel or the parties with the arbitrators concerning the merits of controversy prior to the commencement of the hearing.

7.06 Oath of Arbitrators

Each arbitrator shall solemnly swear that he will support the Constitution of the United States and of the State of Ohio, and that he will administer justice without respect to persons, and faithfully and impartially discharge and perform all duties incumbent upon him as Arbitrator, according to the best of his ability and understanding.

7.07 Inability of Party to Proceed

Whenever any case has been continued twice, said case may be certified by the chairman to the assigned trial judge who shall summon the parties or their counsel. The trial judge shall have the power to make an appropriate order, including an order of dismissal for want of prosecution. The trial judge may make an order that the case be again assigned for arbitration and an award made whether or not the defendant appears and defends.

7.08 Conduct of Hearing - General Powers

The three (3) members of the arbitration panel, unless the parties agree upon a lesser number, shall be the judges of the relevancy and materiality of the evidence. Conformity to rules of evidence shall not be necessary. All evidence shall be taken in the presence of all arbitrators and all of the parties, except where any of the parties is in default, or any of the parties has waived his right to be present.

The panel may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they deem it is entitled after consideration of any objections which may be made to it.

7.09 Specific Powers

The arbitration panel shall have the general powers of a court including, but not limited to, the following:

- A. Subpoenas: To cause the issuance of subpoenas to witnesses to appear before the Panel and to request the issuance of an attachment according to the practice of the Court for failure to comply therewith, pursuant to Civil Rule 45.
- B. Production of Documents: To compel the production of all books, papers and documents which they shall deem material to the case. Should a party or witness fail to produce documents or to testify as to a matter after being ordered to do so by a Panel, that matter shall be treated as not controverted and a final award may be made without the necessity of issuing a contempt citation.
- C. Administering Oaths - Admissibility of Evidence: To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by Depositions and to decide the law and the facts of the case submitted to them.
- D. Property Damage Bills or Estimates: To accept as evidence in actions involving personal injury and/or damage to property, bills or estimates with accompanying date, which may be offered and received as evidence without further proof for the purpose of providing the value and reasonableness of the charges for service, labor, and material or items contained therein, and, where applicable, the necessity for furnishing the same, on condition that one week's written notice has been given to the adverse party, or otherwise agreed upon by and between the parties, accompanied by a copy of the bills to be offered in evidence.
- E. Hospital Bills: To accept as evidence bills on the official letterhead or billhead of the hospital, when dated and itemized.

- F. Bills of Doctors and Dentists: To accept as evidence bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge therefore.
- G. Bills of Nurses, Etc.: To accept as evidence bills of registered nurses, licensed practical nurses, or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges therefore.
- H. Bills for Medicines, Etc.: to accept as evidence bills for medicine, eyeglasses, prosthetic devices, medical belts, or similar items.
- I. Procedure in Case of Estimate: In the case of an estimate, the party intending to offer the estimate shall forward with his notice to the adverse party, together with the copy of the estimate, a statement indicating whether or not the property was repaired, and, if it was, attaching a copy of the receipted bill showing the items of repair and the amount paid.

7.10 Default of Party

The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain a continuance. An award shall not be made solely on the default of a party. The arbitrators shall require the other party to submit such evidence as they may require before the making of an award.

7.11 Supervisory Powers of Court

The assigned trial judge shall have full supervisory powers with regard to any question that may arise in an arbitration proceeding, as well as to the application of these rules.

7.12 Witness Fees

Witness fees in any case referred to a panel for arbitration shall be in the same amount as now or hereafter provided for witnesses in trial in the Common Pleas Court. These fees may be ordered taxed as costs in the case and the costs in any case shall be paid by the same party or parties by whom they would have been paid had the case been tried by the Common Pleas Court.

7.13 Transcript of Testimony

The arbitrators shall not be required to make a record of the proceedings before them. If any party desires a transcript, he shall provide a reporter and cause a record to be made. The party requesting the same shall pay the costs thereof which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided it by the reporter upon payment therefore, based upon the customary charges.

7.14 Report and Award

Within thirty (30) days after the hearing, the Chairman shall file a Report and Award with the Court and on the same day shall forward copies thereof to all parties or their counsel.

The Report and Award shall be signed by all the members of the Panel. In the event all three (3) members do not agree on the Report and Award, the dissenting member shall write the word "dissents" before his signature. A minority report shall not be required unless the arbitrator elects to submit the same due to unusual circumstances.

7.15 Judgment

Unless exceptions to the arbitration award are raised by written motion, pursuant to Rule 7.17, filed within thirty (30) days from the date of the Report and Award is docketed by the Clerk, the trial judge shall deem the award final and acceptable and enter judgment according to the award. The responsibility for preparation of its Judgment Entry and submission to the assigned trial judge rests in the prevailing party.

7.16 Compensation of Arbitrators

Each member of a Panel, who has signed an award or files a minority report shall receive as compensation for his service in each case a fee as approved and Ordered by the Court.

- A. In cases requiring a hearing of unusual duration, or involving questions of unusual complexity, the assigned trial judge, on motion and for good cause shown, may allow additional compensation. The members of the Panel shall not be entitled to

receive their fees until after filing the Report and Award with the Clerk.

- B. Fees paid to arbitrators shall be taxed as costs.
- C. All compensation for arbitrators shall be paid upon proper warrant and shall be taken from the costs advanced through the Office of the Clerk of Courts.
- D. In the event that a case shall be settled or dismissed sooner than two (2) days prior to the date scheduled for the hearing, the arbitrators shall not be entitled to the aforesaid fee. In the event that a case has been settled or dismissed within said two (2) work day period, the arbitrators shall be entitled to receive said fee.

7.17 Exceptions and Reasons Therefore

Any party may file with the Clerk written exceptions from the Report and Award of the arbitration panel within thirty (30) days from the filing of said Report and Award.

- A. An affidavit that the exception is not being taken for delay must be filed and accompany the exceptions.
- B. Copies of any motion, affidavit and exception shall be served upon the opposing parties according to law.
- C. Exceptions to the decision of the board or single arbitrator may also be filed by any party within thirty (30) days after the filing of the report, and, if sustained, the report shall be vacated.

7.18 Court Costs Deposit

To guarantee the arbitrators fees, the parties shall deposit with the Clerk of Courts the sum Ordered by the Court within 14 days of said Order. If there are multiple defendants and they cannot agree as to their proportionate share of the deposit, upon proper motion, the judge to whom the case is assigned shall order the apportionment. When it appears proper, the Court may order additional deposits.

7.19 Return to Active Trial Calendar - Hearing De Novo

Within a reasonable time after the exceptions called for under Rule 7.17 are filed, the assigned trial judge shall order the return of the case to the trial calendar. In the event a jury demand has been timely filed in the pleadings the case shall be assigned for jury trial, and if there has not been a timely jury demand in the pleadings the case shall be heard by the Court.

Either the jury trial or court trial shall be trial de Novo, and not limited to a review of the transcript taken at the Arbitration hearing.

7.20 Testimony of Arbitrators Prohibited

The arbitrators shall not be called as witnesses.

LOCAL RULE 8

EXHIBIT/DEPOSITION/TRANSCRIPT RELEASE RULES

8.01 Scope of Rules

These Rules shall be applicable only for those actions wherein an appeal from the trial court is not pending, and the exhibits/depositions/transcripts of the case remain filed with the Common Pleas Court more than sixty (60) days after the final judgment has been rendered.

8.02 Service of Notice

All notices required by these Rules to be served upon a party in an action shall be sent by certified U.S. Mail to the party's attorney-of-record at his last known business address.

Service shall be deemed complete for purposes of these Rules upon the receipt of the notice.

8.03 Processing Orders Releasing Exhibits, Depositions and/or Transcripts

Upon the expiration of sixty (60) days after final judgment has been filed the Reporter/Clerk of Courts

shall commence releasing exhibits, depositions and/or transcripts in an action, and shall:

- A. Serve notice of the order releasing the exhibits, depositions and/or transcripts as provided by \ Rule 8.02;
- B. Keep a record of the dates of the required notice period;
- C. If a party or attorney-of-record claims the exhibits, depositions and/or transcripts within the required notice period, require him to sign a Notice of Receipt. The Reporter shall then file such Notices and Receipt with the Clerk of the Common Pleas Court;
- D. If a party or his attorney-of-record does not appear to claim the exhibits, depositions and/or transcripts within the required notice period, the exhibits shall be disposed of as provided for by Rule 8.04;
- E. If the exhibits, depositions and/or transcripts are disposed of, pursuant to these Rules, the Reporter/Clerk of Courts shall file a Notice of Disposal with the Clerk of the Common Pleas Court.

8.04 Disposal of Exhibits/Depositions/Transcripts

When disposal of unclaimed exhibits, depositions and/or transcripts is required pursuant to these Rules, such disposal shall be performed by the Reporter and/or Clerk of Courts in the manner provided for in the order of the Common Pleas Court releasing the exhibits in the action.

8.05 Forms

The Reporter and/or Clerk of Courts of the Common Pleas Court shall use the forms required by these Rules for the release of exhibits, depositions and/or transcripts.

8.06 Extension

Extension of the within retention period for case files may be made on an individual basis.

This Rule is in compliance with Ohio Supreme Court

Rule 26.

LOCAL RULE 9

TRANSCRIPTS OF RECORD

9.01 Written Transcripts of Appeal

Any attorney-of-record who desires a written transcript of proceedings for appellate purposes shall file his request in writing with the Court Reporter responsible for said preparation.

Said request shall state whether it shall be a complete transcript or a partial transcript, and if a partial transcript, specifically describe what part of the proceedings are to be included.

9.02 Written Transcripts Other Than On Appeal

Any attorney-of-record who desires a written transcript of proceedings other than for appellate purposes shall follow all procedures enumerated in Rule 9.01. In addition to those requirements of Rule 9.01, the requesting party shall deposit with the Clerk of this Court the sum of \$150.00 pursuant to Local Rule 2.01(B) as security for costs for said Reporter's fees. Upon the completion of the transcript the Reporter shall provide the requesting attorney a statement for services, and in the event the monies on deposit are insufficient to satisfy the same, the requesting attorney shall forthwith deposit sufficient funds as security. If excess funds are on deposit, the unused portions shall be refunded.

9.03 Delivery of Transcripts

No written transcript shall be delivered to any person other than the requesting attorney or the Clerk of the Court of Appeals.

No written transcript shall be delivered to any attorney, a party, or filed with the Clerk of the Court of Appeals unless security for fees has been satisfactorily accomplished as provided by these Rules, the Local Rule of the Third Appellate District, or otherwise provided by law.

9.04 Transcript Fees

Transcript fees are as follows:

Original	\$2.25 per page
Copy (for party ordering transcript)	\$1.00 per page
Copy (for all others)	\$1.50 per page

LOCAL RULE 10

CRIMINAL ACTIONS

10.01 Grand Jury Assignments

The two general trial division judges of this court shall alternately call, instruct, and handle the grand jury each four month session of the court term beginning January 1, May 1, and September 1, of each year. During this period the assigned judge will:

- A. accept the grand jury report;
- B. set bonds up to and including arraignment;
- C. preside at arraignments;
- D. assign pre-trial dates;
- E. The judge who is not assigned to handle grand jury will hear cases proceeding upon bill of information during that term.
- F. upon arraignment, immediately assign cases by lot as required by Supt. Rule 4;
- G. remand misdemeanor cases to the Lima Municipal Court.

10.02 Bond and Arraignment

- A. In cases of delayed service or unavailability of defendant indicted during said four month session, the assigned judge will continue to fix bond, arraign and assign pre-trial dates for such defendants when served or available.
- B. The Court shall set bonds pursuant to Criminal Rule 46 (Bail) and amend existing bond/bail pursuant to Criminal Rule 46(E).

10.03 Companion Cases

Companion criminal cases shall be assigned to the same judge. Likewise, cases in which a party is charged with a subsequent criminal offense shall be assigned to the trial judge handling the **EARLIER** original charge.

10.04 Absence of Judge

In the absence or disability of the assigned judge, the functions set forth in Rule 10.01 above may be carried out by any other available and qualified judge.

10.05 Indictment Reports

Concurrent with the return of the grand jury report, the prosecuting attorney shall submit to both judges of the general trial division completed reports regarding each person indicted on a form approved by the court disclosing pertinent information as requested by the court.

10.06 Apprehension on Warrants

Whenever a person is apprehended by the Sheriff of Allen County, Ohio upon a bench warrant or upon warrants belatedly served after arraignments from a particular grand jury return have taken place, both the Sheriff and the Clerk of this Court shall immediately notify the judge assigned to the particular case (or if the case has not been assigned to the judge handling grand jury that term) of such apprehension in writing.

10.07 Expungement

If the court grants the expungement of a criminal record under R.C. 2953.32(C), the Clerk of this Court shall forward certified copies of the order granting expungement to the Bureau of Criminal Investigation in London, Ohio, the Sheriff of Allen County, Ohio, the Lima Police Department, Lima Municipal Court, the Adult Parole Authority office in Lima, Ohio **and to counsel for the applicant.**

Unless so Ordered, the Clerk of Courts shall only be responsible for sending the Expungement Order to the above agencies.

10.08 Bail and Bond

The Court, pursuant to Criminal Rule 26(D) may add additional terms and conditions to defendant's bond, including the condition that defendant submit to random urinalysis and be subject to bond revocation if a positive urine test is taken.

Unless otherwise specifically ordered by the court, all monies for bail shall be deposited in the name of the defendant only.

(b) If the Court determines that the defendant has violated conditions of bond, whether the conditions be expressed or implied, the defendant is subject to sanctions, including revocation of bail. *Woolfork v. Beck* (July 22, 2004), Allen App.No. 1-04-42

10.09 Restitution

If restitution is ordered, monies deposited shall be applied by the Clerk first to the costs, second to restitution and third to fines, with the balance, if any, refunded to the defendant unless otherwise ordered by the court.

10.10 PROBATION SERVICE FEE - INTENSIVE PROBATION SUPERVISION

If a criminal defendant is convicted and sentenced to community control or placed on probation with the Allen County Adult Probation Department -- Intensive Probation Supervision [I.P.S.], there shall be a "county probation service fee" of \$15.00 per month, plus poundage, charged to the defendant.

Said fee shall commence when ordered by the sentencing court and shall be paid to the Clerk of Courts directly or through the Allen County Adult Probation Office.

10.11 CAPITAL CASES

In all cases where a capital crime is involved, parties shall submit to the Clerk of Courts the original plus one copy of ALL pleadings, transcripts and documents. All exhibits shall be photographed and submitted in duplicate. (Supreme Court Rule Section 4.D.2)

LOCAL RULE 11

DISCOVERY IN CRIMINAL CASES

11.01 Prosecutor's Duties

Within seven days after arraignment, the prosecuting attorney shall deliver to defense counsel a discovery package to include the following:

- A. defendant(s) and co-defendant(s) statements;
- B. available laboratory reports;
- C. list of witnesses the State intends to call, together with prior felony conviction records known to prosecuting attorney, (except those certified subject to jeopardy under Criminal Rule 16(B));
- D. exculpatory evidence known to the prosecuting attorney;
- E. other matters properly discoverable under Criminal Rule 16(B);

All discovery shall be provided on a continuing basis.

11.02 Defense Counsel's Duties

Upon acceptance of discovery package defense counsel shall:

- A. sign a receipt on a form approved by the prosecuting attorney;
- B. automatically and without prosecuting attorney's request, comply with all discovery required under Criminal Rule 16(C) as soon as available;
- C. deliver all discovery packages to the trial judge assigned to hear the case immediately upon change of counsel;
- D. submit requests for bond or change of bond on a form approved by the court.

All discovery shall be provided on a continuing basis.

11.03 Time Extensions

All discovery time limits under Rule 11 shall be

extended or reduced only by written Order of the court.

LOCAL RULE 12

CRIMINAL PRE-TRIALS

12.01 Attendance

Attendance by prosecuting attorney, defense counsel and defendant at pre-trials is mandatory.

Counsel for defendant shall meet with defendant prior to the first pre-trial.

LOCAL RULE 13

INDIGENT COUNSEL

13.01 Affidavits of Indigency

Pursuant to Revised Code, Chapter 120, it is mandatory that an affidavit of indigency be filed by each indigent defendant in order for the court-appointed attorney to be compensated. This affidavit shall be filed with the Clerk's office prior to the first assigned pre-trial, preferably at arraignment. Failure to file such affidavit shall result in nonpayment of any court-appointed attorney fees submitted. The filing of an Affidavit of Indigency in no manner affects the responsibility of a defendant to pay costs, if so ordered.

The form to be utilized is adopted as Form 13 - 2.01 and no other form will be accepted. ***(NOTE: FORM HAS BEEN REVISED SEE ATTACHED NEW FORM)**

13.02 Fee Statements

Court-appointed counsel representing indigent defendants in criminal proceedings shall, upon making application for compensation, itemize hours spent and clearly designate which was "in court" and which was "out of court" time. (The form to be utilized is adopted as Form 13 - 2.02. ***(NEW FORM ATTACHED)**)

13.03 Assignment and Compensation of Counsel to Defend

(A) Counsel assignments to defend indigent persons in criminal cases will be made from names appearing on the applicable list of approved trial counsel. Any lawyer admitted to practice by the highest Court of this State **for at least one (1) year and who has previous significant experience with felony delinquency cases or significant trial experience at the misdemeanor level** is eligible to have his/her name entered on the appropriate list by letter of application.

The letters of application will be reviewed and approved by the Judges of the Common Pleas Court.

(B) The approved trial counsel list shall be created by lot by drawing and listing in order drawn.

13.04 Fees for Court-appointed Attorneys

The Fee schedule for court-appointed attorneys is fixed by the County Commissioners and is as shown on the following Schedule for Maximum Fees for Court - Appointed Attorneys:

SCHEDULE FOR MAXIMUM FEES FOR COURT-APPOINTED ATTORNEYS

1. Reimbursement shall be made on the basis of \$40.00 per hour of representation out of court and \$50.00 per hour of representation in court, up to the following maximum amounts for the following offense classifications and other proceedings:

AGGRAVATED MURDER (w/specs)	\$10,000/1 Atty.
As per O.R.C. 2929.04(A)	\$20,000/2 or more
And 2941.14(B)	Attys.
AGGRAVATED MURDER (w/o specs)	\$ 4,500/1 Atty.
	\$ 6,500/2 or more
MURDER	\$ 2,500/1 Atty.
FELONIES (Level 1-2)	\$ 1500 with trial
	\$ 750 w/o trial

FELONIES (Levels 3-5) \$ 1200 with trial
\$ 600 w/o trial

JUVENILE PROCEEDINGS

1. Felony Delinquency Offenses \$ 750 with trial
(including relinquishment of \$ 350 w/o trial
jurisdiction for purposes of
criminal jurisdiction)
2. Misdemeanor Delinquency Offenses \$ 500 with trial
\$ 300 w/o trial
3. Guardian Ad Litem \$ 250
4. All Others \$ 500 with trial
\$ 350 w/o trial

PAROLE, PROBATION AND ALL OTHER
PROCEEDINGS NOT ELSEWHERE CLASSIFIED \$ 350

CONTEMPT OF COURT \$ 150

Reimbursement for representation which exceeds the above state maximums will be made only with prior approval of the Court.

2. Reimbursement for expenses associated with providing representation shall be made when submitted with the attorney's fee certificate (OPD-E-202) and approved by the Trial Judge. Allowable expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, and investigation costs. Parking and meal expenses, long distance telephone calls, copying and postage will not be reimbursed without prior approval of the Court. The maximum amount of reimbursement for expenses, without prior approval of the Court, shall be as follows:

AGGRAVATED MURDER (w/specs) \$2,000
As per O.R.C. 2929.04(A)
And 2941.14(B)

AGGRAVATED MURDER (w/o specs) \$1,500

MURDER \$1,000

FELONIES (Level 1-2) \$ 300

FELONIES (Levels 3-5)	\$ 150
JUVENILE PROCEEDINGS	\$ 150
PAROLE, PROBATION AND ALL OTHER PROCEEDINGS NOT ELSEWHERE CLASSIFIED	\$ 150

Reimbursement for expenses which exceeds the above stated maximums will be made only with prior approval of the Court.

3. Reimbursement for appellate representation shall be made on the basis of \$40.00 per hour of representation out of court and \$50.00 per hour of representation in court. Reimbursement shall be made when submitted with the appropriate certificate (OPD-E-204), approved by the Appellate Court, and within the prescribed fees as permitted by the following maximum amounts for these offense classifications:

AGGRAVATED MURDER (Death sentence imposed)	\$7,500
AGGRAVATED MURDER (Other sentence)	\$3,000
MURDER	\$ 750
FELONIES	\$ 750
MISDEMEANORS	\$ 300

4. Except in Aggravated Murder cases with specification as per O.R.C. 2929.04(A) (and 2941.14(B), representation for post conviction proceedings and state or federal habeas corpus proceedings shall be reimbursed at the rate of \$40.00 per hour of representation out of court and \$50.00 per hour of representation in court up to the following maximum amounts:

POST CONVICTIONS PROCEEDINGS WITH EVIDENTIARY HEARING	\$750
POST CONVICTIONS PROCEEDINGS WITHOUT EVIDENTIARY HEARING	\$375

HABEAS CORPUS W/EVIDENTIARY HEARING \$750

HABEAS CORPUS W/OUT EVIDENTIARY HEARING \$750

In Aggravated Murder cases with a death sentence imposed, reimbursement shall be made at the rate of \$45.00 per hour for in or out of court representation to a maximum of \$10,000 for each state of the post conviction or habeas corpus proceeding.

Reimbursement for representation which exceeds the above stated maximums will be made only with prior approval of the court.

5. Payment and/or reimbursement for expenses associated with providing representation shall be made upon submission of the attorney's fee certificate OPD-1026 and Affidavit of Indigency which has been approved by the trial judge.

6. No fees will be paid if the request for payment in Item 5 above is submitted to the County Auditor more than 60 days after the termination of said case except upon approval of the Administrative Judge.

7. Any additional compensation for felony or misdemeanor case in excess of the maximum, as indicated, will only be made by Court approval in extraordinary cases. The additional fees paid may not exceed fifty percent (50%) of the maximum scheduled fees, and are subject to the hourly rates of Item 1 above.

LOCAL RULE 14

PRE-SENTENCE INVESTIGATION

Every defendant shall report to the office of the Adult Parole Authority, 137 West North Street, Lima, Ohio, immediately after any hearing in which the court orders a pre-sentence investigation, or if by reason of the lateness of the day, such is impracticable, the defendant will so report the following workday morning. If defendant is incarcerated, and following such a hearing is not interviewed by the Adult Parole Authority office while defendant is

incarcerated, then defendant shall report to the said office immediately upon defendant's release. Legal counsel representing such defendants will advise their clients of this rule and take all reasonable steps to see that this rule is strictly enforced.

LOCAL RULE 15

WRITTEN NOT GUILTY PLEA

Pursuant to Criminal Rule 10(B), the defendant may be absent from the assigned arraignment date if the following conditions are met prior to that time:

- A. the defendant is not in custody on the assigned arraignment date;
- B. the defendant is represented by private counsel, or if indigent, has obtained court-appointed counsel; and
- C. the defendant, his attorney and the prosecuting attorney have executed and filed a Written Not Guilty plea on the form approved by the court and adopted herein as Form 15 - 2.03.

LOCAL RULE 16

INTERVENTION IN LIEU OF CONVICTION

Any defendant who wishes to avail him or herself of the remedies provided in R.C. 2951.041 shall appear in person and file the request in writing with the Court prior to the entry of a guilty plea. The request shall comply with R.C. 2951.041, and include a waiver of the defendant's right to a speedy trial. THE COURT MAY REJECT AN OFFENDER'S REQUEST WITHOUT HEARING.

In order for the Court to make a determination that it has "reason to believe" that drug or alcohol usage by the offender was a factor leading to the offender's criminal behavior, there shall be a "prima facie" hearing, the defendant shall present sufficient evidence by direct testimony and/or reports to establish a basis in fact for the defendant's eligibility, under R.C. 2941.041(B) prior to any Court-ordered medical and/or psychiatric examination. There shall also be a showing of the defendant's ability to satisfactorily fund and complete the program if granted

subsequently by the Court.

Any evaluation conducted shall be at defendant's expense and paid directly to the service provider.

LOCAL RULE 17

JURY MANAGEMENT

SEE LOCAL RULE 1

LOCAL RULE 18

Specialized Criminal Docket[s]

1.3 Creation of Specialized Criminal Docket[s]

In order to coordinate and integrate treatment, education, housing, employment and other services with intensive monitoring and supervision in the context of

intervention in lieu of conviction, community control, and judicial release, the court has created the following specialized dockets:

(a) Allen County Treatment Court[including Drug Court and Mental Health Court] which provides substance abuse and mental health treatment, education, housing, employment and other services, along with intensive monitoring and supervision in the context of intervention in lieu of conviction or community control supervision and includes Drug Court and Mental Health Court

(b) Allen County Re-Entry Court which provides substance abuse and mental health treatment, education, housing, employment and other services, along with intensive monitoring and supervision in the context of judicial release or other post-release supervision.

1.4 Placement on a Specialized Criminal Docket

(a) In order to have his/her criminal case placed on

the specialized docket of the Allen County Treatment Court, a criminal defendant shall either:

- (1) File for intervention in lieu of conviction pursuant to R.C. 2951.041 and Loc. R. 16 and ask that placement in the Allen County Treatment Court be a condition of the intervention plan; or
- (2) Request, by either oral or written motion, that placement in the Allen County Treatment Court be a condition of community control.

In either event, application for placement in the Allen County Treatment Court shall be subject to approval by the judge assigned to the criminal case and the Allen County Treatment Court Treatment Team, according to the criteria adopted by the Allen County Treatment Court.

Before being considered for placement in the Allen County Treatment Court a criminal defendant must be assessed by a licensed, credentialed profession who shall assess the applicant's substance abuse/mental health problem and the applicant's amenability to treatment. The assessment shall be presented to the judge assigned to the criminal case BEFORE a referral is made to the Allen County Treatment Court.

(2) In order to have his/her criminal case placed on the specialized docket of the Allen County Re-Entry Court, a criminal defendant shall:

- (1) File and qualify for judicial release and be referred to Re-Entry Court by the judge assigned to the criminal case.

In any event, application for placement in the Allen County Re-Entry Court shall be subject to approval by the judge assigned to the criminal case and the Allen County Re-Entry Court Team according to the criteria adopted by the Allen County Re-Entry Court.

Before being considered for placement in the Allen County Re-Entry Court a criminal defendant must be assessed by Community Connection for Ohio Offenders, Inc. The assessment shall be presented to the judge assigned to the

criminal case BEFORE a referral is made to the Allen County Re-Entry Court.

1.5 Case Management for the Specialized Criminal Docket[s]

All case management action for cases on a specialized criminal docket shall be according to the specific procedure set forth by the specialized court with case management services coordinated by Community Connection for Ohio Offenders, Inc. (see flow chart attached as Exhibit 18.03). However, the judge presiding over the specialized docket shall have the

18.04 Removal of Case from Specialized Criminal Docket

If an individual is unsuccessfully terminated from a specialized docket court for any reason, then his/her case shall be returned to the regular docket, pursuant to Loc. R. 1.01(B)(3)(a).