

NOTICE

OF PROPOSED LOCAL RULES ADOPTION AND REQUEST FOR COMMENT

Pursuant to Sup. R. 5, take notice that the Richland County Common Pleas Court, General Division, is posting public notice for the opportunity to comment upon the adoption of attached changes. A copy of the Local Rules is available upon request between the hours of 8:00 a.m. through 4:00 p.m., Monday through Friday at the General Division of the Common Pleas Court or on the Court's website at <https://www.richlandcourtsuh.us/proposedRules.php> under the General Division tab.

In accordance with Sup. R. 5(A)(2), the Court affords the opportunity for comment until September 13, 2024.

8/9/2024

August 9, 2024



Administrative Judge Brent N. Robinson

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

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

RULE 1: MOTION PRACTICE

1.01 Generally.

Motion practice includes a motion and memorandum in support by the moving party, a response from the opposing party, and a reply in support from the moving party. New arguments may not be raised in briefs of reply.

- (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).

The Court will not accept or review any untimely filed motions, responses, or replies unless the document is accompanied by a leave to file and good cause has been shown.

- (B) **Unreported cases.** When photocopies of cases 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.** Unless a case type has been approved for e-filing (contact the Clerk of Courts for case types), each party must file the original and one copy of its motion, memorandum, brief or filing with the Clerk of Courts. The Judges' staff does not file 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.

Written notice of the non-oral hearing date will be sent by ordinary mail or electronically to the parties or their counsel. The Court will not consider any responses to a motion unless filed prior to the non-oral hearing date and pursuant to the timeframe set forth in the notice. No appearance is necessary for non-oral hearings.

- (E) **Proposed judgment entry.** A party filing a procedural motion, a motion for additional time or leave to amend, or dispositive motion shall include a proposed judgment entry on

the motion for use by the Court. Motions intended to result in a final appealable order should have a proposed entry which includes findings of fact and orders 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 are disfavored.** Continuances are within the sound discretion of the trial Court and only for good cause shown. 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.

The Court will not accept continuances stipulated to by the parties. All requests must be made to the Court and determined by the Court with consideration made to the Court's docket and the age of the case.

- (B) **Requirements of Sup. R. 41.** The Ohio Supreme Court, in Sup. R. 41: 1) prohibits a 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 and counsel, 3) prohibits the granting of a continuance without setting a definite date for the trial or hearing, and 4) requires a 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 because the attorney of record 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 thirty (30) days prior to trial.
- (D) **Client's acknowledgement of continuance.** All motions for continuance of a trial filed by counsel shall be approved by the client or accompanied by a statement signed by the client that the client is aware that the motion for continuance is being made. The requirement that the motion be signed by the party may be waived by the Judge, for good cause shown.

(E) **Availability of medical witnesses.** Parties proposing to use medical witnesses in civil cases should take trial depositions of all medical witnesses. Cases will not be continued because of the unavailability at trial of the medical witness unless the moving party demonstrates that they promptly and resourcefully exhausted efforts to obtain that witness' testimony by deposition.

1.03 Motions for leave to plead. By agreement of the opposing counsel, any party may be permitted leave to plea provided that the total extension of time does not exceed twenty-eight (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 and filed with the Clerk of courts.

Any motion or agreed extension of time 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.

Except as otherwise provided by these Local Rules, where a party needs additional time, beyond that provided in this rule, 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 a period beyond that permitted by this rule. The moving party must submit a proposed judgment entry.

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 filed with the motion that counsel is asking for leave to file attached as an exhibit. Should the motion for leave be granted, the motion attached as an exhibit will not be removed and filed separately as an original. Counsel shall file the motion as an original with the Clerk thereafter. The Clerk has no duty to contact counsel to request the submission of an original pleading.

1.05 Dispositive Motions.

Motions for Default Judgment shall be in writing and shall clearly state the date the complaint was filed, how service was made, proof of service and answer date. All Motions for Default Judgment shall also contain a list of all damages supported by documentary or other evidence. A proposed entry shall accompany the motion as well as an affidavit addressing age, competence, and military status and, in a foreclosure case, the final judicial report. An oral hearing may be required at the discretion of the trial Judge, an appearance has been made or damages need to be determined.

Motions for Summary Judgment shall be filed and decided in accordance with Civil Rule 56. 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 the 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. Extensions of time for the filing of motions or memoranda may be obtained with the permission of the Court for a period not to exceed thirty (30) days when no such prior extension has been granted. Extensions exceeding thirty (30) days, and all subsequent extensions, may only be granted by the Judge, only upon written approval of opposing counsel or upon motion filed.

The Court will not accept discovery extensions stipulated to by the parties. All requests must be made to the Court and determined by the Court with consideration made to the Court's docket and the age of the case.

1.08 Motions in limine. Unless a different period is fixed under these rules or by order of the Court, a written motion in limine for purposes of a non-trial hearing shall be served no later than fourteen days prior to the hearing, and a written motion in limine for purposes of a trial shall be served no later than twenty-eight (28) days prior to the start of trial. Responses to such motions may be served as provided by Civ.R. 6(C); however, a movant's reply to the response is not permitted. Upon motion, the Court may grant permission for an extension of the time to file motions in limine.

1.09 Motions to stay. The requesting party must include a statement showing good cause for the stay including, but not limited to, the statutory authority or government-imposed moratorium or deferment. The motion shall clearly state the length of the stay being requested and expected date of reactivation.

Upon filing and with good cause shown, the Court will order a stay of proceedings and place the case on the inactive docket until moved by a party to remove the stay and reactivate the case.

RULE 2: CIVIL CASE MANAGEMENT

2.01 Case designation, filing fees, deposits, 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 or on the Court's website at <http://richlandcourtsok.us/forms.php>. A complaint in a civil case shall not be accepted for filing unless accompanied by a completed Case Designation Form.

If a case is dismissed and subsequently refiled, the Case Designation Form shall contain the case number, the name of the Judge to whom it was previously assigned and the parties. The case shall remain assigned to that Judge.

Unless otherwise ordered by the Administrative Judge, civil cases that have been dismissed and are subsequently refiled, shall be assigned to the docket of the Judge to whom the case was assigned at the time of dismissal.

- (B) **Filing Fees and deposits.** Except as provided herein, a civil action or proceeding shall not be accepted by the Clerk of Court, unless there is deposited with the Clerk of Courts, as security for costs, the amount set forth in the Order on Court Costs adopted by the Court.

1. If the party initiating the civil action is an inmate, the party must comply with the provisions of R.C. 2969.25. Failure to comply with R.C. 2969.25 shall be grounds for dismissal of the action pursuant to Civ.R. 41(B)(1).
2. If the party initiating the civil action is not an inmate and believes that he/she is unable to pay the costs, a completed affidavit of indigency must be attached.
3. If the affidavit is complete, the Clerk shall accept the complaint for filing without costs. Once the case is assigned, the Judge may make further inquiries into the party's ability to pay. If the Judge determines that the party has the ability to pay, such may be assessed, and payment shall be made.

- (C) **Timing and service of scheduling conference or order.** 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. For 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 three (3) months after filing.
2. **Foreclosure Cases:** A status conference will be held approximately ninety (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 eleven (11) months after filing. A status conference will be scheduled approximately nine (9) months after filing.
 5. **Tax Foreclosures:** A Magistrate's review will be scheduled approximately four (4) months after filing. A scheduling order will be issued according to the status of the case and need for same.
- (D) **Compliance with Civil R. 26.** Attorneys and unrepresented parties shall confer as soon as practicable before a scheduling conference is to be held to discuss the nature and basis of their claims and defenses, the possibility for promptly settling or resolving the case; and to discuss a discovery plan. A proposed and agreed discovery plan shall be filed with the court before the scheduling conference.
- (E) **Mandatory attendance.** Counsel with settlement authority - not secretaries or paralegals - shall appear with their calendars to facilitate scheduling and shall be prepared to discuss issues in the case, discovery, pending or anticipated motions, settlement proposals, time required for trial and trial dates.
- (F) **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 attorneys of record are jointly responsible for arranging the conference call, shall conference in all parties appearing by phone and then shall conference in the Court 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.
- (G) **Service of Counsel who have not yet entered an appearance.** If there are parties 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.
- (H) **Jury demand.** The party filing a jury demand in a civil case must pay a \$400.00 deposit no later than thirty (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.
- (I) **Trial order.** At the scheduling conference, the Court will schedule a date for the pretrial, trial and the other resolution events appropriate to the case, as well as dates for completion of discovery, substantive or dispositive motions, and expert witness deadlines. A trial order confirming those dates will then be provided to the parties.
- 2.02 **Alternative dispute resolution.** The Court has dispute resolution available to litigants. Mediations done by the Richland County Common Pleas Court, General Division 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. Permission to participate in a mediation session by telephone or Zoom may 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 full settlement authority shall attend mediations. In foreclosure mediations, parties and attorneys may appear by telephone or by Zoom, unless otherwise ordered. Leave to appear by telephone or Zoom 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 may result in the imposition of appropriate sanctions, including but not limited to, monetary penalties for costs, the other parties' expenses, prejudgment interest, dismissal, or default. The minimum monetary penalty for 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 Court, prior to the scheduled mediation date, a Confidential Mediation Statement. Confidential Mediation Statements shall not 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 of mediations shall be granted only for good cause shown **no less than two (2) weeks prior to mediation** and after the movant has obtained a mutually acceptable future date from opposing counsel and the mediator. Without good cause shown, a continuance will not be granted if the 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, the Mediator shall complete a detailed mediation report. In cases where an agreement has been reached, the parties shall file an Agreed Judgment Entry with the Court within thirty (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. Disposition 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 fourteen (14) days from the date counsel advises the Court that a case is settled, unless leave of Court is obtained for good cause shown. The entry shall 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).
- (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 an entry within ten (10) days thereafter and submit it to opposing counsel for approval. Opposing counsel, within seven (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 its proposed draft to the court, within twenty (20) days after the judgment is announced, and the opposing party may file any written objections to the entry within the following five (5) days.

If no entry is submitted within twenty (20) days, the Court may prepare its own entry or take any 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 all monies on deposit first, then the balance (if any) of the costs will be assessed against the plaintiff.

(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) of 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.** A trial brief contains: 1) a clear statement of each cause of action and defense with a summary of the facts supporting each cause of action or defense, 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 is required to exchange briefs.

(B) **File any proposed jury instructions and interrogatories.** Counsel is required to file and exchange instructions and interrogatories at least seven (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 trial 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 the 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 objections.

- (F) **Courtroom technology.** Should you wish to use technology in the courtroom, it is the responsibility of the attorneys to contact the Court's IT Department at 419-774-7895 no less than five (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 Notice of Bankruptcy and Suggestion of Stay with a time-stamped copy of the Notice of Bankruptcy Case Filing attached as an exhibit in all the 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 the U.S. Bankruptcy Court discharges or dismisses the bankruptcy. Costs of the action shall be paid from the deposit.

If the U.S. Bankruptcy Court dismissed the bankruptcy, counsel or the party shall move the Court by filing a written motion to vacate the stay and reactivate the case(s) with the Clerk of Courts. The Clerk shall require additional funds to be deposited as security for costs.

If the U.S. Bankruptcy Court discharges the debt, counsel or the party shall move the Court by filing a written motion to dismiss the case(s). The Clerk shall require additional funds to be deposited for costs.

2.06 Complaints on Cognovit Notes. Complaints on cognovit notes will not be accepted through the Court's efilings system. 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 being assigned, the complaint and related filings will be 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 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 the 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 and with consideration of 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; and
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 thirty (30) days after filing the receivership, or as soon thereafter as information becomes 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; and
 - 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 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

1. 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.
2. Appellant shall file the brief in support no later than thirty (30) days after the filing of the transcript.
3. Appellee(s) shall file any brief(s) in opposition to the appeal no later than thirty (30) days after Appellant's brief.
4. Appellant shall file a reply brief, if appellant thinks a reply brief is needed, no later than fourteen (14) days after brief in opposition.
5. A non-oral hearing shall be held approximately five (5) days after the reply brief is due.

2.09 Civil Protection Orders. The Clerk shall assign all cases filed under Ohio Revised Code 2903.214 to a Judge. All hearings under Ohio Revised Code 2903.214 and all matters arising from Ohio Revised Code 2903.214 are referred to the Common Pleas Magistrates.

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.

- 2.10 Final pretrial.** The purpose of this pretrial is to affect an amicable settlement, if possible, and to narrow factual and legal issues by stipulation or motions. All counsel must be present with full settlement authority. If the real party in interest is an insurance company, common carrier, corporation, or other artificial legal entity, then the chosen representative must have full authority to negotiate the claim.

Each party shall be prepared to discuss the factual and legal issues in dispute, stipulations, the non-expert and expert trial witnesses and a summary of expected testimony, special legal problems anticipated, the estimated length of trial, any pretrial motions contemplated, and any special equipment needs for trial.

Plaintiff's demand must be submitted to counsel for the defendant at least fourteen (14) days prior to the final pretrial conference.

Counsel attending the conference must have complete authority to stipulate items of evidence and admissions.

If the Court concludes that the prospect of settlement does not warrant further Court supervised negotiations, then the Court shall act on any other matters which come before it at that time and efforts shall be made to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court may enter a pretrial order to become part of the record of the case embracing all stipulations, admissions and other matters that have come before it.

- 2.11 Dismissal of Civil cases sua sponte.** Cases awaiting trial, which have been on the docket for at least six (6) months without any effort to prosecute the case, shall, after thirty (30) days' notice, be dismissed without prejudice for want of prosecution, unless good cause be shown to the contrary. Costs will be assessed against the plaintiff.

Cases in which counsel has advised the Court are settled and/or will be dismissed by the parties shall, after fourteen (14) days' notice, be dismissed with prejudice, unless good cause can be shown to the contrary. Costs will be assessed in accordance with Loc.R. 2.03(D)

RULE 3: CRIMINAL CASE MANAGEMENT

- 3.01 Grand Jury after arrest.** The prosecuting attorney shall take charges to the grand jury within thirty (30) days after the date of arrest if the defendant is incarcerated, or within sixty (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.

If no action is taken by the grand jury within sixty (60) days after the date of the bindover, the Court shall dismiss the charges without prejudice, unless for good cause shown by the prosecuting attorney, under Superintendence Rule 39(C)(2)

- 3.02 Arraignment.** Arraignment shall be conducted in open Court and satisfy the requirements of Crim. R. 10 and the Ohio Revised Code. 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 make available electronically in the Prosecutor portal or otherwise deliver a discovery packet to defense counsel no later than two (2) weeks after arraignment, unless speedy trial concerns require a shorter time. Defense counsel shall access the Prosecutor portal no later than two (2) weeks after arraignment unless speedy trial concerns require a shorter time. Receipt of the discovery by defense counsel automatically obligates defendant to supply reciprocal discovery, as described in Crim. R. 16, within thirty (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 pretrial.** Rescinded April 22, 2024. 3.04 reserved for future use.
- 3.05 Pretrial.** A pretrial will be held between two (2) and four (4) weeks after arraignment. Defendants who are not incarcerated are required to appear for pretrials. Counsel shall be prepared to have discussions regarding facts, resolution, and motions that are anticipated. 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.** For pretrial purposes, it is the defense counsel’s responsibility to confirm a prisoner’s location and to arrange to meet with their client electronically or in person at the prisoner’s location. For trial or hearing purposes, the Court will prepare the necessary transport order.
- 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 Court’s appointed trial counsel list. Attorneys should promptly notify the Court of any increase or decrease in their qualifications for appointments. 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 and an email address. 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, although the Court may take into account many factors including the complexity of individual cases, special needs of a party, avoidance of conflicts of interest, time constraints in a case, and the judicial officer's experience with a potential appointee's case, including current or prior representation of the client, and the perception of the appointee's commitment to providing quality representation to each client. The Court reserves the right to prefer attorneys for appointment whose offices are closer in geographic vicinity to Richland County. Eligibility for appointment may be 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 Court's appointed appellate counsel list. Attorneys should promptly notify the Court of any increase or decrease in their qualifications for appointments. 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 and an email address. 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, although the Court may take into account many factors including the complexity of individual cases, special needs of a party, avoidance of conflicts of interest, time constraints in a case, and the judicial officer's experience with a potential appointee's case, including current or prior representation of the client, and the perception of the appointee's commitment to providing quality representation to each client. The Court reserves the right to prefer attorneys for appointment whose offices are closer in geographic vicinity to Richland County. Eligibility for appointment may be 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. Counsel appointed by the Court 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 thirty (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 Richland County Board of Commissioners' Resolution sets the hourly rate of compensation, and the maximum fees allowed.

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 more than the limitations set by the county commissioners, assigned counsel must move the Court for authorization to exceed the limitations. The motion shall include justification for the extraordinary fees. Assigned counsel should move the Court when it appears (rather than at the end of the case) that the fees in a case may exceed the maximum fee approved for that level of felony.

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.

3.12 Order of adjudication. Criminal jury trials shall have priority as follows: 1) in custody of the Richland County Jail and ordered by the longest period of incarceration to the most recent; and 2) not in custody of the Richland County Jail and ordered by the oldest arraignment date to the most recent.

3.13 Surety Bail Bond Registration

(A) **Registration.** All bond agents and surety companies seeking to do business in the General Division of the Richland County Common Pleas Court must apply and file their required credentials by the first day of April of each year, in accordance with R.C. 3905.87. An application may be attained at the Clerk of Courts or online at <https://www.richlandcourtsuh.us/>.

(B) **Failure to produce.** Upon a defendant's failure to appear at a scheduled hearing or trial, unless good cause is shown, the Court will issue a warrant for the defendant's arrest, revoked previously established terms and conditions of bond, and order the forfeiture of the posted surety bond. A notice for a show-cause hearing will be issued to the bail bond agent that he/she will have not less than forty-five (45) days but not more than sixty (60) days to bring the defendant before the Court. If the bail-bond agent is unable to secure the defendant's appearance within this time frame, judgment will be entered against the surety.

(C) **Cancellation.** Pursuant to R.C. 3905.9 32(K), a bail bond agent may not execute a bond in this State if a judgment has been entered on a bond executed by the bail-bond agent, and that judgment has remained unpaid for at least sixty (60) days, unless the full amount of the judgment is deposited with the Clerk of Courts. Therefore, if a judgment remains unpaid for sixty (60) days, registration with the Clerk of Courts under R.C. 3905.87 will be canceled. In accordance with R.C. 3905.80 7(A), the bail-bond agent will not thereafter be permitted to post bonds at the Court until the current obligations are met and credentials are submitted for registration during the next registration.

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 includes the client's current telephone number and address, or 2) a hearing is held 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 (15) 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

If a party taking a deposition wishes to have the testimony recorded by other than stenographic means, it shall be done in accordance with the Civil Rules, as well as Superintendence Rule 13, a videotaped 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 videotaped 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

Generally, a jury view is not 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. The Clerk of Court's shall randomly assign a judge to new civil cases unless otherwise ordered by the Administrative Judge. Civil cases that have been dismissed and are subsequently refiled, shall be assigned to the docket of the judge to whom the case

was assigned at the time of dismissal. 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 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 seat 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 Judicial reports. In actions to quiet title, partition, and/or foreclosure actions, the party seeking said quiet title, partition, or judicial sale of property shall procure, and file with the Clerk of Courts, within fourteen (14) days after the filing of the pleading requesting relief, evidence of the record title to the premises in question. Evidence of title shall be demonstrated by a preliminary judicial report, which shall include those items outlined in O.R.C. 2329.191(B) and issued by a title insurance company licensed or authorized to do business in the State of Ohio.

Prior to the submission of a dispositive motion, the party submitting the packet shall file with the Clerk of Courts a final judicial report which updates the state of record title from the effective date of the preliminary judicial through at least the day after service has been perfected on all necessary parties. The final judicial report must also have an effective date within six (6) months of the date of judgment and shall contain a certification that all parties have been served. The cost of the title examination necessary for the preparation of both the preliminary judicial and the final judicial report, may be taxed to the costs of the case upon request of the party who incurs the expense. Failure to comply with the rule may result in the dismissal of the action.

- 8.02 **Legal descriptions.** Prior to the filing of the Complaint, the plaintiff shall obtain the pre-approval of legal description from the County Auditor’s Office, Tax Map Department, and shall file the original stamped “approved” description with the complaint. The Clerk shall not file any foreclosure complaint that does not include a pre-approved legal description. Further, said approved legal description shall be submitted by plaintiff or by cross-complainants, at all stages in the foreclosure (i.e., proposed judgment entry, praecipe for order of sale, confirmation entry, sheriff’s deed, etc.). Failure to attach the stamped “approved” legal description shall be cause for rejection of said document for filing.

To obtain pre-approval, the plaintiff shall provide an original legal description to the Richland County Tax Map office by fax to (419) 775-5378. Copies are not sufficient and will not be approved. The Tax Map office shall review and return the property legal description with a stamp of approval if correct. If corrections are required, then the corrected legal description shall be resubmitted to the Tax Map office until approved.

- 8.03 **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 thirty (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 another 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 for reimbursement with the proper filing of an invoice.

8.04 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.

8.05 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 all motions dispositive in nature until the Court is satisfied that the terms and conditions of the Mortgage Conciliation Program have been fully met.

To qualify for the program, the defendant property owner must file an answer. Once filed, the Court will review the answer and decide whether the case is appropriate for the program.

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.

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.

All counsel and parties are ordered to cooperate with the Richland County Mortgage Conciliation Program. The 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.

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.

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.

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.

8.06 Private Selling Officer (PSO).

- (A) **Motion for 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.
- (B) **Praecipes for order of sale/appraisal by PSO.** The party requesting execution shall file with the Clerk of Courts a praecipe or praecipes requesting the issuance of an order of appraisal to the sheriff and an order of sale to the PSO.
- (C) **PSO report.** PSO reports of sale shall be filed within ten (10) days of sale. The PSO shall make return to the Court.
- (D) **PSO sale terms.** The PSO is authorized to sell the property in accordance with O.R.C. 2329, 2329.33 and 2329.08.
- (E) **Real estate taxes; verification.** In all foreclosure actions and sheriff sales, the purchaser shall pay all required real estate taxes directly to the Richland County Treasurer.
- (F) **Cancellation of PSO sale.** If a PSO sale is cancelled for any reason, the party that requested execution shall file a motion with the Court stating that the execution upon the praecipe has been cancelled or expired. If the party wishes to execute on the property again, it must file a new praecipe or praecipe(s). The Clerk may bill the costs to date to the party that requested the execution.

8.07 Sheriff's sales

- (A) **Praecipes for order of sale.** In non-tax foreclosure matters, each praecipe to the Clerk of Courts for an order of sale shall be accompanied by an approved tax map legal description. The Clerk shall issue the order of sale to the sheriff. The Clerk is instructed to reject for filing any praecipes for orders of sale in non-tax foreclosure matters that are not accompanied by the required approved tax map legal description and deposit.
- (B) **Sheriff's return.** Within ten (10) days of the date of sale, the sheriff shall make his return to the Court. Counsel for the party requesting execution shall submit a proposed journal entry confirming the sale and file a motion requesting the Court to confirm the sale.

- (C) **Real estate taxes; verification.** In all foreclosure actions and sheriff sales, the purchaser shall pay all required real estate taxes directly to the Richland County Treasurer.
- (D) **Cancelling a scheduled sheriff foreclosure sale.** Any motion to cancel a sheriff's sale shall state why the Court is being asked to cancel the sale and state the occupancy and maintenance status of the subject property. Simply stating that case is in "loss mitigation" is not sufficient cause for cancellation. 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.
- (E) **Purchase price.** In every sheriff sale, except tax foreclosures, the purchaser, immediately following the acceptance of bid, shall deposit, payable to the Sheriff, ten percent (10%) of the amount of such accepted bid, but in no event less than \$1,000 up to a maximum of \$10,000. All money more than the required deposit will be applied toward the purchase price of the property. The purchaser shall be required to pay interest on said unpaid balance at ten (10%) percent per annum from the date of confirmation of the sale to the date of payment of the balance unless the balance is paid within eight (8) business days from the date of confirmation of sale.
- (F) **Cancelling a scheduled sheriff foreclosure sale.** Any motion to cancel a sheriff's sale shall state why the Court is being asked to cancel the sale and state the occupancy and maintenance status of the subject property. Simply stating that the case is in "loss mitigation" is not sufficient cause for cancellation. 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.
- (G) **Purchase price.** In every sheriff sale, except tax foreclosures, the purchaser, immediately following the acceptance of bid, shall deposit, payable to the Sheriff, ten percent (10%) of the amount of such accepted bid, but in no event less than \$1,000 up to a maximum of \$10,000. All money, more than the required deposit, will be applied toward the purchase price of the property. The purchaser shall be required to pay interest on said unpaid balance at ten (10%) percent per annum from the date of confirmation of the sale to the date of payment of the balance unless paid within eight (8) business days from the date of confirmation of sale.
- 8.08 Failure to complete PSO or sheriff sale purchase.** In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within thirty (30) days after confirmation of sale, the purchaser shall be in contempt of this Court. The party who requested execution may file a motion requesting that the purchaser show cause as to why the purchaser should not be held in contempt for failure to complete the sale. Upon good cause, the motion may be granted and include a forfeiture of all, or some of the purchaser's sale deposit.

8.09 Notice of PSO or sheriff sale. The party requesting execution shall promptly mail notice and location of the sale to the record owner(s) and all other interested parties not in default, at their last know addresses unless originally served solely by publication. Failure to timely file a certificate of service may constitute grounds for denial of the confirmation of sale.

8.10 PSO or sheriff sale appraisals.

(A) **Appraisal fees.** Appraisal fees shall be paid in accordance with the order for costs available on the Court's website.

(B) **Praecipes.** The Clerk of Courts shall not issue an order of sale without reappraisal to the sheriff or PSO, unless the subject property has been appraised within the last twelve (12) months.

RULE 9: SERVICE OF DOCUMENTS

9.01 Proof of service. 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 of Courts.

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 (2) 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 filed 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 on each document; their attorney or pro hac vice registration number issued by the Supreme Court of Ohio, 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 has the responsibility to update their mailing address, business email address, telephone and fax numbers when they change by sending a notice to the Clerk of Courts in writing.

10.04 Paper and fastening limitations. All pleadings and written attachments filed with the Court shall be on 8½ inch x 11inch paper printed on one side only. Each pleading shall be separately fastened together. Spring clips, paper clips, 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

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; and employer and employee identification numbers.

When personal identifiers are omitted from a case document submitted to a Court or filed with a Clerk of Courts 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 outside of the envelope indicating: it contains the Personal Identifiers and that it may only be opened by the Court or on the Court’s order; 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 of a party to the judicial action or proceeding upon motion.

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.

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 and Court personnel may place a person's social security number on a warrant for that person's arrest or on the summons of a bill of information;
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; or
3. Documents containing social security numbers may nevertheless be introduced into evidence at trial if the social security number is relevant to an issue at trial.
4. Any party who receives a social security number during 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 every pleading, motion, or any other document and shall include the party's address, telephone number, and e-mail address for service by electronic means. If a document is not signed or if signed without knowledge, information, and belief that there is good ground to support the arguments raised in the document, it may be stricken as a sham and false, and the action may proceed as though the document had not been served in accordance with Civ.R. 11.

10.07 Signatures

(A) **Electronic Attorney/Filing Party Signature:** Any electronically submitted document issued or received by the Court that requires the signature of the attorney or filing party shall be signed with a conformed signature and considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

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 or judicial officer had affixed his or her signature to a paper copy of the order and journalized it.

(D) **Attorney or Pro Hac Vice registration number.** An attorney shall include the attorney or pro hac vice registration number issued by the Supreme Court on all documents filed with the Court.

10.08 Length of briefs: Motions and response briefs may not exceed thirty (30) pages, exclusive of supporting documents. Reply memoranda are limited to twelve (12) pages. The Court may strike any motion, response, or memorandum exceeding the page limits. Requests for leave to file motions, responses or memoranda exceeding the page limits must be made by motion no later than seven (7) 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.

11.03 Photographing or recording

Photographing, or any recording by any means of the security features of the courthouse is expressly prohibited. This includes, but is not limited to, the specific photographing of any of the following: building entrances or exists; the building security station; magnetometer(s); security cameras or monitors; door locks; or the fire alarm system. Photographing from areas open to the public into areas that are not open to the public is also expressly prohibited. Security personnel are charged with utilizing their discretion in the enforcement of this rule.

Failure to leave when asked by security personnel may result in criminal charges. Any individual displaying behavior or conduct deemed inappropriate, or which obstructs or delays business in this building shall be asked to leave.

RULE 12: COURTROOM PROCEDURE

12.01 Spectators

All persons entering a court facility shall be subject to a security search. Coats, purses, briefcases, parcels, newspapers, and/or weapons are not allowed in the courtroom.

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.

Spectators should be dressed appropriately. Images or likenesses of a victim shall be limited to the size of an 8 x 10 photo. No signs, banners, messages, clothing with

messages or other distracting, disruptive or potentially improperly prejudicial material may be brought into, worn, or displayed in the courtroom or courthouse.

No persons except officers of the Court and others authorized by the Court are permitted in front of the railing or bar of the courtroom.

There shall be no eating, drinking, or smoking in the courtroom unless permitted by the Court.

The use of communications devices is strictly regulated and prohibited in the courtrooms. No spectator may photograph, record, or transmit Court proceedings except in compliance with Loc. R. 12.02.

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.

“Proceeding” shall be understood to apply to any public hearing held by the Court and the term “record” shall be understood to encompass broadcast, televise, record, or photograph.

No photographic, television, recording, broadcasting, telephonic, or transmitting device shall be used within the courthouse or courtroom unless approved in advance by the Court pursuant to Superintendence Rules 11 and 12 or otherwise approved by this Court.

Those wishing to broadcast or record a proceeding shall complete the Court’s Request for Broadcasting and Photographing of Court Proceeding which is available on the Court’s website.

No recording shall be made: 1) of proceedings in the Judge’s chambers without express permission of the Judge, 2) in the jury deliberation room during the course of the trial or after the case has been submitted to the jury, 3) of victims or witnesses who object to being recorded; 4) or of the jurors.

Upon the failure of any person to comply with the conditions prescribed by this rule or the judge, the judge may revoke permission to record, broadcast, or photograph the proceedings. Violation of the limited permission granted may result in sanctions against the offending individual, media member or agency.

12.03 Dress code

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.

12.05 **Remote appearances**

Accept as provided in division 12.05, at trial or hearing, testimony shall be taken in open court.

(A) **Telephone appearances.** The Court on its own motion or upon the request of any party may, in its discretion, conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties.

1. All hearings involving telephone appearances must be recorded and reported to the same extent as if all participants had appeared in person.
2. The Court shall specify:
 - a. The time and the person who will initiate the conference; and
 - b. Any other matter or requirement necessary to accomplish or facilitate the telephone conference.
3. The Court may require a party to appear in person at a hearing, conference, or proceeding in which a telephone appearance is otherwise permitted if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.
4. If at any time during a hearing, conference, or proceeding conducted by telephone, the Court determines that a personal appearance, including video conference, is necessary, the Court may continue the matter and require a personal appearance.

(B) **Video conferencing.** The Court has discretion to conduct conferences, hearings, and proceedings by video conference with attorneys and unrepresented parties. Mediation conferences may also be conducted by video conference at the discretion of the Court and/or Mediator.

1. The Court may permit one or more parties to appear by video conference.
2. All hearings involving video conference appearances must be recorded and reported to the same extent as if all participants had appeared in person.

3. Upon convening a hearing involving video conference appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing.
 4. The Court may require a party to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the case.
 5. If at any time during a hearing, conference, or proceeding conducted by video conference the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.
- (C) **Confidential Attorney-Client communications.** During all remote hearings, provisions shall be made to preserve the confidentiality of attorney-client communications and privilege.
- (D) **Witnesses.** The Court may permit a witness to testify via telephone or video conference in any pending matter.
1. The Court may require a witness to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of a particular case.
 2. If at any time during a hearing, conference, or proceeding conducted by video conference, the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.
 3. The witness shall be administered the oath or affirmation using technology that allows the person authorized to administer the oath to verify the identity of the witness at the time the oath is administered when appearing remotely.
 4. Every witness testifying remotely, including those outside the State of Ohio, in a trial or other proceeding in open court, shall affirm on the record that the witness has submitted to the jurisdiction of this Court for the purposes of enforcement of his or her oath or affirmation, including any consideration of perjury charges arising from such testimony.
 5. The Court, all parties, and the jury if applicable, must be able to see and hear the witness.
 6. The witness is subject to full cross-examination when appearing remotely.

- (E) **Technical standards and equipment.** The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements:
1. All participants must be able to see and/or hear and communicate with each other simultaneously; and
 2. All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings either by video, facsimile, or other method.
- (F) **Public access.** For all telephonic or video hearings, the Court shall provide a means of access for the public at any time the public has the right to be present in the courtroom. The Court may provide access by in-person attendance or by live stream. Members of the public should contact the court administrator if they have any questions regarding access methods.

RULE 13: JURY

13.01 **Jury administration**

- (A) **Responsibility.** The Ohio Rules of Court and the laws of the State of Ohio shall govern all procedures concerning jury selection and service. The responsibility for administration of the jury system shall be vested in the Court of Common Pleas, General Division, of Richland County, the jury commissioners and the Clerk of Courts acting under the supervision of the court administrator and/or judges.
- (B) **Jury facilities.** The Court provides a juror assembly area on the third floor of the Courthouse. To the extent feasible, contact between jurors, parties, counsel, and the public shall be minimized.
- (C) **Juror compensation.** Persons called for jury duty will be paid a fee for their service as established by the Board of County Commissioners. Such fees shall be paid as soon as possible after the end of the panel's service. Employers may not penalize jurors who miss work due to jury duty.
- (E) **Juror use.** The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

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 eighteen (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.

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

- (B) **Term of service.** Persons serving on petit jury will be on-call for a period of three (3) weeks. Jurors will call a designated phone number to hear a message which informs them as to their jury service requirements. Persons serving on grand jury will be asked to serve three (3) or four (4) days per month for two (2) months.

13.03 **Jury selection.**

- (A) **Source list.** In accordance with R.C. 2313, on a date ordered by the Court, the Board of Elections shall compile and electronically file with the commissioners of the jurors a certified, current list containing the name, addresses, and dates of birth of all the electors of the County. Between December 1st and December 15th of each year, from the electors list, the jury commissioners shall pull the annual jury source list using random selection procedures using automated data processing equipment. The annual jury source list will be certified and filed with the Clerk of Courts.

In the event the number of prospective jurors is insufficient to meet the needs for the court in the calendar year, the jury commissioners shall reconvene as necessary to select additional prospective jurors in accordance with R.C. 2313.11.

- (B) **Panel selection.** In accordance with R.C. 2313.05, the jury year is a calendar year. The jury year shall be divided into three (3) petit terms and six (6) grand jury terms. The jury commission shall complete, by use of the automated data processing equipment, a list of prospective jurors for the grand and petit juries no later than three (3) weeks before the panel is needed.
- (C) **Notification and summoning procedures.** All prospective jurors that are selected for a panel shall be notified of the requirement of their service by the issuance of a summons directing them to appear on a specific date. The summons and a questionnaire shall be sent by ordinary mail or electronically to each prospective juror.

A notification letter shall be sent to non-responsive prospective jurors via ordinary mail or electronically. Jurors who fail to report for service may be brought before the court to explain why they did not appear. Sanctions may be imposed as warranted.

(D) **Exemption, excuse, and postponement**

1. There shall be no excuses or exemptions from jury services except those authorized by R.C. 2313.14.

2. Prospective jurors may be excused for the reasons outlined by R.C. 2313.14.
3. Jurors who are requesting a postponement of jury service under R.C. 2313.15 and jurors who are requesting an excusal under R.C. 2313.14 may do so by telephone, in writing, or by email. Jurors requesting an excusal under R.C. 2313.14 for medical reasons, physical or financial hardship, shall submit documentation of such to the court in writing.
4. The commissioner shall notify jurors receiving exemptions, excuses, or postponements and shall maintain a record of it.
5. Excusals and postponements for jury service are governed by R.C. 2313 or its successor. Postponements for jury service for short periods of time may be permitted by a judge or a specifically authorized court official. An “extraordinary circumstance” for purposes of postponement beyond the jury year includes the need to postpone a juror from the last quarter of the year prior. Such a postponement shall not be for more than six (6) months.

13.04 Jury trials

- (A) **Juror orientation**. The Judge will give instructions to all prospective jurors, explain the jury’s role, trial procedures, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
- (B) **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.
- (C) **Deliberations**. Deliberations shall take place under conditions and procedures designed to ensure impartiality and secrecy and to enhance rational decision-making. The jury will not be required to deliberate after a reasonable hour or on the weekend unless the judge determines that such deliberation would not impose an undue hardship upon the jurors and is required in the interest of justice.

Prior to the commencement of deliberations, the trial judge will give instructions to 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, said instructions will be in writing and shall be made available to the jurors during deliberations.

- (D) **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.

- (E) **Dismissing the jury.** At the conclusion of a case, the trial judge may release the jurors from their duty of confidentiality, explain their rights regarding inquiries from counsel or the media, either advise them that they are discharged from service or specify where they must next report, and express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

All communications between the judge and members of the jury panel from the time of reporting to the courtroom for jury selection until dismissal shall be in writing or on the record in open court, except where a confidential conversation is warranted. If such is needed, counsel for each party shall be informed of such communication and given the opportunity to be heard.

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. An electronic copy may not be substituted for a transcript of the record without permission from the assigned court.

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

The expense of making a copy of an electronically recorded hearing shall be the responsibility of the requesting party in the amount of \$10.00. The requesting party shall also provide a self-addressed, postage paid envelope. Payment will be expected when the recording is requested.

Upon request and at the discretion of the Court, copies may also be transmitted electronically as an audio file.

- 14.02 Transcripts.** Requests for transcripts of proceedings that have not been transcribed, 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 at the State's expense will not be granted if the request requires a trial delay.

Upon request for a transcript of proceedings that has been transcribed and filed with the Clerk of Courts, the Clerk shall make copies or shall provide electronic copies of any electronically maintained document, except sealed documents, upon receipt of a public records request. The form is available on the Court's website. The Clerk shall require a deposit in advance to secure copying costs.

RULE 15 FACSIMILE AND ELECTRONIC FILING

15.01 Facsimile filing.

If the Court or Clerk receives documents to be filed by facsimile without permission of the Court, the documents will be returned to the filer. In case types designated as mandatory e-file case types, the documents will be returned with instructions on how to register as a user of the e-filing system.

(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 **ten (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 shall 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; and
- 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 timestamps 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 twenty-four (24) hours per day, seven (7) 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.

Except as otherwise provided in Subsection L of this Rule, in mandatory e-file case types 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. **Case Type.** A case type that has been designated by Administrative Order or Local Use as being a mandatory e-file case.
2. **Accepted.** An electronically filed document that has been reviewed by the Clerk and a docket entry created.
3. **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.
4. **Clerk.** The Clerk of Courts of Richland County Common Pleas Court, General Division as defined by the Ohio Revised Code.
5. **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.
6. **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.
7. **Court initiated filings.** Official court documents entered on the docket or register of actions, such as notices or orders.
8. **Document Management System (DMS).** A DMS manages the receipt, indexing, storage, and retrieval of electronic and non-electronic documents associated with a case.
9. **Electronic filing (e-file).** 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.
10. **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.

11. **Original document.** A filing made with the Clerk in either electronic format or paper form, becoming the Court's official record.
12. **Pro Se filer.** An individual proceeding “on one’s own behalf” without representation by an attorney at law.
13. **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.
14. **Registered User.** A person who has read and agreed to the terms of the e-filing agreement, has provided his/her credentials and has been approved by the Clerk of Courts.
15. **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 Clerk 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) **Documents from *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 into 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.
3. Deposits and/or filing fees must be paid before the Clerk accepts documents. *Pro se* filers who qualify for indigent status, along with some government agencies, will need to have their costs deferred, and the Court will need to validate that those parties are in fact indigent or that they represent a qualifying government agency.

(D) **Documents from an Attorney of Record.** Documents received by mail or by facsimile, from a licensed attorney to be filed in case types designated as mandatory e-filing, will be returned to the attorney with instructions to use the e-filing system to submit documents.

(E) **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 Clerk shall not accept for file any pleadings or instruments in paper form except as provided in Subsection (L) 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.

(F) **Confidential and unique electronic identifier.**

1. The Court's e-filing system shall assign an individual who has registered 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 an 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.

(G) **Official Court record**

For documents that have been e-filed or documents filed in paper format pursuant to 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.

(H) **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 references 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.

(I) **Time, effect, and process of e-filing.**

1. **Submission.** E-filings may be made with the Clerk twenty-four (24) hours a day, seven (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 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's 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 due to a system error, then 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 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.

(J) 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 indigency. 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.
5. Any document filed electronically that requires a filing fee may be rejected by the Clerk of Courts unless the filer has complied with the mechanism established by the court for the payment of filing fees.

(K) 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.

In accordance with Civ.R. 5(B) and Civ.R. 6(D), parties served electronically shall no longer be entitled to the three-day (3) extension of time to respond that they would otherwise be entitled to if they were served by mail or by a commercial carrier service. This applies only to documents other than complaints.

(L) **Exceptions to e-filing.**

1. **Exhibits.** Every reasonable effort shall be made to submit all exhibits and/or attachments electronically as a .pdf whenever practicable. However, exhibits, attachments, or other documents that may not be comprehensively viewed in a .pdf shall be filed in their physical form with the Clerk. Exhibits, and/or attachments, or other items that cannot be captured electronically shall be filed physically with the Clerk and be accompanied by a cover page that contains the complete caption of the case, the case number, the assigned judge, and the party designation of the filer.

2. **Sealed documents.** Documents to be filed under seal or *in camera* shall be filed only with prior Court order.

All documents that require to be filed under seal shall be submitted to the Clerk for filing in a securely sealed envelope marked “DOCUMENTS UNDER SEAL” or the equivalent. It shall also contain the complete case caption, the case number, the assigned Judge, a descriptive title of the document and the date of any order permitting the item to be sealed, and the party designation of the filer.

3. **Transcripts of Testimony.** Transcripts of testimony, including depositions, shall be filed in their physical form with the Clerk.

4. **Complaints on Cognovit Notes.** Cognovit complaints, with the original Note, shall be filed in their physical form with the Clerk.

5. **Civil Stalking Protection Orders or Civil Sexually Oriented Offender Protection Orders.** Complaints filed pursuant to R.C. 2903.214 shall be filed in their physical form with the Clerk.

RULE 16: USE OF ARTIFICIAL INTELLIGENCE IN COURT SUBMISSIONS

(A) **Purpose and Scope.** This rule is established to govern the use of artificial intelligence (AI) technologies by attorneys and/or parties in the preparation and submission of materials to the Richland County Court of Common Pleas. It aims to ensure the ethical use of AI and maintain the integrity of evidence.

(B) **Definition.** Artificial Intelligence (AI): Any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research. AI-Assisted Material: Any document or evidence prepared with the assistance of AI technologies.

(C) **Disclosure of AI Assistance.** Attorneys and/or parties must disclose the use of AI-assisted technology in the creation or editing of any document or evidence submitted to the court.

Such disclosure should include a general description of the AI technology used and its role in the preparation of the materials. The disclosure must be made at the time of submission through a certification attached to the document or evidence, indicating the type of AI used and certifying the attorney's final review and approval of the AI-assisted material.

- (D) **Responsibility and Review.** Attorneys and/or parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI-assisted materials submitted to the court. Attorneys and/or parties must thoroughly review all AI-assisted materials to ensure they meet all legal and ethical standards. Use of AI does not absolve attorneys from their duty of competence, diligence, and supervision as required under the Ohio Rules of Professional Conduct.
- (E) **Sanctions.** Violations of this rule may subject an attorney and/or party to sanctions, including, but not limited to those sanctions listed in Civil Rule 11 and/or Civil Rule 37.

RULE 17: VIEW, COPY OR LISTEN TO EVIDENCE

To ensure the chain of evidence, access to the evidence room is restricted to the court reporter, bailiff, court administrator, or any other court employee given express permission to enter.

An attorney who wishes to view or listen to evidence must contact the Court to arrange a time convenient to counsel and the Court to do so. Court staff must be present while an attorney views or listens to evidence.

Counsel requesting copies of electronically stored evidence must provide the proper and secure equipment necessary to transfer recordings and electronically stored evidence.

RULE 18: CERTIFICATION OF EMPLOYMENT (CQE)

18.01 Certification of Qualification for Employment (CQE). Under R.C. § 2953.25, the residents of Richland County may seek a CQE from this Court using the following procedure. Those residing in another Ohio county must file in their home county, even if they were previously convicted of criminal offenses in Richland County.

- (A) **Petition.** All CQE applicants must first submit a petition electronically through the Ohio Department of Rehabilitation and Corrections (ODRC) website located at <https://www.drccqe.com>.
- (B) **Filing.** After the petition for a CQE has been submitted electronically and it is determined to be complete by the ODRC and a DRC CQE Summary has been filed, the Petitioner shall appear at the office of the Richland County Clerk of Courts, within thirty (30) days

of the completion of the DRC CQE Summary, to complete filing and pay the required application fee. Failure to file the petition with the court and pay the application fee within thirty (30) days will result in the court dismissing the petition for want of prosecution. A petition for a CQE is filed as a civil action. The application fee is \$100.00.

- (C) **Petition Cover Sheet.** A petition filed with this court must include a copy of the fully completed Electronic Application as submitted to the ODRC. The Petitioner must complete a Petition Cover Sheet (Form A) and include their assigned ODRC Electronic Petition Identification number.
- (D) **Personal Identifiers.** The individual filing the petition for a CQE is responsible for removing personal and private information, such as the individual's social security number and date of birth, from the petition, any exhibits or addenda attached to the petition, or from documents later filed in the proceeding. Personal and private information must be submitted on a Disclosure of Personal Identifier form, which is a non-public record. The information will be kept in a separate envelope within the case file and appropriately marked as containing personal and private information.
- (E) **Court Investigation.** Unless the assigned judge deems it unnecessary because sufficient information is known to justify denial of the petition, after receiving a CQE petition the Court will perform an investigation. The following will be provided notice of the filing and a copy of the petition and granted the opportunity to agree, disagree or provide no comment regarding the request:
 1. The Richland County Prosecutor,
 2. Any common pleas court, municipal court or mayor's court in the State of Ohio where the Petitioner has appeared to answer for any criminal or serious traffic matter.
- (F) **Criminal Investigation.** The Richland County Probation Department may perform an investigation into the Petitioner's criminal history. In doing so, the Department may use any records of this court. The resulting report is not a public record and shall be treated with the same level of confidentiality as a pre-sentence report.

The judge may order any report or investigation concerning the Petitioner or disclosure by the Petitioner that the court believes is necessary to reach a decision on the petition.

Unless the assigned judge has already denied the petition, following the completion of the investigation, the judge will be presented with an information packet and an "Investigation Completed" notice will be filed with the clerk. The packet shall include a copy of the petition, the criminal history, and other information obtained by the court in accordance with O.R.C. § 2953.25 and O.A.C. Rule 5120-15-01. The packet is not a public record and shall not be made a part of the Clerk's file.

A decision either granting or denying the petition shall be issued within sixty days of the filing of the “Investigation Completed” notice. The Petitioner may file a response to the prosecutor’s or another court’s response to the request for information prior to the granting or denial of the petition.

- (G) **Decision.** The Court shall notify the Petitioner of its decision to grant or deny the petition by judgment entry. The court will notify the ODRC of the disposition of each CQE petition as required. When a petition is granted, the court’s judgment entry shall order the ODRC to issue a CQE.
- (H) **Duty to Report.** Petitioners who have been granted a CQE by the Court shall have a continuing duty to report, in writing to the Court, any arrest or conviction of Petitioner for any felony offense after the issuance of the CQE. Such reports must be filed with the clerk within seven days of arrest, or if not released on bond, within seven days of conviction for a felony offense.
- (I) **Appeal.** If the petition has been denied, the judgment entry shall include conditions, if any, placed on subsequent filings. A denial of a petition for CQE is a final appealable order and may be appealed to the Fifth District Court of Appeals.

RULE 19: SPECIALIZED DOCKETS

19.01 CREATION OF SPECIALIZED DRUG COURT DOCKET IN ACCORDANCE WITH SPECIALIZED DOCKET STANDARD 1 (B)

- (A) **Purpose.** Recognizing that substance abuse poses special challenges to the criminal justice system, the court has created the Richland County Substance Abuse Treatment Court (SATC Drug Court with the intent to divert those non-violent offenders entering the criminal justice system whose offense is the result of their substance abuse and addiction into a phase supervised treatment approach with the goal of reintegrating them back into society as productive citizens.
- (B) **Admission.** Eligibility for admission, program capacity, the referral process, screening, assessment, admission, and case flow are monitored by the SATC Team.
- (C) **Length of program.** SATC was designed as an 18-to-24 months, 4 phased supervised treatment approach. Participants will attend twice a month SATC sessions for a minimum of 12 months or until being placed into Phase 4 of the program, after that participants will attend at least monthly.
- (D) **Noncompliance.** Noncompliance may result in sanctions that are applied at the discretion of the court.

(E) **Terminations.**

1. Completion/graduation requires the participant to complete all four phases of the program. They must demonstrate sobriety, stable living, as well as positive thinking, attitude, and beliefs.
2. Administrative/neutral termination is made when a participant is not eligible for graduation because of on-going issues with sobriety and does not fully demonstrate a stable living.
3. Unsuccessful termination/revocation is a result of the participant failing to maintain contact with the SATC team, failing to maintain sobriety, or having ongoing criminal activity.
4. Graduates are monitored up to six (6) months following release/graduation.

(F) **Program Description.** The SATC Program Coordinator shall maintain a Program Description, available to all court personnel and counsel. The Program Description shall set forth the rules for the program, policies, and procedures for requirements for the SATC program. The Program Description shall be reviewed at least bi-annually to comply with the requirements of the Specialized Dockets Section of the Ohio Supreme Court.

19.02 Creation of Specialized Reentry Drug Court Docket in accordance with Specialized Docket Standard 1 (B)

- (A) **Purpose.** Recognizing that adult offenders released from prison will face a variety of challenges and obstacles as they return home to their community, the court created a program to provide guidance and assistance for offenders to successfully reintegrate back into the community.
- (B) **Placement.** Placement can take place at several points following prison incarceration: by judicial release, a split sentence, post release control or parole. The Judge has discretion, as does the ODRC Parole Board, to decide participant admission into the Richland County Reentry Drug Court.
- (C) **Admission.** Eligibility for admission, program capacity, the referral process, screening, assessment, and case flow are monitored by the Reentry Team.
- (D) **Length of program.** Offenders must have a period of at least 12 months of supervision following their release. Participants who are newly released offenders will appear for the first and second sessions (twice a month) all other offenders being monitored will appear for the second session (one a month).

(E) **Noncompliance.** Noncompliance may result in sanctions that are applied at the discretion of the court.

(F) **Terminations.**

1. Completion/graduation requires the participant to complete all phases of the program and have had no recent criminal activity. They must demonstrate sobriety and demonstrate social responsibility and stability.

2. Administrative/neutral termination is made when a participant is not eligible for graduation because of on-going issues with sobriety or criminal behavior and does not fully demonstrate a stable living.

3. Unsuccessful termination/revocation is a result of the participant failing to maintain contact with the Reentry team, failing to maintain sobriety, or having ongoing criminal activity. Unsuccessful termination/revocation may result in a probation/parole revocation.

(F) **Program Description.** The Reentry Program Coordinator shall maintain a Program Description, available to all court personnel and counsel. The Program Description shall set forth the rules for the program, policies, and procedures for requirements for the Reentry program. The Program Description shall be reviewed at least bi-annually to comply with the requirements of the Specialized Dockets Section of the Ohio Supreme Court.

**RICHLAND COUNTY COMMON PLEAS COURT, GENERAL DIVISION
LANGUAGE ACCESS PLAN
JANUARY 1, 2023**

I. LEGAL BASIS AND PURPOSE

This document serves as the Language Access Plan (“LAP”) for Richland County Court of Common Pleas, General Division to provide services to limited English proficient (“LEP”) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Richland County Court of Common Pleas, General Division.

The General Division provides the following advisement:

In order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients’ Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard-of-hearing. Although deaf and hard-of-hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law. Protections for individuals with qualifying disabilities includes the following:

- Title II of the Americans with Disabilities Act (ADA) requires public entities, including state and local courts, to provide equal access to their programs and services. 42 U.S.C. §§ 12131-12134.
- Public entities are required to “take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a).

- Public entities must “furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” 28 C.F.R. § 35.160(b)(1).
- These auxiliary aids and services include the provision of “qualified interpreters, notetakers, computer-aided transcription services, written materials,... or other effective methods of making aurally delivered materials available to individuals with hearing impairments.” 28 C.F.R. § 35.104.
- To determine “what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.” 28 C.F.R. § 35.160(b)(2).
- Deaf and hard-of-hearing people may not be charged for the costs of such auxiliary aids or services. 28 C.F.R. § 35.130(f).

II. NEEDS ASSESSMENT

A. Statewide

The State of Ohio provides court services to a wide range of persons, including people who do not speak English and/or who are deaf or hard of hearing. Service providers include the Supreme Court of Ohio, the courts of appeals, and trial courts throughout the state.

According to the American Community Survey as released in October 2019 by the U.S. Census Bureau, the number of people over the age of five in Ohio who, at home, speak a language other than English is approximately 825,270. The survey includes the following top 15 languages in Ohio:

<u>Language</u>	<u>No. of speakers over age of five</u>
1. Spanish	265,761
2. PA Dutch and other West Germanic	62,701
3. Chinese (Mandarin, Cantonese)	46,828
4. German	42,942
5. Arabic	41,582
6. Nepali, Marathi or Other Indic	32,446
7. Somali, Amharic & Other Afro-Asiatic	28,994
8. French	27,884
9. Hindi	18,964
10. Telugu	17,908
11. Ukrainian and Other Slavic Languages	15,067
12. Russian	14,265
13. Vietnamese	14,223
14. Tagalog (Filipino)	14,153
15. Swahili	13,389

Correspondingly, data compiled by the Language Services Section on the use of telephonic interpreters in the state of Ohio from 2019-2020 revealed that the most widely used remote languages used in courts statewide are the following:

<u>Language</u>	<u>2019-2020 Avg.</u>
1. Spanish	1,828
2. Nepali	332
3. Arabic	270
4. French	209
5. Swahili	209
6. Somali	184
7. Kinyarwanda	103
8. Mandarin	101
9. Russian	69
10. Vietnamese	55
11. Burmese	35
12. Tigrinya	35
13. Amharic	30
14. Punjabi	25
15. Korean	20

B. Richland County Court of Common Pleas, General Division

The Richland County Court of Common Pleas, General Division will make every effort to provide services to all LEP and deaf or hard-of-hearing persons in its jurisdiction. The most commonly used languages in Richland County Court of Common Pleas, General Division are the following:

- Spanish
- Deaf or hard-of-hearing

III. LANGUAGE ASSISTANCE RESOURCES

A. Language Access Coordinator

The Richland County Court of Common Pleas, General Division will designate a Language Access Coordinator. The Language Access Coordinator should report to the administrative judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator (as applicable) and the Administrative Judge, will assist in ensuring that language services are delivered by the court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80 - 89.

Richland County Court of Common Pleas, General Division’s Language Access Coordinator is Tammy Wurthmann. She can be reached at 419-774-5570. Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator in a prompt but reasonable amount of time. In addition to the responsibilities already outlined in this plan, the Language Access Coordinator also has the following responsibilities:

- Identify qualified interpreters and translators from the Supreme Court of Ohio's certified list of interpreters <http://sc.ohio.gov/JCS/interpreterSvcs/certification/rosters/default.asp>
- Track and collect data regarding the use of interpreters, the languages needed, etc.;
- Outline measures to ensure quality control of interpreters and translators; and
- Assign qualified interpreters, translators and bilingual employees to perform language assistance functions.

B. Interpreters Used in the Courts

Under Ohio law and Supreme Court rules, there are two different instances in which a court must provide an interpreter: in a case or court function and in connection with ancillary services. This distinction is important because the type of interpreter to be provided and the court's responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, section 2311.14 of the Ohio Revised Code provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio, requires that the Richland County Court of Common Pleas, General Division appoint an interpreter in a case or court function when a LEP or deaf or hard-of-hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense, if the party is found to be indigent. However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

In the Richland County Court of Common Pleas, General Division, sign language interpreters will be provided at court expense for all deaf or hard-of-hearing court parties, witnesses, or jurors in compliance with the ADA.

IV. USE OF INTERPRETERS

A. Determining the Need for an Interpreter

There are various ways that the Richland County Court of Common Pleas, General Division will determine whether an LEP or deaf or hard-of-hearing person needs the services of a court interpreter. First, the LEP or deaf or hard-of-hearing person may request an interpreter.

Second, court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court staff, judge, or magistrate must provide an interpreter to ensure full access to the court. See Sup.R. 88(A)(2), (B)(1)(b). In legal proceedings, judges and magistrates must make a determination, on the record, as to the need for an interpreter. In court functions and ancillary services, designated staff may make a determination as to the need of an interpreter.

Third, once a party or a witness has been identified as an LEP or deaf or hard-of-hearing individual, the court will exercise every effort to appoint interpreters in all future related proceedings or court functions. Furthermore, the court will follow the requirements of Sup.R. 88 to appoint an interpreter (see Section C below). If no in-person interpreter is available at the given instance, the court will grant a continuance or if possible and appropriate, in accordance with Sup.R. 88, Appendix J, use the services of a telephonic interpreter.

B. Court Interpreter Qualifications

The Language Services Section of the Supreme Court of Ohio maintains a statewide roster of interpreters who are qualified to interpret in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skill. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in Sup.R. 80-88.

C. Appointment of a Court Interpreter

The Richland County Court of Common Pleas, General Division will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the Richland County Court of Common Pleas, General Division will make all reasonable efforts to avoid appointing foreign language interpreters or sign language

interpreters if they are compensated by a business owned or controlled by a party or a witness; friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived.

D. Language Services Outside the Courtroom

In accordance with Sup.R. 89, the Richland County Court of Common Pleas, General Division shall ensure that LEP individuals and individuals who are deaf or hard-of-hearing have meaningful access to ancillary services outside the courtroom. LEP individuals and individuals who are deaf or hard-of-hearing may come in contact with court personnel via the phone, counter, or other means. The Richland County Court of Common Pleas, General Division has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

- When a court staff member does not know what language the person is speaking, refer to an "I Speak" Language Identification Guide which is available in 63 languages. The Language Access Coordinator is responsible for distributing cards to all staff and to any new staff.
- In order to meet the needs of those who speak less-common languages, court staff may rely on telephonic interpretation or relay services to bridge communication.

V. TRANSLATED FORMS AND DOCUMENTS

Ohio courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services.

The Richland County Court of Common Pleas, General Division currently uses the following for forms translated into commonly used languages:

- When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals.
- Additionally, the Supreme Court of Ohio has translated a number of court form into various languages: Arabic, Chinese, Russian, Somali and Spanish. These are posted on the Supreme Court of Ohio website and are available to all courts. They can be found here:

<http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/translatedForms/default.asp>.

The Richland County Court of Common Pleas, General Division follows the process to translate material described in the *Interpreters in the Judicial System: A Handbook for Ohio Judges* found at http://www.supremecourt.ohio.gov/Publications/interpreter_services/ISHandbook.pdf. The court will also rely on the Language Services Section at the Supreme Court of Ohio for consultation and technical assistance.

Richland County Court of Common Pleas, General Division will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

VI. LOCAL RULE

The Richland County Court of Common Pleas, General Division follows the Superintendence Rules and has not adopted a local rule regarding appointment of interpreters.

VII. TRAINING

Ohio courts are committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Section provide on-going training for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.

Richland County Court of Common Pleas, General Division staff with direct contact with LEP individuals or individuals who are deaf or hard-of-hearing will receive training on language access, to be coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated training regularly and new staff are trained at the time of hire.

VIII. COMPLAINT PROCESS

The Richland County Court of Common Pleas, General Division will ensure that all LEP individuals and individuals who are deaf or hard-of-hearing receive language assistance services in their primary language. To promptly address any concerns that an LEP person or an individual who is deaf or hard-of-hearing did not receive language assistance, the Supreme Court of Ohio has developed a process for handling such complaints.

For more information on the complaint resolution process, please visit:
<http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/default.asp>.

Parties may also call 1(888)-317-3177, Monday-Friday, 8 AM to 5 PM, or send correspondence via email to: InterpreterServices@sc.ohio.gov or via US Postal Service to:

Language Services Section, Complaint Resolution, 65 South Front Street, Columbus, Ohio 43215

Richland County Court of Common Pleas, General Division employees will also provide information on this complaint process to LEP individuals or individuals who are deaf or hard-of-hearing upon request or if an LEP/deaf or hard-of-hearing individual voices concern about the lack of language access services or the quality of services that were provided.

In addition to the Supreme Court's complaint process, the Richland County Court of Common Pleas, General Division has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, she or he will document receipt of the complaint and provide information about it to the individual who supervises the affected

employee(s). Once the supervisor or monitor receives notice of a language access complaint, she or he will take prompt and reasonable action to review, investigate and respond to its allegations. The Language Access Coordinator will also notify the Supreme Court of Ohio manager of the Language Services Section of such complaint.

The Richland County Court of Common Pleas, General Division will display a sign translated into Ohio's 12 most frequently used languages which states:

If you are limited English proficient, you have the right to a court-appointed interpreter. To request one please contact the person or number below:

<i>Richland County Common Pleas, General Division</i>		
<i>419-774-5570</i>	<i>or</i>	<i>419-774-5567</i>

If you are not provided an interpreter, call the Supreme Court of Ohio complaint line at 1.888.317.3177

The Richland County Court of Common Pleas, General Division will display this sign at common areas visible to all court users. In the Richland County Court of Common Pleas, General Division, the Language Access Coordinator is responsible to make sure signs are visible, interpreters are provided, and our LAP plan is monitored.

IX. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval

The Richland County Court of Common Pleas, General Division LAP has been approved by the Administrative Judge of the court. Any future revisions to the plan will be submitted to the Administrative Judge for approval. Copies of the Richland County Court of Common Pleas, General Division LAP will be distributed to all court staff by the Language Access Coordinator.

B. Notification

The Language Access Coordinator will ensure that any new staff receives a copy of the plan. Copies of the Richland County Court of Common Pleas, General Division LAP will be provided to the public upon request. In addition, the Richland County Court of Common Pleas, General Division will post this plan on its website.

C. Evaluation of the LAP

The Language Access Coordinator will review this plan on an annual basis and make changes based on the review. The evaluation will include review of any complaints received, identification of any

problem areas, development of required corrective action strategies, and input from court staff. Elements of the evaluation may include:

- Assessing the number of LEP/deaf hard-of-hearing persons requesting court interpreters in Ohio courts;
- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and
- Gathering feedback from LEP/deaf hard-of-hearing communities around the state; using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting on the Richland County Court of Common Pleas, General Division public website.

X. OFFICIAL DESIGNATION OF LANGUAGE ACCESS COORDINATOR AND BACK-UP LANGUAGE ACCESS COORDINATOR.

Language Access Coordinator

Name: Tammy Wurthmann

Title: Court Administrator

Phone: 419-774-5570

Email: Wurthmann.t@richlandcourtsuh.us

In the event that the Language Access Coordinator is unavailable, the back-up Language Access Coordinator will serve as the substitute.

Back-up Language Access Coordinator

Name: Kelsey Levingston

Title: Legal Assistant

Phone: 419-774-5568

Email: Levingston.k@richlandcourtsuh.us

OR

Back-up Language Access Coordinator

Name: Kimberly Parman

Title: Legal Assistant

Phone: 419-774-2053

Email: Parman.kj@richlandcourtsuh.us

XI. HELPFUL RESOURCES

- Federal interagency website about language access- LEP.GOV
- [American Bar Association Standards for Language Access in Courts](#), February 2012,
- [Department of Justice Language Access Planning](#)
- Supreme Court of Ohio's [Language Services Section](#) .

XII. LAP ADMINISTRATIVE JUDGE APPROVAL

This LAP was reviewed and approved by:

JUDGE BRENT N. ROBINSON



DATE: 4-23-24

JUDGE PHILLIP S. NAUMOFF



DATE: 4-29-24

XIII. EFFECTIVE DATE

APRIL 23, 2024

2022 RICHLAND COUNTY COMMON PLEAS CLERK OF COURTS, AS WELL AS, GENERAL AND DOMESTIC RELATIONS DIVISIONS COURT IT TECHNOLOGY PLAN

This Plan describes key strategic priorities for the IT program, and summarizes the courts anticipated IT resource requirements. The IT program consists of systems and services provided to the clerk and the courts. The program consists of four elements:

- Technologies that serve the general public, as well as litigants, attorneys, law enforcement agencies, state and local courts, executive branch agencies, and other stakeholders.
- Internal court systems used by judges, court staff, clerks, probation and pretrial services officers.
- The technical infrastructure that is the underlying framework supporting the delivery and processing of information for all stakeholders, both internal and external. It includes the physical equipment, policies, and programs that ensure the quality and reliability of the IT services.
- IT security methods and processes that protect internal and external court systems, services, and data against unauthorized use, disclosure, modification, damage, inaccessibility, and loss.

The Plan includes the strategy to harness the potential of technology, to identify and meet the needs of court users and the public for information service, and access to the courts, as well as four associated goals which form the basis of strategic priorities for IT:

- Continue to build, maintain, and enhance a flexible technology systems and applications that anticipate and respond to the requirements for efficient communications, record-keeping, electronic case filing, case management, and administrative support.
- Coordinate and integrate IT systems and applications from a court-wide perspective; continue to utilize resources to improve services; and leverage court data to facilitate decision-making.
- Develop system-wide approaches to the utilization of technology to achieve enhanced performance and cost savings.
- Continuously improve security practices to ensure the confidentiality, integrity, and availability of court-related records and information. In addition, raise awareness of the threat of cyberattacks and improve defenses to secure the integrity of the IT systems.

Continue to build, maintain, and enhance a flexible technology systems and applications that anticipate and respond to the requirements for efficient communications, record-keeping, electronic case filing, case management, and administrative support.

IT is intimately part of the performance of the judiciaries' business. Applications to perform case filing, case management, and administrative support are supported by communications and collaboration systems. These systems and applications require ongoing maintenance, improvement, upgrades, and replacement to remain functional in a continually changing external environment, as well as, relevant to the current needs of the judiciary. In addition to managing a structured lifecycle-management process to identify, manage, and implement user requests for system improvements, the judiciary regularly assesses whether business needs or new technologies necessitate more extensive upgrades or even replacement of systems.

Electronic Public Access

The judiciary provides electronic access to case information through its website at <https://eservices.richlandcountycpcourt.org/eservices/home.page.2> and QuickLink, a cloud based application that allows 365 day/24 hour access to records of the Clerk's office for users to search old records from anywhere in the world, with the ability to print documents at no cost to the user. The public link is https://kofilequicklinks.com/richlandoh_cc. The public and other external stakeholders do not need to visit the courts in person. Instead, users can obtain case information online. At the same time, to strengthen security and protect privacy, the judiciary has instituted policies that restrict electronic public access to certain types of cases, information, and documents.

Case Filing/Case Management

The judiciaries case filing processes are managed by the use of CourtView Justice Solutions, by which staff opens cases and files documents. On May 2, 2022, the judiciary will systematically

begin implementing efilng. This will offer a filer the ability to register and file documents electronically. Documents will be placed in a review queue to be accepted or rejected by a clerk and then, if accepted, seamless integrated with the case management and document management system. Configuration management allows the judiciary to define the electronic filing rules such as types of filers, applicable case types, initiating actions, document types, and associated fees.

Jury Management

The judiciary uses Jury Systems Incorporated to manage its jury data. JSI is a comprehensive and configurable product with user specific security. JSI is specifically designed to process juror source lists and groups, send questionnaires and summonses, form jury panels, record juror service and basic case information, maintain juror information, history and statistics, provide automatic payroll processing, compute and maintain case juror costs, produce jury management reports and notes.

Judges and Chambers Staff

Although case management systems were originally designed primarily to manage documents and processes in the clerks' offices, CourtView provides numerous efficiencies to the judges' chambers. Features include the ability to create and maintain documents, schedule events and create notices, enter confidential notes, view dockets and scanned documents, and have access to party and counsel contact information without having the physical file pulled.

Administrative Support

The use of CourtView by the courts supports the core accounting requirements of the judiciary.

Coordinate and integrate IT systems and applications from a court-wide perspective; continue to utilize resources to improve services; and leverage court data to facilitate decision-making.

Coordinate and Integrate with Other IT Systems and Applications

The judiciary manages a broad array of information that it's required to share with other IT systems and their work processes are interconnected. For example, the Supreme Court developed OCN and, because the system was developed separately from the courts' case management system it can be difficult to share information and coordinate work processes across systems. In part, these inefficiencies can be addressed through emphasis on technical standards to more effectively analyze organizational patterns and trends which, in turn, results in better planning and decision-making.

More Fully Utilize Local Systems

The goals of the IT program include developing and maintaining technology standards for IT staff to ensure compatibility with other applications, as well as, identifying common technology solutions to provide capabilities that reduce the creation of competing technology solutions.

Develop system-wide approaches to the utilization of technology to achieve enhanced performance and cost savings.

The judiciary continues to seek productivity enhancements and cost avoidance from new or improved IT systems, which provide efficiencies and help contain growth in future technology and staffing costs. Moreover, investments that reduce the complexity of IT systems also have the potential to produce savings and cost avoidances. The judiciary's reliance on IT means that failure of its technical infrastructure can effectively bring operations to a halt for its internal stakeholders and severely affect the work of its external stakeholders. Therefore, reducing the complexity of the infrastructure and building a stable, reliable national infrastructure that helps avoid downtime, rework, and inefficiencies have been and remain objectives of the IT program.

Network Enhancements

The judiciary uses a secure network that offers improved delivery of services, however, increased demand on the network to support internal systems and to enable more widespread use of its public-facing technologies requires that network capabilities be evaluated and upgraded on an ongoing basis.

Enhanced Hosting Services

The judiciary has begun using cloud based computing services that include infrastructure and other hardware, database storage, computer applications, and server support. These services provide enhanced availability of the judiciary's data and systems as well as an evolving catalog of cloud-based solutions to it. These solutions can spur innovation, improve disaster recovery capabilities, and support a more mobile work force. The overall benefit will be to increase the flexibility, efficiency, and resilience of the computing environment.

Courtroom Technologies

The judiciary has made substantial investments in courtroom technologies that reduce trial time and litigation costs, as well as improve fact-finding, understanding by the jury, and access to court proceedings. These technologies include evidence presentation, videoconferencing, assisted listening systems, and language interpretation systems.

Court-wide guidelines for courtroom technologies serve as a baseline for the introduction of current and next-generation tools and capabilities. Research and proof-of-concept projects on technologies that will facilitate the efficiency of trials and hearings are ongoing and have included audio storage of court proceedings, audiovisual solutions, and cost reduction solutions. Improvements and efficiencies are being realized from digital video as well as centralization of audio, video evidence presentation, and videoconferencing systems. Rapid changes in the

audiovisual industry have changed the way technologies are implemented within the courtroom and courthouse, but also present maintenance challenges, as suppliers regularly transition support to newer technologies.

Continuously improve security practices to ensure the confidentiality, integrity, and availability of court-related records and information. In addition, raise awareness of the threat of cyberattacks and improve defenses to secure the integrity of courts IT systems.

The IT security program protects its information systems, services, and data against disclosure, unauthorized use, modification, damage, inaccessibility, and loss.

Technology introduces security risks that need to be managed on an ongoing basis, and the judiciary face the challenge of balancing the benefits of these technologies with those risks. The internet, its underlying infrastructure, the applications that serve its mission, and the people who interact with these systems, are vulnerable to a wide range of cyber threats and hazards. Addressing these threats requires the use of multiple measures in the following areas: 1) preventing malicious activity; 2) detecting, analyzing, and mitigating intrusions; and 3) shaping the cybersecurity environment.

Planning provides for continuous evaluation and improvement to adapt to the ever-changing threat environment and helps ensure that resources are focused where they provide the most benefit. The resulting data are analyzed to determine areas of vulnerability; to identify and respond to attack patterns and trends; and to update and continuously improve policies, procedures, and technologies commensurate with risk.

Preventing Malicious Activity

IT staff routinely inspect network traffic for signs of malicious activity that can be blocked or identified for further analysis. Services, tools, and devices—such as firewalls (both network and web application) further prevent breaches. Identity and access management systems restrict access

rights to the courts' data, and web-based threat protection systems prevent end user access to known malicious sites on the internet. Finally, continuous security testing and assessments proactively identify vulnerabilities for corrective action before they can be exploited.

Detecting, Analyzing, and Mitigating Intrusions

Activities in this area allow IT to react quickly and effectively to suspected security incidents. These activities include analyzing indicators of malicious activity detected by the mechanisms previously described, including event notifications, remediation support, and data forensics. They also include event correlation and analysis of activities across multiple services, tools, and devices. These activities address the impact of intrusions on systems and applications, including incident response plans, log analysis and review, and actions to redress exploited vulnerabilities. Keeping these capabilities current requires continually evaluating cyber threat trends and their potential impact on judiciary assets as well as incorporating data derived from new tools.

Shaping the Cybersecurity Environment

IT creates and maintains a security-aware culture using recognized best practices for information security. This process involves correlating vulnerability threat information with data from existent scanning tools, alerting courts programs about the increased risk of these particular vulnerabilities.