

LOCAL RULES OF COURT
RICHLAND COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION
50 Park Avenue East
Mansfield Ohio, 44902
www.richlandcountyoh.us

RICHLAND COUNTY
CLERK OF COURTS
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LOCAL RULES OF COURT
RICHLAND COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION

RULE 1: MOTION PRACTICE

1.01 Generally.

- (A) **Motion and response time.** The moving party shall serve and file with its motion a brief written statement of the reasons in support of the motion and citations of the authority on which it relies. The pages of motions and briefs shall be numbered. Briefing schedules will be set in accordance with Civ. R. 6(C).
- (B) **Unreported cases.** When case reports from a source other than an official reporter are attached to a motion or response, the attorney or party attaching the case shall highlight the specific language in the decision which is most relevant to the motion or response.
- (C) **File original and one copy.** Each party must file the original and one copy of its motion, memorandum or brief with the Clerk. The judges' staff do not file these documents for the parties. The Clerk will deliver the copy of the document to the assigned judge or magistrate. No facsimile or e-mail documents or copies will be accepted for filing without prior permission of the assigned judge or magistrate except as provided in Local Rule 15 Please also note the pleading requirements of Loc.R. 10.
- (D) **Hearings on motions.** Motions will not generally be set for an oral hearing except (1) when required by rule or statute, (2) upon request of a party supported by justification satisfactory to the court, or (3) upon the court's own determination that an oral hearing would be helpful to the court in resolving the motion.
- (E) **Proposed judgment entry.** A party filing a procedural motion, a motion for additional time or leave to amend, or any other motion which is likely to be resolved by a relatively simple entry shall include a proposed judgment entry on the motion for the use of the court. The proposed judgment entry should not be stapled to the motion. Parties submitting judgment entries should also be aware of the copy requirements of Loc.R. 2.03(A).
- (F) **Cases assigned to magistrate.** Until filing of the magistrate's final decision or order, all motions in a case assigned to a magistrate shall be directed to the magistrate rather than to the judge to whom the case was originally assigned.

1.02 Motions for Continuance.

- (A) **Continuances disfavored.** The most common complaint of litigants regarding the court system is the delay in the resolution of disputes. The court endeavors to schedule hearings with due regard for the complexities of the case and the schedules of the parties and their attorneys, and the court looks with disfavor on continuances.
- (B) **Requirements of Sup. R. 41.** The Ohio Supreme Court, in Sup. R. 41: (1) prohibits a common pleas court from granting a continuance of a trial or hearing without a written motion from the party stating the reason for the continuance, (2) requires the motion to be endorsed in writing by the party as well as counsel, (3) prohibits the granting of a continuance without first setting a definite date for the trial or hearing, and (4) requires a common pleas court to consider the feasibility of the alternate methods of recording testimony permitted by Civ. R. 30(B) and authorized for use by Civ. R. 32(A)(3) before granting a continuance because of the unavailability of a witness at the time of trial.
- (C) **Conflicting assignment.** In compliance with the Ohio Supreme Court's Sup. R. 41(B), when a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. All motions for continuance based on conflicting trial assignments shall have attached to the motion a copy of the notice of assignment from the other court which the party contends takes precedence, and shall be filed not less than 30 days prior to trial.
- (D) **Client's acknowledgement of continuance.** All motions for continuance of a trial filed by counsel shall be accompanied by a statement signed by the client that the client is aware that the motion for continuance is being made.
- (E) **Availability of medical witnesses.** In civil cases in which the parties propose to use medical witnesses, the parties should take trial depositions of all medical witnesses. No case will be continued because of the unavailability at trial of the medical witness unless the moving party demonstrates that he promptly and resourcefully exhausted efforts to obtain that witness' testimony by deposition.

1.03 Motions for leave to plead. By written stipulation of the parties filed with the court, any party may be permitted up to 28 days additional time in which to answer or otherwise respond to a pleading against that party which requires a response. Any motion for leave to plead which is addressed to the court shall state (1) the facts which demonstrate good cause for the extension of time, (2) the number of previous leaves to plead and the total additional time already granted, and (3) the position of opposing counsel regarding the additional extension of time requested.

1.04 Motions for leave to amend, to intervene, to join a new party, or to file a third party complaint. A motion for leave to amend a pleading, to intervene, to join an additional

party, or to file a third party complaint shall be accompanied, and not attached as an exhibit, by a copy of the proposed amended or other new pleading which will be filed if leave is granted.

1.05 Motions for summary judgment. Memoranda in opposition to summary judgment, affidavits and other sworn material filed in opposition to summary judgment shall be filed and served in accordance with Civil Rule 6(C).

1.06 Discovery motions. It is the policy of this court to insist on the cooperation of the parties and counsel in full and proper discovery and to avoid the court's involvement in the discovery process. No motion to compel discovery, motion for protective order, or similar discovery motion shall be filed with the court until after the problem has been thoroughly discussed with opposing counsel, and a diligent effort has been made to solve the problem informally. An affidavit by counsel describing in detail the efforts which have been made to resolve the problem with opposing counsel shall accompany any discovery motion made to the court. The presentation of an unwarranted motion or unwarranted opposition to discovery will subject the offender to sanctions under Civ. R. 37 and this local rule, including the imposition of costs and reasonable counsel fees and expenses.

1.07 Extensions of Time. By agreement of opposing counsel, any party may be permitted leave to plea provided that the total extension of time does not exceed 28 days. The agreement of counsel should be evidenced by an "Agreed Extension of Time" that has been signed by all parties to the action.

Except as otherwise provided by these Local Rules, where a party needs additional time, beyond that provided in Loc. R. 1.07, or where the parties cannot agree upon an extension of time, the party desiring the extension must file a written motion, supported by an affidavit that demonstrates good cause for another extension. The motion and affidavit must be filed on or before the expiration of the time to move or plead. The motion and affidavit must be filed even though consent of opposing counsel is obtained if the extension is for the period of time beyond that permitted by Loc. R. 1.07. The moving party must submit a proposed judgment entry.

RULE 2: CIVIL CASE MANAGEMENT

2.01 Case Designation Form and Scheduling Conference.

(A) **Case Designation.** Every complaint or other original civil filing shall be accompanied by a Case Designation Form, which can be obtained in the office of the Clerk of Courts. No complaint in a civil case shall be accepted for filing unless accompanied by a completed Case Designation Form.

- (B) **Timing and service of scheduling conference or order.** After a civil case is filed the Clerk will serve the summons and complaint (or notice of appeal in workers' compensation and administrative appeal cases) on each defendant and shall send notice of the service to the Court. The Court will issue an order for a scheduling conference for service on all parties to the action. In cases in which service is made by publication, it is the obligation of the person requesting service by publication to see that a copy of the order for scheduling conference is immediately served on anyone entering an appearance after being served by publication, and failure to discharge this obligation is a failure to prosecute the claim(s). The scheduling order will comply with the following guidelines:
1. **Professional tort, products liability, other tort, and other civil cases:** The scheduling conference will be held approximately 3 months after filing.
 2. **Foreclosure cases.** A status conference will be held approximately 90 days after the filing. The scheduling order in a foreclosure case will notify the parties of the filing deadlines for default or summary judgment motions.
 3. **Administrative appeals.** The initial scheduling order will be a briefing schedule for the appeal. The parties will argue the case before the court only if oral argument is requested by the parties and approved by the court.
 4. **Worker's Compensation.** The jury trial will be scheduled approximately 11 months after filing. A status conference will be scheduled approximately 9 months after filing.
 5. **Tax Foreclosures.** A Magistrate's review will be scheduled approximately 4 months after filing. A scheduling order will be issued according to the status of the case and need for same.
- (C) **Trial order.** At the scheduling conference, the Court will schedule a date for the final pretrial, trial and the other resolution events appropriate to the case will be as well as dates for completion of discovery, substantive or dispositive motions, and expert witness deadlines, and a trial order confirming those dates will then be provided to the parties.
- (D) **Mandatory attendance.** Counsel - not secretaries or paralegals - shall appear with their calendars to facilitate scheduling
- (E) **Attendance by telephone.** Attendance may be by telephone upon the condition that opposing counsel are notified and given the opportunity to appear by phone as well. The requesting party shall conference in all parties appearing by phone and the Court in last. The fact that one or more counsel elects to attend by phone does not prevent others from attending in person. The Court does not require notice of the intent to attend by phone.
- (F) **Service of Counsel who have not yet entered an appearance.** If there are any defendants who have not yet entered an appearance, plaintiff's counsel shall assure they are served with a copy of this scheduling order when they appear.

(G) **Jury Demand.** A party who files a jury demand in a civil case must pay a \$400.00 deposit no later than 30 days after the demand is filed. Failure to pay the \$400.00 deposit may result in the jury demand being denied for cause. The requesting party shall denote “Jury Demand” in case caption as well as on the case designation sheet.

2.02 **Alternative dispute resolution.** In addition to jury and nonjury trials, the court makes dispute resolution proceedings available to litigants. Richland County Common Pleas Court, General Division mediations are done in accordance with the Ohio Uniform Mediation Act and the provisions are herein incorporated by reference.

(A) **Mediation.** The court may issue orders requiring participation in mediation at any stage of the proceedings upon its own motion, upon the motion of counsel, or upon agreement of the parties. All parties and their attorneys are required to attend the mediation session and to meaningfully participate. A party who is not a natural person must send an agent or employee to the mediation who has actual authority to settle the dispute. Permission to participate in a mediation session by telephone will generally be granted only when justified by a showing of extraordinary circumstances, and must be obtained from the court in advance of the mediation session.

An individual with the requisite, actual authority to negotiate and settle the dispute shall attend the mediation on behalf of any party that is not a natural person. When applicable, insurance representatives with settlement authority shall attend mediations. In foreclosure mediations, parties and attorneys may appear by telephone, unless otherwise ordered. Leave to appear by telephone in mediations other than foreclosure mediations may be granted upon advance request with consent of all parties and the mediator, or upon a showing of extraordinary hardship.

Failure of a plaintiff to attend and meaningfully participate in mediation may be treated as a failure to prosecute the case. Failure of a defendant to attend and meaningfully participate in mediation may be treated as a failure to make a good faith effort to settle the case which in turn could justify an award of prejudgment interest in an appropriate case. In addition, failure to attend, prepare for, or meaningfully participate in negotiations at a mediation conference will result in the imposition of appropriate sanctions, potentially including but not limited to monetary penalties for costs, the other parties’ expenses, prejudgment interest, dismissal or default. The minimum monetary penalty on a noncompliant party will be an award against that party and/or attorney of \$100.00 expenses to each party who does comply and of \$100.00 to the Court. Lack of discovery or settlement authority will not excuse failure to negotiate.

Each party is required to prepare and deliver to the Mediation Department prior to the scheduled mediation date, a Confidential Mediation Statement not to exceed five (5) double-spaced, typewritten pages setting forth the following: (1) a statement of the essential facts of this case underlying the claims and defenses currently asserted by the parties; (2) a statement of all disputed procedural, substantive and evidentiary issues; and

(3) a statement of the current status of settlement negotiations, including without limitation, the offers and the responses.

Continuances in mediations shall be granted only for good cause shown **no less than 2 weeks prior to mediation** and after the movant has obtained a mutually acceptable future date from opposing counsel and the mediator. A continuance will generally not be granted if mediation cannot be scheduled prior to the final pretrial.

Mediation may not be used in those situations prohibited by Sup.R. 16(B)(1). A party may request that another trusted individual accompany them to the mediation.

At the conclusion of mediation, a detailed Mediation Report shall be filed by the Mediator with the court. In cases where an agreement has been reached, the parties shall file an Agreed Judgment Entry with the court within 30 days of the mediation.

Comments and complaints regarding the performance of the mediator shall be submitted in writing to the court administrator who will provide a copy to the mediator who is the subject of the complaint or comment. The court administrator will also forward any comments and complaints to the administrative judge of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the mediator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the mediator of the disposition.

2.03 Judgment Entries.

(A) **Settlement or dismissal entries.** Settlement or dismissal entries shall be filed with the court within 14 days after counsel advise the court that a case is settled, unless leave of court is obtained for good cause shown to file the entry later. The entry should allocate court costs. If the entry is not timely filed, the court may enter its own order dismissing the case and assessing court costs in accordance with Loc. R. 2.03(D).

The party submitting a settlement or dismissal entry shall enclose sufficient copies to serve all parties and pre-addressed envelopes for service on all parties. The envelopes need not necessarily be stamped.

(B) **Partial or final dismissal entry.** The party submitting a dismissal entry which does not dismiss all the claims of all the parties in the case shall label it "PARTIAL DISMISSAL ENTRY" in the caption. The party submitting a dismissal entry which does dismiss all remaining claims in the case shall label it "FINAL DISMISSAL ENTRY" in the caption.

(C) **Entries prepared by counsel.** When directed to prepare an entry by the court, counsel for the party in whose favor judgment is rendered shall prepare a journal entry within 10 days thereafter and submit it to opposing counsel, who – within 7 days after its receipt – shall approve it as accurately reflecting the ruling of the court, or reject it. If the entry is approved as accurate, approval shall be endorsed on the entry and the entry returned to

the prevailing party, who shall promptly file it with the court. If the parties are unable to agree on the entry, the prevailing party shall submit his proposed draft to the court, within 20 days after the judgment is announced, and the opposing party may file any written objections to the entry within the following 5 days. If no entry is submitted within 20 days, the court may prepare its own entry or take such other action as it deems appropriate in the circumstances.

Entries of Judgment must comply with Civ. R. 54(B). Final appealable orders must clearly state “this is a final appealable order and there is not just cause for delay.” The Clerk is ordered to serve upon all parties, not in default for failure to appear, notice of this judgment and its date of entry upon the journal.

- (D) **Assessment of costs when not specified.** If the final entry in a case does not otherwise allocate and assess costs, then costs are assessed against the plaintiff(s) to the extent of plaintiff's cost deposit, and the balance (if any) of the costs are assessed against defendant(s) jointly and severally.
- (E) **Default and cognovit judgment entries.** The moving party shall assure that a cognovit judgment entry or a default judgment entry (including a default judgment entry which also schedules a hearing on damages) is served at the last known address(es) on the party(s) against whom that judgment is taken.

2.04 Required Trial Preparation. At least seven (7) days prior to trial, each party shall:

- (A) **Submit a trial brief.** The trial brief should contain (1) a clear statement of each cause of action and defense with a brief summary of the facts supporting each of them, (2) a statement of the legal theories or issues with citations of the authority relied upon, and (3) anticipated objections and evidentiary problems with citations of authority. Counsel are required to exchange briefs.
- (B) **File any proposed jury instructions and interrogatories.** Counsel are required to file and exchange instructions and interrogatories at least 7 days before trial. Jury instructions and interrogatories should address liability and damages and any other unusual issues in the case. Counsel shall also email a word copy of proposed jury instructions and interrogatories to the Court no later than the first day of trial.
- (C) **Identify and mark exhibits.**
 1. Mark exhibits in advance of trial, plaintiffs using numbers and defendants using letters.
 2. By the week prior to trial, the parties shall review each other's exhibits and decide whether you will stipulate or contest authenticity.
 3. Provide the court at trial with a list of your exhibits noting for each exhibit whether authenticity is stipulated.

4. For all photographs, charts or other exhibits larger than 8-1/2"x11" folded, provide a photo or other copy no larger than 8-1/2"x11" to keep for the appellate record. The original, large exhibit will be returned to counsel at the end of trial.
- (D) **Identify trial witness.** Provide a list of witnesses to opposing parties before trial. Identify on this list which witnesses you intend to call as experts and state the basic substance of their proposed testimony
- (E) **Resolve objections to deposition testimony.** Obtain rulings before trial on all objections to deposition testimony to be used at trial. If you object to the admission of any portion of a trial deposition, it is your responsibility to call the court to schedule resolution of those objections before trial. Failure to do so constitutes a waiver of the objections
- (F) **Courtroom Technology.** Should you wish to use technology in the courtroom, it is the responsibility of the attorneys to contact the Courts' IT Department at 419-774-7895 no less than 5 days before trial to confirm that your technology will work with the courtroom equipment.
- (G) **Failure to comply.** Failure to comply with these rules may result in appropriate sanction, including without limitation exclusion of evidence or waiver of objections to evidence.
- 2.05 **Bankruptcy Adjudication.** The attorney of record or the unrepresented party shall, within fifteen (15) days after filing the bankruptcy, file a written notice of filing of bankruptcy and suggestion of stay of the proceedings in all Richland County cases included in the bankruptcy with the Clerk of this Court and serve a copy of such notice upon other counsel or unrepresented parties of record in such action(s). Upon the filing of such notice, the Court will order an indefinite stay of further proceedings and place the case(s) on the inactive docket until discharge or dismissal is granted by the U.S. Bankruptcy Court. Costs of the action shall be paid from the deposit. Counsel or the party shall notify the Clerk of Courts by filing a written motion when the case is ready to proceed and the Clerk shall require additional funds to be deposited as security for costs.
- 2.06 **Complaints on Cognovit Notes.** Before presenting a complaint on cognovit note to the Court, a party must file the complaint with the Clerk of Courts so that the case can be randomly assigned to a judge. **The original cognovit note must be presented with the complaint.** After assigned, the complaint and related filings will be promptly delivered to the assigned judge by the Clerk of Courts. The assigned judge will consider the complaint, as soon as possible, but at the Court's convenience.
- 2.07 **Receiverships**

All receiverships shall be conducted according to Ohio Revised Code Chapter 2735.03. This local rule supplements and does not modify chapter 2735.03.

(A) **Opening the Receivership and Hearings.**

1. Absent an emergency in which irreparable harm is likely to occur, the Court will not grant a receivership on an *ex parte* basis. The party(s) seeking a receivership should ordinarily consult with secured creditors, the debtor, and other parties expected to have a significant interest in being heard in order to schedule the appointment of receiver hearing in a timely manner. That hearing will not be required if the interested parties agree, and the court approves that receiver. A hearing will also not be required if movant represents that no one objects to the receiver and the court approves that receiver.
2. The Court will set a bond commensurate with the anticipated size of the estate, taking into account the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the Court to make an informed judgment on bond.
3. An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the Court at any time.

(B) **Qualifications to Serve as a Receiver.**

Upon accepting appointment, each receiver must affirmatively acknowledge in a written oath filed with the court that the receiver will:

1. Act in conformity with Ohio law and these local rules;
2. Deposit all funds coming into their hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
3. Avoid any conflict of interest;
4. Not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the Court;
5. Not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
6. Otherwise act in the best interests of the estate.

(C) **General Duties of the Receiver.** Unless the Court specifically authorizes a receiver to continue a business, the receiver shall:

1. Take control of the assets of the defendant debtor that are subject to the receivership;
2. Give notice to all known creditors of the receiver's appointment;

3. Afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the Court, publish in a newspaper of general circulation within the County a deadline or bar date for submitting claims;
4. Cause the assets of the business to be preserved, inventoried and where appropriate appraised;
5. Determine the validity and priority of creditors' claims;
6. Take such other appropriate steps as may be timely, reasonable and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free-and-clear of all liens provided the liens attach to the proceeds of sale;
7. Make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the Court deems appropriate.
8. Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in removal of the receiver and/or attorney for the receiver and withholding of fees for the receiver and counsel.

(D) Receivership Plan and Progress Reports.

1. Within 30 days after filing the receivership, or as soon thereafter as information becomes reasonably available, the receiver shall file a written plan for the receivership. The plan shall, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the Court.
2. The initial receivership plan shall identify:
 - a. The nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;
 - b. Whether the present goal is to preserve and operate a business, collect rental on property, liquidate assets, or take other action;
 - c. The significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;
 - d. Anticipated transactional costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees,

accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);

- e. The anticipated duration of the receivership;
 - f. If an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;
 - g. If property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;
 - h. If litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.
3. After filing the first plan, the receiver shall file updated plans and reports no less often than semi-annually. Each shall include a summary of action taken to date measured against the previous plan for the receivership; shall set forth proposed future action; and shall update previous estimates of costs, expenses, and the timetable needed to complete the receivership.
 4. Copies of each receiver's plan and report shall be filed with the Clerk, with service upon all parties who have made an appearance or for whom service remains pending.

(E) Applications to Employ Counsel or Professionals and Payment of Fees.

1. A receiver requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property shall apply to the Court. All such professionals must be disinterested persons with no business relationship with the receiver, unless otherwise expressly disclosed and approved in advance by the Court. Applications to employ professionals shall also set forth, the professional's proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership.
2. Written notice of all such application shall be given to the debtor, all parties that have appeared and all those for whom service of process remains pending.
3. The receiver or counsel for the receiver shall attach to each itemized fee application a brief updated plan and progress report.

(F) Final Report to the Court and Creditors. When the final fee application is submitted, it shall be accompanied by the Receiver's Final Report that includes all of the following information:

1. The total amount of money collected during the receivership and the source(s) of those funds.
2. Total funds previously disbursed to creditors;
3. The amount of money or any property remaining on hand;
4. The status of all known secured and unsecured creditors' claims;
5. Proposed final distributions to creditors and the date by which receiver proposes to make them and close out the case;
6. The total administrative expense incurred to date, including fees paid to the receiver, attorneys and other professionals;
7. The amount of additional administrative expense sought to be paid in the final fee application; and
8. Any known objections or other positions taken by those having an interest in the receivership.

2.08 Administrative Appeals

- (A) According to Ohio Revised Code Section 2506.02, Appellant shall prepare and file a complete transcript within forty (40) days after filing a notice of appeal.
- (B) Appellant shall file the brief in support no later than thirty (30) days after the filing of the transcript.
- (C) Appellee(s) shall file any brief(s) in opposition to the appeal no later than thirty (30) days after Appellant's brief.
- (D) Appellant shall file a reply brief, if appellant thinks a reply brief is needed, no later than fourteen (14) days weeks after brief in opposition.
- (E) A non-oral hearing shall be held approximately five (5) days after the reply brief is due.

2.09 Service by Posting in Civil Protection Orders: In civil protection order proceedings where the party's residence upon whom service is sought is unknown, service may be made by posting and mail without the necessity of a poverty affidavit. Before service by posting and mail can be made under Rule 4.4(A)(2)(b), an affidavit of the party requesting service or that party's counsel shall be filed with the court. The affidavit shall contain the same averments required by division (A)(1) of this rule and, in addition, shall set forth the last known address of the party to be served. Upon the filing of the affidavit,

the clerk shall cause service of notice to be made by posting in a conspicuous place at the entrance of the:

The Richland County Administration Building;
The Mansfield City Administration Building;
The Richland County Sheriff's Office; and
The Richland County Clerk of Court's Office.

The postings under this division (A)(2)(b) shall not be made on the website of the clerk of courts. The notice shall contain the same information required by division (A)(1) of this rule to be contained in a newspaper publication. The notice shall be posted for six successive weeks

RULE 3: CRIMINAL CASE MANAGEMENT

- 3.01 Grand jury after arrest.** The prosecuting attorney shall take charges to the grand jury within 30 days after the date of arrest if the defendant is incarcerated, or within 60 days after the date of arrest if the defendant is not incarcerated. The Court may extend the time limit upon a showing of good cause.
- 3.02 Arraignment.** In addition to satisfying the requirements of Crim. R. 10 and the Revised Code, the magistrate or judge will, within one week after the arraignment, schedule the case for the prosecutor's pretrial between the assigned prosecutor and defense counsel. The defendant and defense counsel may waive arraignment in writing on the form provided by the court.
- 3.03 Discovery.** Discovery shall be conducted in a manner that will eliminate delay and unnecessary expense. If a "not guilty" plea is entered by the defendant at the arraignment, the prosecutor shall mail or otherwise deliver a discovery packet to defense counsel no later than two weeks after arraignment, unless speedy trial concerns require a shorter time period. Receipt of the discovery packet by defense counsel automatically obligates defendant to supply reciprocal discovery as described in Crim. R. 16 within 30 days. When new defense counsel takes over representation of a defendant after the prosecutor has delivered discovery to prior defense counsel, it is the responsibility of new defense counsel (1) to obtain the discovery from prior defense counsel or from the prosecutor if that discovery is unavailable from prior counsel and (2) to fulfill defendant's reciprocal discovery duties.
- 3.04 Prosecutor's pretrial.** As soon as possible after arraignment, judicial staff will schedule and issue an order setting the prosecutor pretrial. Defense counsel shall appear for the prosecutor pretrial at the Office of the Richland County Prosecutor. Counsel shall be prepared to have preliminary discussions regarding facts, resolution and any motions that are anticipated. If defense counsel has a scheduling conflict, that attorney shall ask the Richland County Prosecutor's Office to reschedule the pretrial or to appear via telephone. The Court may in appropriate cases bypass the prosecutor's pretrial.

- 3.05 **Final pretrial.** The final pretrial will be held between 2 and 4 weeks prior to the scheduled trial date. The defendant shall attend the final pretrial unless the court directs otherwise. It is defense counsel's obligation to determine from the assigned judge the date after which the defendant may no longer plead to amended charges or receive an agreed sentence for a plea.
- 3.06 **Transport of prisoner to court.** It is defense counsel's responsibility to confirm a prisoner's location and to prepare a transport order for any hearing at which an incarcerated (other than in the Richland County Jail) defendant's presence is required.
- 3.07 **Application of other local rules to criminal cases.** The other local rules of this court apply to all criminal cases, except where clearly inapplicable.
- 3.08 **Eligibility to serve as court appointed trial counsel.** All attorneys who qualify by training and experience (according to O.A.C. § 120-1-10) to represent indigent felony defendants will, upon completion of the Court's Application for Inclusion, be added to the courts' appointed trial counsel list. Attorneys should promptly notify the court of any increase or decrease in their qualifications for appointment. To qualify for appointment as trial counsel, an attorney must have a phone number where that attorney can be phoned by the Richland County client without a toll call. Appointed counsel will not be reimbursed for travel time to and from another office to Richland County. Appointed counsel is assigned on a rotating basis among qualified counsel to ensure an equitable distribution of appointments, so long as they continue to be responsive to their assigned clients and to the court. The court reserves the right to prefer attorneys for appointment whose offices are closer in geographic vicinity to Richland County. Eligibility for court appointed counsel maybe revoked by the Court in the interest of justice for good cause shown.
- 3.09 **Eligibility to serve as court appointed appellate counsel.** All attorneys who qualify by training and experience (according to O.A.C. § 120-1-10) to represent indigent felony defendants in the appeal of their convictions will, upon completion of the Court's Application for Inclusion, be added to the courts' appointed appellate counsel list. Appointed counsel is assigned on a rotating basis among qualified counsel to ensure an equitable distribution of appointments, so long as they continue to be responsive to their assigned clients and the court. The court reserves the right to prefer attorneys for appointment whose offices are closer in geographic vicinity to Richland County. Eligibility for court appointed counsel maybe revoked by the Court in the interest of justice for good cause shown.
- 3.10 **Indigency.** Before counsel is appointed, each alleged indigent defendant must establish indigency during arraignment by disclosing the number of persons in the household, sources of income to the household, assets, and liabilities. The defendant must complete a Financial Disclosure Form. Appointed counsel is responsible for acquiring defendant's signature on section IX Applicant Certification of the Financial Disclosure Form.

3.11 Requests for Compensation. Appointed counsel shall make all requests for compensation for payment by completing the prescribed Ohio Public Defender Forms and submitting them to the Court within 30 days after filing of the termination entry of the case for which reimbursement is requested. An attorney may be denied or be subject to a reduction in the reimbursement requested for failure to meet the time deadlines or to comply with the other reimbursement requirements. The rate of compensation shall be that set by the Richland County Board of Commissioners' Resolution.

Appointed counsel shall ensure that a defendant completes and signs the Financial Disclosure/Affidavit of Indigency as required in OAC 120-1-03 (J) as soon as practicable after appointment. Failure to obtain defendant's signature on the Affidavit will require explanation in the form of an affidavit signed by appointed counsel. Failure to acquire defendant's signature may result in the denial of counsel's request to have fees approved.

Exceeding Maximum Fees. To charge and receive fees in excess of the limitations set by the county commissioners, assigned counsel must apply to the court for authorization to exceed the limitations. Assigned counsel should make that application when it first appears (not at the end of the case) the fees in a given case may exceed the maximum fee approved for that level of felony, counsel shall apply to the assigned judge to exceed the maximum authorized fee. That application shall include the justification for the extraordinary fees.

Assigned counsel will not be reimbursed for travel time, mileage or parking. In addition, no allowance will be approved for fixed office overhead, daily copies of transcripts, or depositions.

RULE 4: WITHDRAWAL OF COUNSEL

A withdrawal of representation by counsel after a case is set for trial is discouraged. In civil cases, no attorney will be permitted to withdraw as counsel for a party once that attorney has entered an appearance on behalf of that party unless (1) the attorney files a written acknowledgement signed by his client that the client understands the case will proceed according to the time schedule already fixed by the court whether or not he has a new attorney, that he nevertheless consents to withdrawal of his attorney, and giving the client's current telephone number and address, or (2) after a hearing at which the party is present and may be questioned by the court, or (3) there is a concurrent substitution of new counsel for the party. The motion to withdraw must also include the last known address and phone number of the client.

In criminal cases, the motion to withdraw shall be made no later than fifteen days before trial and an oral hearing will be scheduled. The motion to withdraw must also include the last known address and phone number of the client if the defendant is not in custody.

RULE 5: VIDEO TAPED DEPOSITIONS

A video taped deposition filed for use at trial or filed in support of, or opposition to any motion before the court shall be accompanied by a written transcript of the deposition. The transcript of a video taped deposition to be used at trial shall show the recorded time of each objection made by the parties during the deposition.

RULE 6: JURY VIEW

A jury view is not generally favored. The same information may be presented through photographs or videos of the scene, diagrams or aerial photographs. No jury view will be ordered in a civil case until the party requesting the jury view has deposited the sheriff's transportation cost with the Clerk of Courts. The reasonable cost of transportation for a jury view shall then be taxed to costs of the case to be reimbursed to a party making the deposit (if costs are not taxed to that party) upon completion of the case.

RULE 7: ASSIGNMENT OF JUDGES

- 7.01 Civil cases.** A new civil case shall be assigned randomly by the Clerk to a judge. No action shall be taken on any case until it is assigned to a judge.
- 7.02 Consolidated cases.** A motion for consolidation shall be decided by the judge assigned to the case having the oldest case number, and if consolidation is granted, the cases shall be consolidated into the case with the oldest case number under the judge assigned to that case.
- 7.03 Refiled cases.** If a case is dismissed and subsequently refiled, it shall be reassigned to the same judge to whom it was assigned prior to dismissal. A refiled case shall state under the case number on the complaint, "this is a refiled case previously assigned to Judge _____" with the name of the judge to whom the case was previously assigned being inserted in the blank.
- 7.04 Criminal Cases.**
- (A) **Grand Jury Assignments.** The two general division judges of this court shall alternately call, instruct, and handle the grand jury.
- (B) **Prior Criminal Cases.** Cases in which the defendant has prior criminal cases in Richland County shall be assigned to the same judge as presided over the oldest prior case or the judge's successor.

When cases involving multiple Defendants are related, all cases shall be assigned to the judge with the lowest pending case number.

Defendants charged with offenses of capital murder, aggravated murder and murder shall be alternately assigned between the trial judges of this division.

All other cases are assigned randomly among the judges of the division through an objective and impartial system that ensures the equitable distribution of cases between or among the judges of the division

RULE 8: FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS

- 8.01 Title search.** In foreclosure, quiet title, and partition actions for real property – except for certain *in rem* foreclosures for delinquent real property taxes which are permitted by Revised Code chapter 5721 to be filed without title searches – the attorney for the plaintiff shall procure and file with the Clerk concurrently with his complaint, evidence of the state of record title to the premises, including the names of the owners and lien holders of the property to be sold and a reference to volume and page number at which the instrument is recorded under which each owner or lien holder claims title. Each such title search shall be prepared not more than 30 days prior to the filing of the case by a qualified attorney in good standing, by a qualified title and abstract company, or, upon approval of the court for good cause shown, by some other qualified person. If a plaintiff in a foreclosure case claims ownership of the loan or mortgage through an assignment, a title search must demonstrate that assignment of record before a foreclosure judgment may be entered. Failure to comply with this rule may be grounds for dismissal of the action without notice. The reasonable cost of the title search may be taxed to the costs of the case upon request of the party who incurs the expense.
- 8.02 Permanent parcel number and address of property.** In any foreclosure, quiet title, or partition action involving Richland County real property, the complaint shall include on its face, the permanent parcel number and the address of the property, and as part of the description of the real estate the permanent parcel number(s) assigned to that property by the Richland County Auditor.
- 8.03 Mortgage Conciliation Program.** The Court offers a conciliation program to determine if it is possible to negotiate an agreement between a mortgage holder and the lender. Upon referral of a case to the Mortgage Conciliation Program, the court will hold in abeyance ruling on any and all motions dispositive in nature until the court is satisfied that the terms and conditions of the Mortgage Conciliation Program have been fully met.
- (A) To qualify for the program, the defendant property owner must file an answer. Once filed the Court will review the answer and make a determination as to whether the case is appropriate for the program.

- (B) If the case is accepted, the Court will acknowledge that acceptance by letter. Attached will be an Authorization for Release of Information form which must be returned to the Court.
- (C) Homeowner defendants must complete a credit counseling session. The Court has a list of approved agencies which is available upon request. Failure to complete credit counseling may result in the termination of the program and a return to the litigation track.
- (D) All counsel and parties are ordered to cooperate with the Richland County Mortgage Conciliation Program. Failure of Plaintiff to cooperate with the Richland County Mortgage Conciliation Program may result in judgment being denied based upon failure to prosecute. Failure of Defendant to meaningfully participate in the Richland County Mortgage Conciliation Program may result in Defendant being removed from the Conciliation program and the case returned to the litigation track.
- (E) Counsel of record and parties shall be present during all Conciliation Program Status Conferences unless excused by the Court's Conciliation Facilitator for good cause.
- (F) After acceptance, the Court will conduct telephone status conferences and schedule the case for mediation with the parties and counsel. Lending institution representatives or other persons needed to resolve the case shall be present for mediation with full settlement authority
- (G) All written or verbal communications of any kind concerning settlement made during Conciliation Status Conferences or the actual mediation process shall be regarded as confidential and shall not be admissible or used for any purpose, including impeachment, at any trial or hearing of this cause.

8.04 Private Selling Officer. Parties seeking a judicial sale of foreclosed property by a Private Selling Officer (PSO), pursuant to ORC § 2329.01, shall file a separate motion for the Court to appoint a qualified PSO for sale of the foreclosed property. The motion shall be filed prior to, or contemporaneously with, the movant's dispositive motion. The motion shall include positive averments that: 1) the proposed PSO is a resident of the state of Ohio; 2) the proposed PSO is a licensed auctioneer under Chapter 4707 of the Revised Code. The movant must provide the Court with the PSO's auctioneer license number; and, 3) the proposed PSO is a real estate broker or real estate salesperson under Chapter 4735 of the Revised Code. The movant must provide the Court with the PSO's real estate broker or real estate salesperson license number. Any motion to appoint a PSO that does not comply with these requirements will be overruled.

8.05 Cancelling a Scheduled Foreclosure Sale. Any motion to cancel a sheriff's sale shall state why the Court is being asked to cancel the sale and also state the occupancy and maintenance status of the subject property. Simply stating that case is in "loss mitigation" is not sufficient cause for cancelation. The assigned judge will consider the

motion, as soon as possible, but at the Court's convenience. Any motion for cancellation filed less than three (3) days before the sale, is done so at plaintiff's risk.

RULE 9: SERVICE OF DOCUMENTS

- 9.01 **Proof of service.** A proof of service on a document filed with the Clerk shall list the specific parties or attorneys served. It is not acceptable to state that the document was served on all parties or counsel of record, and a document containing such an unacceptable proof of service may be rejected for filing by the Clerk or Court.
- 9.02 **Court service on Mansfield attorneys.** It shall be sufficient service or delivery by the court or its Clerk to any attorney who maintains a law office within the City of Mansfield, Ohio for any employee or official of this court or of the Clerk of this court to place a copy of the document or other paper in the attorney's mailbox maintained in the office of the Clerk of the Richland County Common Pleas Court. Any such service or delivery shall be deemed effective two business days after the date the document or other paper is placed in that mailbox. Business days are all days other than Saturdays, Sundays, or legal holidays observed by the State of Ohio.
- 9.03 **Email service on attorneys or Pro Se Litigants.** It shall be sufficient service or delivery by the court or its Clerk to counsel of record or Pro Se litigant to email a copy of the document, notice or other paper. Any such service or delivery shall be deemed effective the business date the document or other paper is emailed. Business days are all days other than Saturdays, Sundays, or legal holidays observed by the State of Ohio.

RULE 10: PLEADING REQUIREMENTS

- 10.01 **Space for file-stamp.** Along the top edge of the first page of each pleading filed with the Clerk, a party shall provide a blank space at least 2½ inches by 2½ inches in which the Clerk may place the filing stamp.
- 10.02 **Caption.** All pleadings subsequent to the original complaint shall state under the case number in the caption of the document the name of the Judge to whom the matter is assigned.
- 10.03 **Attorney registration number, address, business email address, telephone and fax numbers.** Each attorney filing a document in this court shall include their attorney or pro hac vice registration number issued by the Supreme Court of Ohio on every such document, their address, business email address, and telephone and fax numbers. An attorney who is not licensed to practice law in Ohio shall include his state of licensure

and the attorney registration number issued to the attorney by the Supreme Court or highest court of that state.

Counsel have a responsibility to update their mailing address, business email address, telephone number and fax numbers when they change by sending a notice to the Clerk of Court's in writing.

10.04 Paper and fastening limitations. All pleadings and written attachments filed with the court shall be on 8½ inch x 11 inch paper printed on one side only. Each pleading shall be separately fastened together. Spring clips, paperclips, rubber bands and similar easily dislodged fasteners are not acceptable. Related pleadings (for example, a motion, an affidavit and a proposed judgment entry) should not be stapled together. The Clerk may reject documents for filing that do not conform to this rule.

10.05 Social Security Numbers and Personal Identifiers

- (A) No pleading or other document or attachment may be filed with the court if it contains personal identifiers. "Personal identifiers" means social security numbers, except for the last four digits; financial account number, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers.
- (B) When personal identifiers are omitted from a case document submitted to a court or filed with a clerk of court pursuant to division (A) of this rule, the party shall submit or file that information on the Personal Identifiers form used by this court in a sealed envelope. That party shall label the envelope on its outside that it contains the Personal Identifiers and that it may be opened only by the court or on its order, and shall identify the case number and the document to which the envelope is attached. Redacted or omitted personal identifiers shall be provided to the court or clerk upon request or a party to the judicial action or proceeding upon motion.
- (C) The responsibility for omitting personal identifiers from a case document shall rest solely with the party. The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.
- (D) No pleading or other document or attachment may be filed with the court if it contains a social security number or personal identifier, except as follows:
 - 1. The prosecutor may place a defendant's social security number on the original indictment or bill of information filed in a criminal case or in a motion or order to amend the social security number in the indictment or bill. The prosecutor and court personnel may place a person's social security number on a warrant for that person's arrest.
 - 2. A judgment creditor filing a garnishment action may put the debtor's social security number on the copy that is to be served on the garnishee. The original and all other

copies of the garnishment shall contain only the last four digits of the social security number.

3. Documents containing social security numbers may nevertheless be introduced into evidence at trial if the social security number is relevant to some issue at trial.
4. Any party who receives a social security number in the course of discovery or otherwise in a civil or criminal case shall use the number only for legitimate litigation purposes in that case and shall not disclose that social security number for any other purpose without prior court approval.

10.06 Pro Se Contact Information. A party who is not represented by an attorney shall sign the pleading, motion, or other document and state the party's address and telephone number. The *Pro Se* party may also state a facsimile number or e-mail address for service by electronic means under Civ.R. 5(B)(2)(f).

10.07 Signatures

(A) Electronic Attorney/Filing Party Signature: Any electronically submitted document issued or received the Court that requires the signature of the attorney or filing party shall be signed with a conformed signature.

1. **Format:** The correct format for an attorney's conformed signature is as follows:
/s/Attorney Name
Bar Number
Attorney for [plaintiff/defendant]
ABC Law Firm
Address
Telephone Number | Fax Number
Email Address
2. **Conformed Signature:** The conformed signature on an e-filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure and any other law.
3. **Multiple Signatures:** When a stipulation or other document requires two or more signatures, the filer shall:
 - a. Confirm that the content of the document is acceptable to all persons required to sign the document;
 - b. Indicate the approval of other counsel or parties at the appropriate place in the document, usually on the signature line; and
 - c. e-file the document, indicating the signatories, e.g. /s/ Jane Doe

(B) **Original Signatures:** All original documents that are not e-filed or documents requiring an original signature, such as an affidavit or other notarized documents shall be e-filed as a .pdf.

1. The filer shall maintain the signed document in the filer's records and have it available for production upon request of the Court.
2. The signed document shall be maintained until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief are exhausted.

(C) **Signature of Judge or Judicial Officer:** e-filed documents may be signed by a Judge or judicial officer via a digitized image of his or her signature combined with a digital signature. All orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge had affixed his or her signature to a paper copy of the order and journalized it.

10.08 Length of Briefs: Briefs may not exceed 30 pages, exclusive of supporting documents. Reply memoranda are limited to 12 pages. The court may strike any motion or memorandum in excess of these page limits. Requests for leave to file memoranda in excess of the page limits must be made by motion no later than seven days prior to the time for filing the document, except for good cause shown. Duplicates of pleadings or documents already in the file should not be attached as supporting appendices but should be incorporated by reference.

RULE 11: COURT SECURITY

11.01 Screening and Searching

All persons entering the Richland County Common Pleas Court, including elected officials and their employees, attorneys, law enforcement and security officers are subject to security screening.

11.02 Weapons.

No persons within the courthouse, other than police officers on official business or authorized court officials, shall have on their persons or under their control any dangerous weapon. No such person other than a police officer in full uniform shall carry a weapon where it can be seen.

A police officer who is a party or has a personal interest in a proceeding shall not bring or possess a weapon in the courthouse.

RULE 12: COURTROOM PROCEDURE

12.01 SPECTATORS

- (A) Spectators and others will be seated in the courtroom on a space available basis in seats that are provided behind the rail and shall conduct themselves in a manner that does not disrupt the court proceedings.
- (B) No persons except officers of the Court and others authorized by the court are permitted in front of the railing or bar of the common pleas courtroom.
- (C) There shall be no eating, drinking, or smoking in the courtroom unless permitted by the Court.
- (D) No spectator may photograph, record, or transmit Court proceedings except in compliance with Loc. R. 12.02.
- (E) During the pendency of a matter, representatives of the media will under no circumstances question or converse with prospective or selected jurors concerning a cause set for trial.

12.02 Broadcasting and Photographing Court Proceedings

No photographic, television, recording, broadcasting, telephonic or transmitting device shall be used within the courtroom unless approved in advance by the Court pursuant to Superintendence Rule 12 or otherwise approved Court. Those wishing to broadcast or record shall complete the Court's Request for Broadcasting and Photographing of Court Proceeding which is available on the Court's website. Violation of the limited permission granted may result in sanctions against the offending media member or agency.

12.03 Dress

All persons entering the courtroom shall be appropriately dressed, and the Court may exclude persons from the courtroom who are not appropriately dressed.

12.04 Contempt

Any person violating these provisions may be found in contempt of court and punished appropriately. The violation may result in the continuance of the scheduled matter.

RULE 13: JURY

13.01 Jury Administration

- (A) **Responsibility.** The responsibility for administration of the jury system shall be vested in the Court of Common Pleas, General Division, of Richland County.
- (B) **Assembly Area.** The Court provides a juror assembly area on the third floor of the Courthouse.
- (C) **Juror Compensation.** Persons called for jury duty will be paid a fee for their service as established by the Board of County Commissioners. Employers may not penalize jurors who miss work due to jury duty.

13.02 Juror Eligibility

- (A) **General Eligibility.** All registered voters of Richland County shall be eligible for jury service except those who are less than 18 years of age; are not citizens of the United States; are not residents of Richland County; are not able to communicate in English; or are convicted felons whose rights have not been restored or are otherwise excluded by Ohio law.
- (B) **Term of Service.** Persons serving on petit jury will generally be asked to serve for a period of three weeks. Persons serving on grand jury will generally be asked to serve 3 or 4 days per month for two months.

13.03 Jury Selection

- (A) **Source List.** Potential jurors shall be randomly selected from the pool of Richland County electors as provided by R.C. 2313.06.
- (B) **Panel Selection.** The Court shall select jurors as provided by R.C. 2313.08 in order to obtain an annual jury list.
- (C) **Notification and Summoning Procedures.** The notice summoning a person to jury service and a questionnaire shall be sent by ordinary mail to each prospective juror.

13.04 Jury Trials

- (A) **Voir Dire.** The judge will examine prospective jurors and then has the discretion to permit counsel to question panel members for a reasonable length of time to determine whether to remove someone for cause and to determine the person's fairness and impartiality. Voir dire shall be conducted on the record.
- (B) **Deliberations.** Deliberations shall take place under conditions and procedures designed to insure impartiality and secrecy and to enhance rational decision-making. The jury will

not be required to deliberate after a reasonable hour or on the weekend unless the judge determines that such deliberation would not impose an undue hardship upon the jurors and is required in the interest of justice.

- (C) **Sequestration.** The jury shall be sequestered after a capital case is submitted to the jury, in accordance with Ohio law. In a non-capital case, a jury shall be sequestered only for good cause, such as to insulate the jury from improper information or influence. The trial judge shall 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.

RULE 14: COURT RECORDINGS AND TRANSCRIPTS

14.01 Court Recordings. The Court may at its discretion record hearings electronically. Electronic recordings are the official record in the absence of a stenographic reporter.

- (A) **Electronic Copies of Court Recordings.** Copies of electronic recordings on compact disc may be ordered by completing the Request for Electronic Record of Courtroom Proceedings, which is available at the Court's office or on the its website.

The expense of a copy of an electronically recorded hearing shall be the responsibility of the requesting party in the amount of \$10.00. Payment will be expected when the recording is requested. In the alternative, a requesting party may provide a disc at his/her own cost. If the requesting party is not picking up the disc, they shall provide a self-addressed, postage paid envelope to the Court. An electronic copy may not be substituted for a transcript of the record without permission from the assigned court.

14.02 Transcripts. Requests for transcripts shall be in writing and be served upon the court reporter. Compensation rates for the preparation of the transcript shall be in accordance with the Court's Administrative Judgment Entry. The requester shall make financial arrangements for payment with the court reporter. Requests for transcripts of preliminary hearings will not be granted if the request would require a trial delay.

RULE 15 FACSIMILE AND ELECTRONIC FILING

15.01 Facsimile Filing

- (A) **Definitions**

1. "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits, and reconstructs the signals to print a duplicate of the source document at the receiving end.

2. “**Source document**” means the document transmitted to the Court by facsimile machine/system.
3. “**Effective original document**” means the facsimile copy of the source document received by the clerk of courts and maintained as the original document in the Court’s file.

(B) Procedure

1. Pleadings and other documents may be filed by facsimile transmission **only with the permission of the Judge, Magistrate or Court Administrator assigned to the case.**
2. A document filed by facsimile shall be accepted as the effective original document.
3. The original document and cover sheet filed by facsimile shall be maintained by the person **making the filing** until the case is closed and all opportunities for post judgment relief are exhausted.
4. Facsimile filings shall not exceed **10 pages** in length, excluding the cover sheet.
5. The risks of transmitting a document by facsimile shall be borne entirely by the sending party. Anyone using facsimile filing should verify receipt of such filing by the clerk of courts.

(C) Cover Page

1. The person filing a document by facsimile shall also provide a cover page containing the following information:
 - a. The title of the case;
 - b. The case number;
 - c. The title of the document being filed (e.g. Defendant Jones’ Answer to Amended Complaint; Plaintiff Smith’s Response to Defendants’ Motion to Dismiss; Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendants’ Motion to Dismiss);
 - d. The date of transmission;
 - e. The transmitting facsimile number;
 - f. The number of pages included in the transmission, including the cover page;
 - g. The name, address, telephone number, facsimile number, Supreme Court registration number, if applicable, and e-mail address of the person filing the document.

(D) Time of Filing

1. Subject to the provisions of these rules, all documents sent by facsimile shall be considered filed with the clerk of courts as of **the date and time the clerk time-stamps the document received**, as opposed to the date and time of the facsimile transmission. (However, the fax machine will be available to receive facsimile transmission of documents 24 hours per day seven days per week, including holidays.)
2. The Clerk shall not accept for filing any document tendered without payment of court costs and fees, with incomplete information or that does not conform to applicable rules.

(E) Cost of Filing.

The clerk of this court is expressly authorized to charge a fee for this service, both for the transmission itself together with a per page charge, in an amount or amounts as determined by the clerk. Payment of fees must be arranged in advance of the sending of the telephonic facsimile transmission. The risk of facsimile filing remains with the sender, and the clerk of this court assumes no responsibility for the transmission.

15.02 Mandatory Electronic Filing – Foreclosure Cases Only

Except as otherwise provided in Subsection K of this Rule, all pleadings including motions, briefs, memorandum of law, title work, preliminary and final judicial reports, military affidavits, affidavits of accounts, notice/discharge of bankruptcy, praecipes, orders or other documents, shall be filed electronically through the Court's authorized electronic filing system (e-filing). Paper courtesy copies of documents filed electronically shall not be delivered to the Court. The Court's authorized e-filing system is hereby appointed the agent of the clerk for the purpose of filing, receipt, service and retrieval of electronic documents.

(A) Definitions

1. Accepted. An electronically filed document that has been reviewed by the Clerk and a docket entry created.
2. Case Management System (CMS): The Court CMS manages the receipt, indexing, storage and retrieval of data associated with a case and performs actions on the data.
3. Clerk. The Clerk of Courts of Richland County Common Pleas Court, General Division as defined by the Ohio Revised Code.

4. **Clerk Review**. An inspection of electronically filed documents by the Clerk for compliance with Court rules, policies, procedures and practices made before accepting an electronically filed document and creating a docket entry.
5. **Court Electronic Record**: Any document the Court receives in electronic form, records in the CMS and stores in its document management system. This includes Court initiated Filings as well as pleadings, other documents and attachments created by parties or their counsel. It does not include physical exhibits brought into the courtroom for the Court or jury's edification that cannot be captured in electronic form.
6. **Court Initiated Filings**: Official Court documents entered into the docket or register of actions, such as notices or orders.
7. **Document Management System (DMS)**: A DMS manages the receipt, indexing, storage and retrieval of electronic and non-electronic documents associated with a case.
8. **Electronic Filing (e-file)**: The electronic transmission, acceptance, and processing of a filing. A filing consists of data, one or more documents, and images. This definition does not apply to facsimile or email.
9. **Electronic service (e-service)**: The electronic transmission of an original document to all case participants who are registered users of the Court's e-filing system via the e-filing system. Upon the completion of any transmission to the e-filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the e-filing system.
10. **Original Document**: A filing made with the clerk in either electronic format or paper form, becoming the Court's official record.
11. **Pro Se Filer**: An individual proceeding "on one's own behalf" without representation by an attorney at law.
12. **Public Access Terminal**: A terminal located in the Clerk's office for use by the public during regular business hours. Users shall be charged for printed copies of documents at rates permitted by law.
13. **System Error**: When the Court's e-filing system is not operational.

(B) **Service of Court Initiated Filings**

Subject to the provision of this Rule, the Court shall e-file all Court Initiated Filings. Service of Court initiated filings shall be made via e-service. It is the responsibility of counsel to update the email address attached to their registration any time it changes.

(C) **Pro Se Litigants**

1. Documents received from *pro se* litigants who are not registered with the Court's e-filing system shall be scanned and filed in to the Court's authorized e-filing system by the Clerk's staff. After scanning and filing into the e-filing system, the Clerk may return the original paper documents to the *pro se* litigant, if a return mailing envelope has been provided or at the time of filing if the *pro se* litigant is filing in person. If no self-addressed, stamped envelope is provided, the Clerk staff may then discard the original paper documents after scanning.
2. *Pro Se* litigants must be served conventionally (other than through the e-filing system) unless that *pro se* litigant has registered to use the e-filing system with the Court.

(D) **Registration in e-File System**

1. All counsel of record shall register with the Court's e-filing system to file, service, receive, review, and retrieve copies of e-filed pleadings, orders and other documents in the case. *Pro Se* parties may, but are not required to, register with the Court's e-filing system.
2. The Court shall not accept for file any pleadings or instruments in paper form except as provided in Subsection (K) of this Rule, unless a *pro se* party has no ability to file electronically, in which case, the Clerk's office will accept a paper filing. All counsel shall file electronically.

(E) **Confidential and Unique Electronic Identifier**

1. The Court's e-filing system shall assign an individual who has registered pursuant to Subsection (D) of this Rule a confidential and unique electronic identifier that shall be used to file, serve, receive, review, and retrieve e-filed pleadings, orders, and other documents in a case. The Court may revoke an e-filing registration in its sole discretion.
2. Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.

3. All e-filed documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the Court, by clear and convincing evidence, that the contrary is demonstrated.

(F) **Official Court Record**

For documents that have been e-filed pursuant to Subsection (H) of this Rule or documents filed in paper format pursuant to Subsection (K) of this Rule that have been scanned and uploaded to the e-file system by the clerk, the electronic version constitutes the Official Court Record. E-filed documents have the same force and effect as those filed by traditional means.

(G) **Form of Documents**

1. **Format**: All pleadings, motions, briefs, and other documents shall be formatted in accordance with Rule 10.
 - a. **Motions**: When seeking specific action from the Court (i.e. a Motion), the filing shall clearly be denominated as a “Motion” in the caption of the filing. Merely including a request for action or motion in the body of the filing might not be detected by e-filing. Therefore it is essential that the caption of the filing clearly be marked as a Motion.
 - b. **Links**: A filed document shall not contain links to other documents or reference to the CMS, unless they are incorporated into the filed documents. External links are prohibited.
 - c. **Format**: Except as provided in Subsection (d) of this Rule, all e-filed documents, pleadings, and papers shall be filed with the clerk in pdf.
 - d. **Proposed order or proposed entry**: A proposed order or proposed entry shall be submitted in Word format and reference the specific motion to which it applies.
2. **Signatures**: E-filed documents shall be signed in accordance with Rule 10.7.
3. **Privacy**: Filing parties shall omit social security numbers and personal identifiers in accordance with Rule 10.5.

(H) **Time, Effect and Process of eFiling**

1. **Submission**: E-filings may be made with the clerk 24 hours a day, 7 days a week, but will only be reviewed and accepted by the Clerk during regular office hours.

2. **Receipt**: Upon receipt, the Court's e-file system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of the receipt and serve as proof of receipt, but not filing.
3. **Clerk Review**: After the clerk has reviewed the filing, a filer will receive notification from the clerk that the submission has been accepted or rejected by the clerk.
 - a. If the submission is rejected, the document shall not become part of the court record and the filer shall be required to re-submit the document to meet the requirements. The filer will receive an email that the document has been rejected.
 - b. If the submission is accepted, the document shall be filed and docketed. The filer will receive an email that the document has been accepted.
 - c. Deputy Clerks are unable to fulfill requests for immediate review. Items received by e-filing will be reviewed in the order in which they are received by the Clerk's office.
4. **Official Time Stamp**: Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court's e-file system.
5. **System Errors**: If a submission is not received by the Court because of a system error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was submitted and should have been accepted.
6. **Disposition and Maintenance of Source Documents**:
 - a. A document electronically filed will be accepted as the original filing, consistent with Ohio Civil Rule 5(E) and Criminal Rule 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule.
 - b. The filer must maintain any document submitted by e-filing until the final disposition of the case and through any Notice of Appeal or, if appealed, appeal period.

(I) **Fees**

1. Registered e-filers must establish an appropriate account for electronic payment of filing and other fees. The clerk will assess normal filing fees, and case deposits shall be paid in the e-file system. The system accepts payment of deposits and fees electronically. Alternatively, the system can accommodate the filing of an affidavit of indigence. Under Section 301.28(E) and (F) of the Ohio Revised Code, a surcharge for credit card use may be assessed in an amount to be determined by the clerk.

2. No personal checks will be accepted.
3. The clerk's office will document the receipt of fees on the docket.
4. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

(J) Service

1. Documents filed electronically with the clerk must be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.
2. Once a party has entered an appearance in the case, the party must furnish his or her email address, and service thereafter should be made electronically, when possible.

(K) Exceptions to e-filing

1. Exhibits, attachments, or other documents that may not be comprehensibly viewed in a .pdf shall be filed in their physical form with the clerk.
2. Documents filed under seal or *in camera* shall be filed in their physical form with the clerk.
3. Transcripts of Testimony shall be filed in their physical form with the clerk.