

Delaware County
Local Rules of Practice of the Court of Common Pleas
General Division

Effective 3-28-2022

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GENERAL PROVISIONS

RULE 1 INTRODUCTORY PROVISIONS

1.01 Term of Court; Hours of Court Session

(A) The court will be in continuous operation for the transaction of judicial business. Each calendar year, beginning in January, will constitute a separate term of court designated by the calendar year in which the term lies. Each annual term of court will be divided into three sessions, with each session continuing for a period of four months. The sessions will be designated as Part I, Part II and Part III. Part I will commence on the first day of January of each calendar year. Part II will commence on the first day of May of each calendar year. Part III will commence on the first day of September of each calendar year. This Rule is adopted pursuant to the provisions of Section 2301.05 of the Ohio Revised Code.

(B) The sessions of the court generally will be Monday through Friday from 8:30 a.m. to 4:30 p.m. The court will be in session at other times and hours as any judge prescribes.

1.02 Scope and Applicability of Rules

The rules apply to the General Division of the Court of Common Pleas of Delaware County, Ohio, except as otherwise provided. Additional Local Rules of the court may be adopted by the Domestic Relations Court, Probate and Juvenile Division, and other divisions of the court as may be created, governing practice and procedure in those divisions. The Court of Common Pleas of Delaware County consists of three divisions: the General Division, the Probate Division, and the Juvenile Division.

1.03 Interpretation

These Local Rules will be interpreted to achieve the prompt, efficient, and fair resolution of cases. In the event that any portion of a rule is found to be ambiguous, the rule will be interpreted as follows:

(A) To be consistent with the Ohio and United States Constitutions, and the Ohio Rules of Civil Procedure;

(B) To be practical and efficient in their operation;

(C) To be taken in context with the other portions of these rules.

1.04 Citation

These rules will be known as the “Local Rules of Practice of the Delaware County Common Pleas Court, General Division.” These rules may be cited as “Loc.R. __.”

RULE 2

PUBLIC ACCESS/PRIVACY

(A) Public Access

- (1) Any request for copies of pleadings or other documents from a case file must be accompanied by the appropriate copying fee.
- (2) No file, deposition, or transcript may be removed from the office of the clerk of this court by any person for any reason, except (1) the clerk or any employee of the clerk; (2) the common pleas judges or any members of their staffs, including the magistrates and law clerks.
- (3) No file may be taken apart for purposes of copying or for any other reason by any person except the clerk or any employee of the clerk.

(B) Public Method of Access to Electronically Filed Public Documents

- (1) Members of the public can obtain copies of or review electronically filed documents at <http://www.co.delaware.oh.us/index.php/clerk-of-courts>.
- (2) Public access to any electronically filed public document is available on the internet website of the clerk as soon as the clerk has processed the document.
- (3) If the internet website is unavailable or if the clerk is prohibited by the court or by law from making the document available via the internet website, the document will – absent a court order sealing or expunging it – be available for review at the office of the clerk either by computer terminal, in paper form, or on microfilm.

(C) Privacy

- (1) Filing parties must omit – or, where inclusion is necessary, partially redact – the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:

Social security numbers with the exception of the last four digits;
State or federal tax identification numbers;
Driver's license numbers or state identification numbers;
Minors' names in abuse, neglect, or dependency cases;
Employer and employee identification numbers;
Individual financial information; and
Proprietary or trade-secret information.

- (2) With leave of the court, a party may file under seal a document containing the unredacted personal data identifiers listed above.

- (a) The party seeking to file an unredacted document must file a motion to file the document under seal.
 - (b) In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.
- (3) The responsibility for redacting personal data identifiers rests solely with counsel and the parties.
The clerk's office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

RULE 3

ELECTRONIC TRANSMISSIONS

(A) Facsimile Filing

- (1) Although electronic filing is the preferred and most efficient way to file, the clerk of this court maintains a private telephone line and facsimile machine to accept emergency or urgent faxed filings in civil, criminal, and domestic-relations cases, and as limited by this rule.
- (2) Pleadings or other documents that are filed after the original complaint or other initiating pleading and that are less than 26 pages long and do not require a security deposit under Loc.R. 4 may be tendered to the clerk for filing by facsimile transmission.
- (3) A facsimile transmission will be accepted for filing as the original, and the signature contained thereon will be accepted as the original, in conformity with Rule 5(E) of the Ohio Rules of Civil Procedure. Following the acceptance of and filing of a document by means of facsimile transmission, the original "hard copy" should not be tendered to the clerk for purposes of filing, and the clerk should not accept for filing the original "hard copy."
- (4) The clerk will immediately notify the attorney if the transmitted document cannot be filed for any reason.
- (5) The date/time of filing is not determined by the facsimile machine date/time stamp but is instead determined by the clerk's time-stamp clock. Although facsimiles may be transmitted 24 hours per day, seven days per week, regardless of whether or not the clerk's office is actually open, any facsimile received by the clerk after 4:30 p.m. on a regular business day or anytime on a weekend or holiday will be filed on the next regular business day. For purposes of any filing deadline imposed by these rules, court order, statute, or otherwise, a document will be deemed filed on the date and time when the clerk time stamps the document.

(6) All facsimile transmissions tendered to the clerk for filing under this rule must conform to the requirements of Rules 10 and 11 of the Ohio Rules of Civil Procedure and must include a cover page that includes the following information:

Name of attorney;
Address of attorney;
Ohio Supreme Court registration number of attorney;
Telephone number of attorney;
Facsimile number of attorney;
Email address of attorney;
Date and time of facsimile transmission;
Number of pages of facsimile transmission.

(7) 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 determined by the clerk. Payment of fees must be arranged in advance for any facsimile transmission. The risk of facsimile filing remains with the sender, and the clerk of this court assumes no responsibility for any facsimile-related problems.

(B) Electronic Filing

(1) Definitions

(a) Accepted Financial Transaction Device: a credit card, debit card, or other financial transaction device electronically accepted by the clerk and EFM to process documents submitted for Electronic Filing.

(b) Electronic filer: a person, entity, or authorized agent who e-files. Registration as an e-filer constitutes consent to accept electronic service of any pleadings filed by other registered e-filers as well as any orders issued by the Court.

(c) Electronic Filing (e-filing): the process by which a person or entity files documents with the clerk by means of an online electronic transmission of the document through a portal operated by an electronic filing manager designated by the clerk.

(d) Electronic filing manager (EFM): the entity hired by the clerk to provide the single interface for managing electronic filings for the Court.

(e) Electronic Signature: an electronic identifier intended by the person using it to have the same force and effect as a manual signature. An electronically submitted document issued or received by the clerk is considered signed if an electronic signature is included on the document. An electronic signature must include at least one of the following:

(i) “/s/” and the name typed in the space where the signature would otherwise appear; or

(ii) an electronic image or scanned image of the signature.

(g) Original Document: the electronic document received by the clerk from the filer.

(f) Technical failure: a malfunction of the EFM or any county-owned or leased hardware, software, or telecommunications equipment, plus any other issue under control of the clerk or the Delaware County Information Technology Department that results in the inability of an e-filer to e-file a document.

(2) Electronic Filing Policy

(a) In conformity with the Ohio Revised Code, Ohio Civil Rule 5(E), and Ohio Criminal Rule 12(B), pleadings and other papers may be filed with the clerk of courts electronically, subject to the provisions in this rule.

(b) Application of Rules and Orders. Unless otherwise modified by approved stipulation or court order, all Federal Rules of Civil and Criminal Procedure, Ohio Rules of Civil and Criminal Procedure and Local Rules and orders of the court will continue to apply to all documents electronically filed.

(c) Registration. A person or entity must first register with the EFM in order to e-file. Upon approval or denial of the request for access to the EFM, the person or entity will receive an email of approval or denial. An e-filer must provide a designated email address to the EFM.

(d) Accepted Filings

(i) For each electronic document filed, the filer must complete an online Document Description Form containing the following information:

The title of the case;

The case number, if previously assigned;

The assigned judge, if previously assigned;

The title of the document being filed;

The date of transmission;

The name, Ohio attorney-registration number, address, telephone number, fax number, and email address of the attorney or party filing the document.

(ii) Signatures

- (1) All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or by a party not represented by an attorney.
- (2) Any signature on an electronically transmitted document will be considered that of the attorney or party it purports to be for all purposes in accordance with Ohio Civil Rules 5(E)(1) and 11 and Ohio Criminal Rule 12(B)(2).
- (3) If an original document requires a signature of a non-attorney, the filing party or the clerk's office must scan the original document and then electronically file it.
- (4) A pleading or other document requiring an attorney's signature must be signed with an Electronic Signature in substantially the following format if filed electronically:

/s/Ohio Attorney
Ohio attorney-registration number
Attorney for (Plaintiff/Defendant)
Address
Telephone Number
Facsimile Number
Email Address

- (5) Per Ohio Civil Rule 5(E)(1) and Ohio Criminal Rule 12(B)(2), if the documents were transmitted without authority, the court will strike the filing.

(iii) Complaints. Complaints, including criminal complaints, may be filed electronically. Per Ohio Criminal Rule 12(B)(1), all criminal complaints must comply with Ohio Criminal Rule 3.

(e) Filings Not Accepted

- (i) Depositions and transcripts. All depositions and transcripts must be filed in hard format with the clerk, pursuant to the local rules.

(f) Hours of Operation

- (i) The clerk receives electronic documents 24 hours per day, seven days per week, regardless of whether or not the clerk's office is actually open.
- (ii) Time at the court (Eastern time zone) governs, rather than the time zone from which the filing is made.

(iii) All electronically filed documents will receive a confirmation of receipt that includes the date and time acknowledgement displayed on the screen of the filer's computer upon successful transmission of the filing.

(iv) Any document filed electronically that requires a filing fee may be rejected by the clerk of courts unless the electronic filer has complied with the mechanism established by these rules for the payment of filing fees.

(g) Document Format. Documents must be submitted in Portable Document Format (PDF).

(h) Fees

(i) The clerk will assess normal filing fees. All filing fees and case deposits will be collected via an Accepted Financial Transaction Device at the time the filing is processed. Under Section 301.28(E) and (F) of the Ohio Revised Code, a surcharge for using a financial transaction device use may be assessed in an amount to be determined by the clerk.

(ii) No personal checks will be accepted.

(iii) The clerk's office will document the receipt of fees on the docket with a text-only entry.

(iii)The court will not maintain electronic billing or debit accounts for lawyers or law firms.

(i) Filing Acceptance or Rejection Cycle

(i) A confirmation number will be assigned by the clerk to each filing received by the clerk.

(ii) The confirmation number and the date and time of the filing will be displayed on the screen of the filer's computer upon successful transmission of the filing.

(iii)Upon successful processing by the clerk of the document submitted for filing, an electronic mail message will be sent to the filer stating that the document was accepted and filed. The email will also contain the confirmation number and case number assigned, if any.

(iv)If for any reason the document submitted for filing is not accepted and filed by the clerk, the filer will be notified via electronic mail that the document was rejected and the reason for rejection.

- (v) A rejected filing will be treated by the court as having been tendered to the clerk for filing on the date of the rejection if the filing party resubmits the rejected document through the e-filing system within 24 hours after the rejection electronic mail message was sent by the clerk. That 24-hour window is a firm deadline, and it applies even on weekends and holidays.

Any corrective filing submitted after the 24-hour period expires will be rejected. If a party still wishes to file the rejected document electronically after the 24-hour correction period, that party may initiate a new e-filing attempt, but the document will not be treated by the court as having been tendered to the clerk on the date of the initial rejection.

(vi) Technical Failures

1. The clerk may deem the e-filing site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or only accepts filings intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the clerk's website, if possible.
2. A filer who cannot file a document electronically due to problems on the filer's end must file a hard copy ~~of~~ or fax file the document with the clerk.
3. A filing party whose filing is made untimely as a result of a technical failure of the clerk's system or site, or as a result of problems on the filer's end, may seek appropriate relief from the court.
4. If a document is not filed due to technical failures and the filer wishes to have the corrective filing relate back to the date and time of the rejected filing, the filer must file a motion with the court seeking relief.

- (vii) Any attorney, party or other person who elects to file any document electronically will be responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the full risk that the document may not be properly filed with the clerk as a result.

- (viii) The clerk will retain rejected documents for a period of one year from the date of transmission.

(j) Electronic File Stamp

- (i) Upon acceptance by the clerk, a document will receive an electronic file stamp.
- (ii) This stamp will include the date and time when the clerk originally received the transmission. A document received electronically will be considered to have been filed on the date and time in the time stamp.
- (iii) A document electronically filed that is not successfully processed by the clerk will not receive an electronic file stamp, but the filer will receive a rejection email as provided in these rules.
- (iv) After a document receives an electronic file stamp, the document cannot be altered.

(k) Service of Documents

- (i) Documents filed electronically with the clerk must be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49.
- (ii) Once a party has entered an appearance in the case, the party must furnish his or her email address that is regularly monitored, and service thereafter should be made electronically when possible.
- (iii) For all documents that require service by the clerk or documents for which a party is requesting that service be made by the clerk, Instructions for Service must be filed by the filing party as a separate document.
- (iv) Automated Service. When a submission is deemed filed, the clerk's eFiling system will generate a Notification of Electronic Filing to the filer and any other party to the case or their counsel who is a registered user of the clerk's eFiling system. Parties who have listed an email address on prior court filings will also receive the Notification of Electronic Filing. Parties to the case or their counsel who are not registered with the clerk's eFiling system or who have not provided an email address on court filings will not receive a Notice of Electronic Filing. As a result, any filer must serve a paper copy of the e-filed document on all parties to the case or their counsel to whom the clerk's eFiling system does not send the Notification of Electronic Filing. The automatic electronic notice, in conjunction with the required proof of service, will constitute service under Civil Rule 5 and Criminal Rule 49.

(v) Proof of Service. Proof of service of all documents required to be served must be provided by the filing party in compliance with Civil Rule 5(B)(4) and Criminal Rule 49. A separate Certificate of Service will be automatically generated and filed by the eFiling system detailing which parties have and have not been electronically served by the eFiling system. All filing parties must also include on their documents a certificate of service signed in accordance with applicable Ohio court rules and laws, including these Local Rules. The certificate of service must contain substantially the following language:

“I hereby certify that on [date], [document title] was served through the Court’s Electronic Filing Service or by ordinary U.S. mail.”

(vi) Service Date and Time to Respond. For parties or their counsel who receive the Notification of Electronic Filing, service is complete at the time the Notification of Electronic Filing is generated by the clerk’s eFiling system. Parties who do not receive the Notification of Electronic Filing and who are served by regular U.S. mail will have additional time to respond as provided by Civ.R. 6(D). Parties who receive the Notification of Electronic Filing are not entitled to the additional time to respond provided by Civ.R. 6(D).

(vii) Failure of eService. If the clerk’s eFiling system fails to generate the Notice of Electronic Filing, the party to be served may request an order extending the date for any response.

(l) Attachments and Exhibits

Attachments and exhibits to pleadings or motions should be included in one PDF file. If the file size is too large to upload, the attachments or exhibits can be filed in multiple parts. The attorney or party filing attachments or exhibits in multiple parts should advise the clerk as to which pleading, motion, or memorandum the attachments or exhibits belong with by stating so in the comment field of the e-filing system.

RULE 4

DEPOSIT AND PAYMENT OF COSTS

4.01 No new or reactivated civil action or proceeding will be accepted by the clerk for filing unless the appropriate deposit has been paid. Upon termination of the case, if costs remain unpaid, appropriate orders will be imposed to collect the costs. Except as otherwise provided by law, the cost schedule prominently displayed in the clerk’s office will dictate the required cost deposit in each case.

4.02 Final judgment entries must contain a provision for payment of costs. The clerk of courts will apply the deposit to the costs in the case, regardless of the party against whom the costs are assessed.

4.03 If the party initiating the action or proceeding is unable to pay the cost deposit, as set forth in Loc.R. 4.01, the party must file an affidavit, signed before a deputy clerk of court, reflecting the inability to post the required cost deposit. An affidavit of indigency filed in lieu of cash deposit must state the reasons for the inability to prepay costs and is subject to court review at any state of the proceedings. The filing of an affidavit of indigency is not determinative of whether a party will be assessed costs at the conclusion of the case. If the trial court should determine that a cash deposit should not be waived, the party initiating the action or proceeding will be permitted an opportunity to pay the required security deposit. If the deposit is not paid as ordered, then the proceeding may be dismissed by the trial court after notice of the impending dismissal.

4.04 If any judgment entry requires the clerk of courts to file or record any judgment entry or document in any office or department other than the clerk of courts, and if a cost or fee is required and money or funds sufficient to pay that cost or fee are not on deposit, the clerk of courts will file the entry in the clerk's office but will not file or record it elsewhere. Instead, the clerk of courts will mail a certified copy of the judgment entry or document to the party on whose behalf the judgment entry or document was to be filed or recorded. The judgment entry or document will be accompanied by a cover letter stating that the clerk of courts was unable to file or record the judgment entry or document because funds on deposit with the clerk of courts were insufficient to cover the cost to file or record the judgment entry or document. The letter will also note that due to the lack of a sufficient deposit, the judgment entry or document is being provided to the party so that the party may, on his or her own, pay the cost or fee to file or record the judgment entry or document.

RULE 5

TRIAL PROCEDURE

5.01 Trial procedure shall be in accordance with applicable statutes or Rules of the Supreme Court of Ohio.

5.02 Except with the permission of the trial judge, only one attorney for each party will be permitted to speak on any motion or upon any question arising in the trial of a case; and only one attorney for each party will be permitted to examine the same witness in any trial or proceeding before the court.

RULE 6

SPECIAL PROJECTS FEES

A special-projects fee will be charged as a court cost in the case whenever a new criminal case, civil action or proceeding, or judgment by confession is filed. The amount of that fee will be set by order of the Court and may be different depending on the case type. No special-projects fee will be charged for certificates of judgment or for petitions for certificates of qualification for employment.

RULE 7

PLEADINGS AND MOTIONS

7.01 Case Caption Every pleading, motion and memorandum filed must be legibly typed or printed using a minimum font size of 12 points on 8.5-inch by 11-inch paper, be securely bound and paginated, and have typed or printed the case name, the case number, and the name of the trial judge. If the action is classified under Rule 22.02 of these Rules as an action for foreclosure or is otherwise an action requesting the sale of real property located in Delaware County, Ohio and the Delaware County Treasurer or the Delaware County Auditor is a party to the action, each pleading, motion, and memorandum must list in the case caption beneath the trial judge's name the Delaware County permanent parcel number or each of the Delaware County permanent parcel numbers of the real property or real properties that are the subject of the action.

7.02 When a new party plaintiff or defendant is added to a case after its commencement, the caption of subsequent pleadings must contain the name and address of the new party, followed by the appropriate designation.

7.03 Upon filing and where appropriate, complaints must have attached proof of assignment to the plaintiff from the original creditor or original party-in-interest to establish the plaintiff's standing and the jurisdiction of the court. The court may dismiss the complaint without prejudice if the proof of assignment is not attached to the complaint.

7.04 All motions, where appropriate, must be accompanied by a memorandum in support of the motion, setting forth the specific grounds for the relief sought, along with citations to controlling authorities relied upon in requesting the relief. Unless otherwise ordered, counsel should not attach copies of any cases or statutes cited. Where appropriate, all memoranda (in support of, contra, and in reply) filed regarding a pending motion must include page and document references to evidentiary material for all factual assertions.

7.05 Except as otherwise ordered by the trial judge, all motions (except dispositive motions) must be accompanied by an entry. Failure to submit an entry may delay consideration of the motion or result in the court denying the motion for failure to comply with this rule.

7.06 All motions, memoranda contra, and replies must be titled in the following manner:

MOTION: Motion of (Plaintiff/Defendant) (party name) (to/for) (type of motion).

MEMORANDUM CONTRA: Memorandum Contra of (Plaintiff/Defendant) (party name) to (Plaintiff/Defendant) (party name's) Motion (to/for) (type of motion) Filed (date of motion).

REPLY: Reply of (Plaintiff/Defendant) (party name) to (Plaintiff/Defendant) (party name's) Memorandum Contra to Motion Filed (date of motion).

If an oral hearing on the motion is desired, the motion must contain a request for oral hearing, with the anticipated length of the hearing, in the caption. Motions will not be set for hearing unless the court determines that a hearing is necessary.

7.07 The dates and time periods set forth in Civil Rule 6(C) may be modified by the court upon written application and for good cause shown. A request for an extension must be filed prior to the date the proposed filing is due. A late filing may be stricken by the court if leave of court is not sought and granted to file the document outside of the time periods set forth in Civil Rule 6(C). Where appropriate, the moving party must submit separately a Judgment Entry.

7.08 No motion or memorandum may exceed 25 double-spaced pages using a minimum font size of 12 points, exclusive of supporting documents. Reply memoranda are limited to 12 double-spaced pages using a minimum font size of 12 points. The court may strike any motion or memorandum in excess of these page limits. Requests for leave to file memoranda in excess of the page limits must be made by motion. Duplicates of pleadings or documents already in the file should not be attached as supporting appendices but should be incorporated by reference.

7.09 A courtesy copy of all motions, briefs, and memoranda (in support of, contra, and reply) filed, including those filed electronically, must be submitted by the attorney or party filing the motion to the assigned Judge in person, by mail, by facsimile, or by e-mail (either GormleyCourt@co.delaware.oh.us or SchuckCourt@co.delaware.oh.us). When appropriate, an entry should accompany the courtesy copy of the motion.

7.10 For criminal cases, once a motion has been filed, any memorandum contra to the motion must be filed and served upon the opposing counsel no later than the fourteenth day following the filing of the motion, unless the court orders otherwise. A reply memorandum may be filed by the movant and served upon opposing counsel within seven days after the date stated in the certificate of service in the memorandum contra. Motions will not be set for hearing unless the court determines that a hearing is necessary. The dates and time periods set forth under this rule may be extended by the court upon written application and for good cause shown.

RULE 8

FILING OF DISCOVERY MATERIALS

8.01 Pursuant to Rule 5(D) of the Ohio Rules of Civil Procedure, the clerk will not accept for filing: depositions upon oral examination, interrogatories, requests for documents, requests for admissions and answers, or responses thereto, unless (1) the court otherwise orders, (2) they are to be used as evidence, or (3) they relate to a pending motion and are attached in support.

8.02 Depositions.

(A) All filings of depositions must conform to the Ohio Rules of Civil Procedure. The clerk will not accept for filing an envelope containing more than one deposition.

(B) Upon receipt of deposition, the clerk will file-stamp the deposition, place the deposition back into the envelope in which it was delivered, and reseal the envelope. Before an interested person views the deposition, the clerk will unseal the deposition, initial and date the envelope, and record on the envelope the person's name who has requested to view the deposition. The interested person may then view the deposition in the presence of the clerk. This rule is not intended to limit any person's access to filed depositions, but to preserve the integrity of the depositions and exhibits appended thereto.

(C) Loc.R. 8.02(B) applies unless a protective order is placed on the cover of the deposition or an order sealing the deposition is placed on the cover of the deposition.

RULE 9

DUE DATES AND EXTENSIONS

9.01 By agreement of opposing counsel, any party may be permitted two leaves to plead, provided that the total extension of time does not exceed 28 days. The agreement of counsel should be evidenced by a "Consent to Plead" that has been signed by all parties to the action.

9.02 Except as otherwise provided by these Local Rules, where a party needs additional time, beyond that provided in Loc.R. 9.01, 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 served upon opposing counsel. The motion and affidavit will be required even though consent of opposing counsel is obtained if the extension is for a period of time beyond that permitted by Loc.R. 9.01. The moving party must submit separately a proposed judgment entry.

9.03 In all cases where the time for the filing of pleadings or amended pleadings is not fixed by law or other rule, the pleadings or amended pleadings must be filed on or before the seventh day after the date of the entry requiring or granting leave for the filing of pleadings or amended pleadings, unless otherwise specified in the entry. The opposing party must move or plead to the pleadings or amended pleadings so filed on or before the fourteenth day after the pleadings or amended pleadings are filed.

RULE 10

VISITING JUDGES

10.01 Assignment for specific period of time. When the Chief Justice of the Supreme Court of Ohio assigns a visiting judge for a specific period of time, the certificate of assignment will be filed with the clerk and docketed on the administrative journal. When a visiting judge is scheduled to hear a proceeding, the court's online daily docket will reflect the language "VISITING JUDGE." This designation on the daily docket will constitute notice that a visiting judge will be presiding. A copy of the file-stamped certificate of assignment will be placed in the case file of every matter considered.

10.02 Assignment for a specific case. When the Chief Justice of the Supreme Court of Ohio assigns a visiting judge to preside over a specific case, the certificate of assignment will be filed with the clerk and included as part of the record in the case. The clerk will serve the parties on the case with a copy of the certificate of assignment constituting notice that a visiting judge will preside over that specific case.

RULE 11

GENERAL PROVISIONS FOR ATTORNEYS AND PRO SE LITIGANTS

11.01 All pleadings and motions served and filed on behalf of any party represented by counsel must be signed by one attorney in that attorney's individual name as required by Rule 11 of the Ohio Rules of Civil Procedure. The signer should be the attorney who is to try the case. Following that attorney's signature, office address, telephone number, facsimile number, email address, and Supreme Court registration number, there must be set forth the designation "Attorney for Plaintiff" (or Defendant). Firm names and the names of co-counsel or associate counsel may appear on the pleadings and motions. If filing by fax or electronically, refer to Loc. R. 3.

11.02 All pleadings and motions served and filed by an unrepresented party on behalf of himself or herself must be signed by that party, and the signature block should contain the following information, either typed or printed: the party's name, the designation that the party is pro se, the party's address, a telephone number where the party can be reached, and an email address (if available).

11.03 No separate notice of appearance is required.

11.04 If the trial attorney designated in accordance with Loc.R. 11.01 withdraws from the case, as provided in Loc.R. 13, and a new attorney is substituted in his place, a written notice of substitution of counsel must be filed.

11.05 Failure of any attorney or pro se litigant to comply with these rules or the Civil or Criminal Rules of Procedure regarding the proper filing of pleadings may result in the pleading being rejected by the clerk or being stricken by the court.

RULE 12
ADMISSION OF OUT-OF-STATE ATTORNEYS

12.01 An attorney not licensed to practice law in the State of Ohio, but who is licensed to practice law in any other state or in the District of Columbia, may, at the discretion of the trial judge, be permitted to represent a party or parties in any pending action or in any action to be filed in Delaware County, provided that the out-of-state attorney has done all of the following:

(A) Provided proof that the out-of-state attorney has registered with the Supreme Court Office of Attorney Services in accordance with Gov.Bar R. XII;

(B) Certified in writing that he or she has familiarized himself or herself with these local rules and will familiarize himself or herself with the appropriate Ohio Rules of Criminal or Civil Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Professional Conduct;

(C) Found an attorney licensed to practice law in Ohio to act as his or her sponsor. The sponsoring attorney must provide written notice of his or her sponsorship to the court and certify the out-of-state attorney's compliance with this rule and the Rules for the Government of the Bar;

(D) The sponsoring attorney submits with the motion and certification an entry authorizing the approval of the motion;

(E) The sponsoring attorney, or any other attorney licensed to practice law in the state of Ohio, must be co-counsel with the attorney admitted pro hac vice.

12.02 The continuance of any scheduled trial or hearing date will not be permitted solely because of the unavailability of or inconvenience to the out-of-state attorney.

RULE 13
WITHDRAWAL OF COUNSEL

13.01 An attorney desiring to withdraw from representation of a client must file a motion to withdraw stating the reasons for the withdrawal. The motion must also include the last current address and phone number of the client and certification by the attorney that the following conditions have been met:

(A) Notice has been given to the client advising the client of all orders and all upcoming assignment dates affecting the client;

(B) Notice has been given to all counsel, or if unrepresented, notice has been given to the parties.

13.02 No attorney will be permitted to withdraw from a case later than 20 days prior to a trial or dispositive hearing except for extraordinary circumstances.

RULE 14

ASSIGNMENT, TRANSFER, AND CONSOLIDATION OF CASES

14.01 Assignment System

(A) **Individual Assignment System.** The system used by the General Division of this court to assign cases is known as the “Individual Assignment System” under Sup.R. 36. The individual assignment method is intended to ensure judicial accountability for the processing of individual cases; timely completion of cases through prompt judicial control over the pace of litigation; and equitable distribution of cases between and among all judges.

(B) Upon the filing of a complaint in a civil action, or of an indictment, bill of information, or complaint in a criminal action, the clerk will randomly assign the case to a specific judge. The clerk will place the name of the trial judge to whom the case is assigned on the file. The assigned judge will retain the case until final disposition. All preliminary matters, including requests for continuances, will be submitted for disposition to the judge to whom the case has been assigned or, if the assigned judge is unavailable, to the administrative judge.

(C) All entries, including dismissal entries, must be presented to and signed only by the assigned trial judge.

(D) Nothing in this rule will prevent the transfer of either a civil or criminal case(s) from one assigned judge to another with the concurrence of the other judge. Such a transfer must specify the reason(s) for the transfer. All entries transferring cases under this rule must be signed by the transferring judge.

14.02 Civil Cases

(A) **Assignment of Civil Cases.** At the time of filing, a civil case will be randomly assigned to a judge.

(B) **Refiled Cases.** If a case has been dismissed and is refiled, the refiled complaint should contain the following designation under the new case number: “THIS IS REFILED CASE #.” The clerk will assign the new case to the trial judge to whom the case was previously assigned.

(C) **Transfer and Consolidation of Cases.** When actions involving common questions of law or fact are pending before different judges, the court may transfer, or a party in the highest numbered case may move to transfer, the highest numbered case to the judge having the lowest numbered case. If the transfer is approved by the trial judges in both cases, a party in either case may file a motion with the judge who will handle the cases to consolidate the actions, subject to the provisions of Rule 42(A) of the Ohio Rules of Civil Procedure. The motion must be filed in each case that the movant seeks to consolidate. Consolidated cases will be deemed assigned to the trial judge having the lowest numbered case. The case schedule of the lowest numbered case will control the proceedings of consolidated cases unless otherwise ordered by the court.

14.03 Criminal Cases

(A) **Assignments.** When a criminal case naming an individual or entity as a defendant is filed with the clerk of courts, that case will be randomly assigned to a specific judge by a computer program designed to provide equitable and random distribution of cases among the General Division Judges of the Common Pleas Court. All subsequent transfers of cases between judges must be by entry.

(1) **Co-defendants.** If more than one defendant is indicted in a single indictment, each defendant's case will be assigned a separate case number.

(2) The only exceptions to the random assignment system are for cases subjects to Sections B, C, and D of this rule.

(3) In the event a case is subject to more than one criterion for assignment, the following priority applies:

(a) refiled cases

(b) community control cases

(c) already pending trial cases

(B) **Refiled Cases.** If a case has been terminated by nolle prosequi or other form of dismissal, the refiled case must contain the following designation under the case number: "THIS IS REFILED CASE #." The clerk will assign the new case to the previously assigned judge. This rule applies to refiled indictments and to an indictment filed following a dismissal of the initial complaint.

(C) Assignment of Cases with a Single Defendant.

(1) When a single defendant is named in a refiled case, the judge to whom the case was previously assigned will be assigned by the clerk's office to the refiled case.

(2) If Section (C)(1) is not applicable, when a single defendant is indicted in a new case, and that defendant already has an open community control case with a judge of this court, that defendant's newly indicted case will be transferred to the judge with the open community control case.

(3) If Section (C)(1) and (2) are not applicable, when a single defendant is indicted in a new case, and he or she already has a pending case with a judge of this court, that defendant's newly indicted case will be transferred to the judge assigned to the pending case.

(D) Assignment of Cases with Co-Defendants.

(1) If multiple defendants are indicted in a new case or related cases arising from substantially the same alleged facts, all co-defendants will be assigned by the clerk to

the judge randomly drawing the lowest case number. At the time of filing new indictments of additional co-defendant(s), the Prosecutor's Office should include the name and case numbers of all other co-defendants on each indictment for case assignment purposes.

- (2) If multiple defendants are named in a refiled case or related cases, the judge to whom the cases were previously assigned will be assigned to the refiled cases.
- (3) If Section D(2) is not applicable, if multiple defendants are indicted in a new case or related cases and one or more defendants also have an open community control case with a judge of this court, all such co-defendants' newly indicted cases will be transferred to the judge with the open community control case. That judge will also be transferred all additional co-defendants' cases indicted thereafter. Where there is more than one co-defendant on community control, the newly indicted cases will be assigned to the docket of the judge with the lowest community control case number.
- (4) If Section D(2) and D(3) are not applicable, where multiple defendants are indicted in a new case or related cases and one or more defendants also have a pending case with a judge of this court, all such co-defendants' newly indicted cases will be transferred to the judge with the pending case. That judge will also be assigned all additional co-defendants' cases indicted thereafter. Where there is more than one co-defendant with a pending case, the newly indicted cases and all pending cases will be assigned to the docket of the judge with the lowest pending case number.
- (5) If Sections D(2), (3), and (4) are not applicable, where multiple defendants are indicted in a new case or related cases and one or more defendants also have a pending case and a community control case with judges of this court, all such co-defendants' newly indicted cases will be transferred to the judge with the community control case. That judge will also be transferred all additional co-defendants' cases indicted thereafter. Where there is more than one co-defendant with a community control case, the newly indicted cases will be transferred to the docket of the judge with the lowest community control case number.

(E) Sections (C), D(3), D(4), and D(5) of this rule will not apply to cases in which the maximum possible sentence is the death penalty.

RULE 15

MOTION TO CONTINUE OR MODIFY TRIAL DATE

15.01 If a party seeks a continuance of a trial or hearing, the party must file a written motion and submit a proposed entry. All motions to continue in criminal cases must include the number of previous continuances and who sought the continuances, whether opposing counsel consents, if time is waived or not, the try-by date, and dates counsel and witnesses are available for trial. The proposed entry must contain language for both granting and denying the motion, a box to check if the motion is granted or denied, and a place for the new trial date.

15.02 Conflicts

(A) Unless otherwise provided in these rules, when a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case that was first set for trial will have priority and will be tried on the date assigned. The court will not consider any motion for continuance due to conflict of a trial assignment date unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than 30 days prior to trial. When an attorney becomes aware of any assignment that might create a conflict, the attorney must advise the court and opposing counsel as soon as practicable.

(B) Criminal cases assigned for trial have priority over civil cases assigned for trial. Appellate proceedings take precedence over trial-court proceedings.

15.03 Any motion to continue or modify a trial date must be accompanied by a proposed entry. Failure to comply with this rule may result in denial of the motion.

15.04 If a party seeking affirmative relief fails to appear for trial, the trial judge may enter an order dismissing the claim for relief for want of prosecution. If a defendant fails to appear for trial, and the party seeking affirmative relief does appear, the court may order the party to proceed with the case and may decide and determine all matters ex parte.

15.05 If a party or counsel appears for trial but indicates that the party or counsel is not ready for trial, the court may: 1) enter an order dismissing the claim for want of prosecution if the unprepared party is the party seeking affirmative relief; or 2) order the party seeking relief to proceed with the case, determining all matters.

RULE 16

NOTICE OF SETTLEMENT AND DISMISSAL

16.01 Settlement. As soon as the parties have reached a settlement agreement prior to the trial date, Plaintiff's counsel must immediately notify the trial judge by telephone and file written notice of the settlement with the court. Failure to do so may result in sanctions, including jury costs if notice of settlement is not given at least 24 hours prior to the trial date. If settlement is reached by mediation, the mediator should provide written notice to the court.

16.02 Dismissal.

(A) Notice must be provided to the court of a partial dismissal. The notice must indicate which parties have settled, which parties remain, and which claims are still pending.

(B) If a settled case is not dismissed within 30 days of notification to the court, the court may administratively dismiss the case.

RULE 17

USE OF RESTRAINTS ON A JUVENILE

Rule 55 of the Local Court Rules of Practice of the Juvenile Court of Delaware County, Ohio is adopted and will apply to the General Division of the Court of Common Pleas of Delaware County, Ohio as it pertains to the use of restraints on a juvenile.

RULE 18

ENTRIES

18.01 If requested by the trial judge, counsel for the party in whose favor a decision, order, decree, or judgment is rendered, should submit to the trial judge a proposed entry that has been reviewed by all counsel. If counsel are unable to agree upon the entry, the entry should be submitted to the trial judge for review.

18.02 If counsel fails to present any entry within the time prescribed after the decision, order, decree, or judgment is rendered, the trial judge may prepare and file the entry. The trial judge may impose sanctions for failure to comply with this rule.

RULE 19

PROCESS SERVER

19.01 Standing Special Process Server (Continuing Appointment)

An individual or an agent of a legal organization may apply to be designated as a standing special process server. The applicant must submit an affidavit and an order for signature by the Administrative Judge. (See [Appendix 19 A.](#))

(A) **Contents of Affidavit.** The affidavit must list the name, address, email address, and telephone number of the person to be appointed as a standing special process server, as well as an affirmation that the person:

- (1) is 18 years of age or older;
- (2) is not a party to any action for which the person will serve process;
- (3) has no familial relationship to any party in an action for which the special process server will serve process;
- (4) has no felony criminal record;
- (5) will carry out his or her duties in accordance with all applicable court rules.

(B) **Awarding of Order.** After the Administrative Judge has signed the order, the individual or agent of the legal organization must file the affidavit and order with the clerk of courts. The clerk of courts will record the affidavit and order on the administrative journal. Thereafter, the clerk of courts will accept a time-stamped copy of

the affidavit and order as proper designation of the process server until the order expires or is vacated by the court.

(C) **Expiration of Order.** All affidavits and orders appointing standing special process servers will expire two years from the date of filing.

(D) No legal organization whose agent is a standing special process server may represent or advertise that it is the court's official process server.

(E) The fee for filing the affidavit and order is \$25.

19.02 Process Server (One-Time Appointment).

An individual or an agent of a legal organization may apply to be designated as a process server in a particular case. The applicant must file a motion, affidavit, and order for signature by the judge assigned to the case.

(A) **Contents of Affidavit.** The affidavit must list the name, address, email address, and telephone number of the person to be appointed as a special process server, as well as an affirmation that the person:

- (1) is 18 years of age or older;
- (2) is not a party or counsel for a party in the action;
- (3) has no familial relationship to any party in the case;
- (4) has no felony criminal record;
- (5) will carry out his or her duties in accordance with all applicable court rules.

RULE 20 JURIES AND JURORS

20.01 Opportunity for Service

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

(B) Jury service is an obligation of all registered voters of Delaware County, Ohio, who are not otherwise entitled to apply for a statutory excuse. (R.C. 2313.12 & 2313.14)

(C) The Ohio Trial Court Jury Use and Management Standards as set forth in Appendix B to the Rules of Superintendence are incorporated by reference.

20.02 Jury Source List

(A) As Section 2313.06 of the Ohio Revised Code provides, the Delaware County Board of

Elections will compile and file with the Commissioners of Jurors no later than March 1, July 1, and November 1 of each year, a certified current list containing the names, addresses, and dates of birth of all electors of Delaware County as of the date the list is filed or as close to that date as possible.

(B) The list should include all registered voters in Delaware County, Ohio.

(C) The Jury Commissioners should exclude from the annual jury list the names of jurors permanently excused under R.C. 2313.14 and jurors discharged under R.C. 2313.21. A copy of the annual list must be certified by the commissioners and filed in the clerk's office.

20.03 Random Selection Procedures

(A) As soon as practicable after receipt of an updated computerized elector list from the Delaware County Board of Elections and after entry of the list into the court's Automated Data Processing Equipment and creation of an annual or supplemental jury source list, appropriate directions will be entered into the court's Automated Data Processing Equipment for purposes of randomly creating an annual jury list or supplemental annual jury list as contemplated by Section 2313.09 of the Ohio Revised Code. The method of selection will be documented.

(B) The annual or supplemental juror lists must comport with R.C. 2313.09, and a duplicate will be certified and filed in the clerk's office.

20.04 Eligibility for Jury Service

Eligibility for jury service must be in accordance with Standard 4 of the Ohio Trial Court Jury Use and Management Standards in Appendix B to the Rules of Superintendence and R.C. 2313.17.

20.05 Term of and Availability for Jury Service

(A) Not less than 14 days prior to the random selection of prospective jurors for each part of the Annual Term of court, the administrative judge, by Judgment Entry, will designate the total number of prospective jurors to be randomly selected for the General Division of the Court of Common Pleas of Delaware County, Ohio, for the Probate-Juvenile Division of the Court of Common Pleas of Delaware County, Ohio, and, for the Delaware Municipal Court.

(B) Not less than 14 days prior to the random selection of prospective jurors for each part of the Annual Term of court for service in the General Division of the Court of Common Pleas of Delaware County, Ohio, the administrative judge, by Judgment Entry, will separate prospective jurors into panels of equal number and assign dates on which the jurors should first report for jury service.

(C) At least 6 days prior to the random selection of prospective jurors for each part of the Annual Term of court, the Commissioners of Jurors will publish in a newspaper of general circulation in Delaware County, Ohio, a Notice of Drawing of Jurors.

(D) At least 6 days prior to the random selection of prospective jurors for each part of the Annual Term of court, Written Notice of the Drawing of Jurors will be served on the clerk of the Court of Common Pleas of Delaware County, Ohio, and, the administrative judge of the General

Division of the Court of Common Pleas of Delaware County, Ohio unless a signed waiver is executed and filed in the clerk of courts office.

(E) The first 200 persons, or such other number as the court may so designate in a Judgment Entry, whose names are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of court will serve as Grand Jurors in the General Division of the Court of Common Pleas of Delaware County, Ohio.

(F) The next 2,100 persons, or such other number as the court may so designate in a Judgment Entry, whose names are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of Court will serve as Petit Jurors in the General Division of the Court of Common Pleas of Delaware County, Ohio.

(G) The next 100 persons, or such other number as the court may so designate in a Judgment Entry, whose names are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of court will serve as Petit Jurors in the Probate-Juvenile Division of the Court of Common Pleas of Delaware County, Ohio.

(H) The next 640 persons, or such other number as the court may so designate in a Judgment Entry, who are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of court will serve as Petit Jurors in the Delaware Municipal Court.

(I) In addition to the 3,040 jurors to be summoned as described above, the jury commissioners will create a list of 200 other persons whose names will also be randomly selected. Those persons will be kept in reserve during the year and will not be summoned unless needed.

20.06 Notification and Summoning Procedures

(A) Immediately following the random selection of prospective jurors for each part of the Annual Term of Court, the Jury Office will mail a Summons to Serve as a Juror with a return service including Juror Questionnaires, Request for Excuse Form, Juror Information Sheets, Report Dates, Maps, Parking Pass, and a stamped self-addressed return envelope to each prospective juror selected for service in the General Division of the Court of Common Pleas of Delaware County, Ohio.

(B) The notice summoning a person to jury service will be set forth in a single document that is phrased in a manner that is readily understood by an individual unfamiliar with the legal and jury systems. The notice will be delivered by ordinary mail and will clearly explain how and when the recipient must respond. The notice will also explain the consequences of failure to respond.

(C) Jurors who fail to report for service may be scheduled for a contempt hearing before a judge to inform the judge as to why they did not appear. Sanctions may be imposed as warranted.

(D) At the discretion of the trial judge's office, jurors may be provided with a "reminder letter" one week prior to their scheduled jury service. Jurors also will be provided with a pre-recorded jury service message and a toll-free number, as well as a computerized web page, for purposes of informing them as to whether their jury service is needed on a specific date. The jury service

message will be activated on Friday before a Monday or Tuesday trial and will be functional throughout the weekend, and will be activated on any other weekday immediately preceding the day of trial. The time for activating the recorded message will be at the direction of the trial judge.

20.07 Statutory Excuse

(A) Except as provided by Sections 2313.14 and 2313.15 of the Ohio Revised Code, the Court of Common Pleas or the Commissioners of Jurors will not excuse a person who is eligible to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the Judge or Commissioners of Jurors by either the juror or another person acquainted with the facts that one or more of the following applies:

- (1) The interests of the public will be materially injured by the juror's attendance.
 - (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
 - (3) The juror is a cloistered member of a religious organization.
 - (4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The court or commissioners may require the prospective juror to provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for the remainder of the jury year.
 - (5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service will make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court.
 - (6) The juror is over age 75 and the juror requests to be excused.
 - (7) The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial manner.
- (B)(1) A prospective juror who requests to be excused from jury service under this section must take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.
- (2) A prospective juror who requests to be excused as provided in division (A)(6) of this section must inform the appropriate court employee appointed by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror must inform that court employee of the request to be so

excused by appearing in person before the employee or contacting the employee by telephone, in writing, or by electronic mail.

(C)(1) For purposes of this section, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:

(a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.

(b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.

(c) The prospective juror would suffer physical hardship that would result in illness or disease.

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

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

(E) An excuse, whether permanent or not, approved pursuant to this section will not extend beyond that jury year. Every approved excuse will be recorded and filed with the Commissioners of Jurors. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

(F) No person will be exempted or excused from jury service or be granted a postponement of jury service by reason of any financial contribution to any public or private organization.

(G) The commissioners will keep a record of all proceedings before them or in their office, of all persons who are granted an excuse or postponement, and of the time of and reasons for each excuse. A juror may request a postponement of the initial appearance for jury duty at least 2 business days before the jury trial date if the juror has not been previously granted a postponement and the jury office and juror agree on a specified date to appear under R.C. 2313.15.

20.08 Juror Questionnaires

(A) The juror questionnaire will be phrased and organized so as to facilitate quick and accurate screening and will request only that information essential for: (1) determining whether a person meets the criteria for eligibility; (2) providing basic background information ordinarily sought during voir dire examination; and (3) efficiently managing the jury system.

(B) A numerical list of prospective jurors and copies of prospective jurors' questionnaires will be provided to counsel, upon request, one week prior to trial.

(C) Questionnaires must be returned to the court immediately following trial; no copying of questionnaires is permitted.

20.09 Voir Dire

(A) At the outset, the trial judge will conduct a preliminary voir dire examination of the entire prospective jury panel called for jury service. Counsel for the parties will then be permitted to conduct an appropriate voir dire examination of the entire prospective jury panel or of a more limited panel. Details regarding prior service of the panel will be provided to counsel in writing by the jury office.

(B) Voir dire examination will be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. The trial judge will ensure that the privacy of the prospective jurors is reasonably protected and that counsel's questions are consistent with the purpose of the voir dire process.

(C) In both civil and criminal cases, the voir dire process will be held on the record.

(D) In both civil and criminal cases, the rules governing the voir dire examination will be as follows, unless the trial judge otherwise orders:

- (1) The case may not be argued in any way while questioning the jurors.
- (2) Counsel may not engage in efforts to indoctrinate jurors.
- (3) Jurors may not be questioned concerning anticipated instructions or theories of law.
- (4) Jurors may not be asked what kind of verdict they might return under any circumstance.
- (5) Questions are to be asked collectively of the entire panel whenever possible.

20.10 Removal from the Jury Panel for Cause

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

(B) In civil cases, prospective jurors may be challenged for cause for those reasons specifically set forth in Section 2313.17 of the Ohio Revised Code.

(C) In criminal cases, prospective jurors may be challenged for cause for those reasons specifically set forth in Rule 24(C) of the Ohio Rules of Criminal Procedure and R.C. 2945.25.

20.11 Peremptory Challenges

Procedures for exercising peremptory challenges will be in accordance with Rule 47(C) of the Ohio Rules of Civil Procedure and Rule 24(D) & (E) of the Ohio Rules of Criminal Procedure.

20.12 Administration of the Jury System

(A) The responsibility for administration of the jury system will be vested exclusively in the judges of the General Division for the Court of Common Pleas of Delaware County, Ohio. If the judges are not able to agree, then the administrative judge will be responsible.

(B) All procedures concerning jury selection and service should be governed by these rules and other applicable statutes and the Ohio Rules of Criminal Procedure and Civil Procedure.

20.13 Monitoring the Jury System

The administrative judge will collect and analyze information regarding the performance of the jury system annually in order to evaluate the factors set forth in Standard 12 of the Ohio Trial Court Jury Use and Management Standards under the Rules of Superintendence.

20.14 Juror Use

The court will determine the minimally sufficient number of jurors needed to accommodate trial activity, taking into consideration the multiple assignment of criminal and civil cases on any given jury day. This information and appropriate management techniques will be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

20.15 Jury Facilities

The Board of County Commissioners of Delaware County will provide an adequate and suitable environment for jurors in accordance with Standard 14 of the Ohio Trial Court Jury Use and Management Standards under the Rules of Superintendence.

20.16 Juror Compensation

(A) Persons called for jury service will receive a reasonable fee for their jury service, as determined by Resolution of the Delaware County Board of Commissioners.

(B) Grand Juror fees will be paid on a monthly basis.

(C) Prospective jurors will receive \$25 for each day they report to the Delaware County Courthouse for Jury Service. However, those actually seated on a trial will receive \$40 for each day of service. Jury fees will be paid within 60 days of actual jury service.

20.17 Juror Orientation and Instruction

Each trial judge will provide orientation and instruction to persons called for jury service that is in conformity with Standard 16 of the Ohio Trial Court Jury Use and Management Standards in Appendix B of the Rules of Superintendence.

20.18 Jury Deliberations

Each trial judge will provide for deliberations in accordance with Standard 18 of the Ohio Trial Court Jury Use and Management Standards in Appendix B of the Rules of Superintendence.

RULE 21

CASE-FLOW MANAGEMENT

21.01 These case-flow management rules will apply to all civil cases filed in the General Division of the Common Pleas Court, unless (1) the case by its very nature requires a more rapid adjudication such as in equity matters, habeas corpus, etc.; (2) the case, because of court-imposed stays, interlocutory appeals, removal to federal court, and remand, etc., requires a different schedule; or (3) the trial judge, by written order, places the case on a different schedule for resolution based on good cause shown. Wherever possible, cases will be resolved on the shortest time track under these rules. The suggested deadlines set by the Ohio Rules of Superintendence for the Courts of Common Pleas will be construed as maximums and will not preclude the more rapid resolution of cases under these rules.

21.02 It will be the goal of the case-flow rules and the overall management of the docket by the Common Pleas Court that 90% of all civil cases should be settled, tried, or otherwise concluded within 12 months of filing; 98% within 18 months of filing; and 100% within 24 months of filing, except for individual cases where the court determines exceptional circumstances exist.

RULE 22

CLASSIFICATION OF CASES, DEADLINES, TIMING

22.01 The time limits in these case-flow management rules will be calculated from the date of filing of the initial document invoking the jurisdiction of the Common Pleas Court.

22.02 In conformity with the Supreme Court Rules of Superintendence, categories of civil and criminal cases filed in the General Division of the Court of Common Pleas of Delaware County, Ohio will be as follows:

- A ----- PROFESSIONAL TORT
- B ----- PRODUCT LIABILITY
- C ----- OTHER TORTS
- D ----- WORKERS' COMPENSATION
- E ----- FORECLOSURES
- F ----- ADMINISTRATIVE APPEAL
- G ----- COMPLEX LITIGATION
- H ----- OTHER CIVIL
- I ----- CRIMINAL

22.03 The initial determination of the category of the case being filed will be made by the party filing the case at the time of filing and will be indicated on the face of the complaint in the appropriate designated space in the case number, and will remain as a part of the case number unless otherwise changed by the assigned trial judge. The category appearing in the case number will continue in all subsequent filings. The classification form maintained by the clerk's office must be fully completed by counsel or the party at the time of filing any new civil case and must be file-stamped and contained in the Official Court File. ([See Form F22.02 appended.](#)) Copies of the classification form will be made available, without cost, at the Office of the clerk of this court.

22.04 Complex Litigation - G - will not be designated at the time of filing, and this classification will be made only by the trial judge at the appropriate time and as suggested by Rule 42 of the Rules of Superintendence.

22.05 Other changes in categories may be made only by the trial judge, sua sponte, or otherwise upon appropriate motion and judgment entry. The party requesting and receiving a change of category must notify all parties in the case by providing them with a copy of the signed judgment entry allowing the change of category.

RULE 23

GENERAL TIME LIMITS

23.01 Case Tracks

At the discretion of the trial judge, all civil cases, except Administrative Appeals (F), mandamus, habeas corpus, equity matters, or any other case which, by its nature, requires a more rapid adjudication as determined by the assigned trial judge, will be placed on the 12 month primary time track or the 24 month time track. Each time track consists of a planned sequence of events leading from filing to trial, assuming the case is not terminated earlier.

23.02 Primary Track

The 12-month time track is the primary, standard track for the resolution of nearly all of the cases in the General Division of the Court of Common Pleas. It will be presumed that the typical Personal Injury (C), Workers' Compensation Appeal (D), Other Civil (H), and Foreclosure (E) cases will be suitable for pleading, discovery, motions practice, and disposition within this time frame. A longer time track will be the exception to this procedure and will be used only for out-of-the-ordinary cases within these classifications.

23.03 Longer Tracks

The 24-month time track is for the Professional Tort (A) and Products Liability (B) cases. Cases filed which may later be designated as Complex will be assigned to a track and given a case schedule based on their subject-matter classification. These cases will have an initial status conference as specified in the case schedule, or upon request of counsel. The trial judge will order a specific amended case schedule appropriate to that particular case, and may use the 12-month and 24-month tracks as models for a proportionately longer track.

RULE 24

CASE SCHEDULE

24.01 Case Schedule

Upon completion of service, the trial judge may either conduct a case scheduling conference or issue a scheduling entry.

24.02 Scheduling Conference

(A) If the trial judge orders the scheduling conference to be conducted in court, all parties named in the lawsuit or persons with settlement authority must be present at the scheduling conference

unless their presence is excused, in advance, by the trial judge or magistrate.

(B) It will be the duty of all counsel to attend the scheduling conference fully prepared and authorized to enter into a binding scheduling conference order and to begin negotiation toward settlement of the case. Counsel must have their calendars available to set deadlines. Failure to be prepared may result in dismissal of the case for want of prosecution, default judgment, or other sanctions as the trial judge deems appropriate.

24.03 Service on Additional Parties Upon Joinder

A party who joins an additional party or parties will be responsible for serving the additional party or parties with the case schedule.

24.04 Time Limits

(A) At the discretion of the trial judge, all civil cases, except Professional Tort and Product Liability, will be placed on the primary track of 12 months with event and time intervals included in the original case schedule as follows (measured in weeks from the date of filing):

12-Month Track

Latest Date of Occurrence Weeks

Case filed	0
Initial Status Conference	10
Initial Joint Disclosure of All Witnesses	20
Supplemental Joint Disclosure of All Witnesses	28
Discovery Cutoff	40
Dispositive Motions	42
Decisions on Motions	48
Final Pre-trial Conference or Pre-trial Order (or both)	50
Trial Assignment	52

(B) At the discretion of the trial judge, all Professional Tort (A) and Product Liability (B) civil cases will be placed on the 24-month track with event and time intervals included in the original case schedule as follows (measured in weeks from date of filing):

24- Month Track

Latest Date of Occurrence Weeks

Case filed	0
Initial Status Conference	12
Initial Joint Disclosure of All Witnesses	44
Supplemental Joint Disclosure of All Witnesses	56
Trial Confirmation Date	70
Dispositive Motions	82
Discovery Cutoff	90
Decisions on All Motions	96
Final Pre-trial Conference or Pre-trial Order (or both)	100

(C) Enforcement and Monitoring. The trial judge, upon motion of a party or sua sponte, may impose sanctions for failure to comply with the local rules and/or a case schedule and/or the Civil Rules. If the trial judge finds that a party or attorney has failed to comply with the local rules and/or a case schedule and/or the Civil Rules without reasonable excuse or legal justification, the trial judge may impose sanctions proportional to the extent or frequency of the violation(s). The trial judge and Bailiff may monitor cases on an ongoing basis to determine compliance with the case schedule and these local rules.

24.05 Amended Case Schedule

The trial judge, either on motion of a party or sua sponte, may modify any date in the case schedule for good cause and on terms as are just. If the case schedule is modified on motion of a party, that party must prepare and present to the trial judge for signature an "Amended Case Schedule," which must be promptly filed and served on all other parties.

RULE 25

PRETRIAL PROCEDURE

25.01 A final pretrial conference will be held at the date and time specified in the case schedule, unless no date appears or the trial judge orders otherwise. Any party may move, in writing, for a final pretrial. If the trial judge determines that a case warrants a final pretrial, a date and time will be set. All parties named in the lawsuit must be present at the pretrial unless their presence is excused, in advance, by the trial judge. In that event, the parties must be available by telephone.

25.02 It will be the duty of counsel to come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. If the real party in interest is an insurance company, common carrier, corporation, or other legal entity, then the representative appearing must have full authority to negotiate the claim or claims to the full extent of plaintiff's demand. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the trial judge deems appropriate.

25.03 Pretrial Statements

The pretrial brief or statement must be filed in accordance with the court's scheduling entry or upon order of the court. This Rule does not apply in criminal cases to the extent that it would require disclosure of matters not mandated by Criminal Rule 16. The pretrial statement must include the following:

- (A) A concise statement of the claims and defenses of the parties;
- (B) Those facts established by admissions in the pleadings, admissions by discovery, and stipulations of counsel;
- (C) The contested issues of fact;

- (D) The contested issues of law, together with counsel's citations of authority for his/her position;
- (E) The names and addresses of witnesses, together with a brief statement of the subject matter of each witness's testimony and a brief summary of each witness's expected testimony;
- (F) The names, addresses, and qualification of the expert witnesses expected to testify at trial, together with a brief statement of the subject matter of each expert witness's testimony;
- (G) A list of exhibits that counsel intends to offer into evidence;
- (H) Motions in limine not previously filed;
- (I) A list of all special damages being requested;
- (J) Counsel's expectation of the trial time needed to present his/her side of the case;
- (K) The status of settlement negotiations, including specific demands and/or offers;
- (L) A complete set of balanced jury instructions (other than boilerplate) with authority, interrogatories, and verdict forms. The instructions must be presented in a format suitable for submission to the jury.

25.04 Jury Deposit

If a party is seeking a jury trial in a civil case, the party must submit a \$500 jury deposit to the clerk of courts at least 60 days prior to the scheduled trial date. If the case is resolved after the jury has been assembled, the deposit will be retained by the court. Failure to make the jury deposit will be deemed as a waiver of the jury.

25.05 Enforcement

The trial judge has the power to impose sanctions for violations of this rule, including the failure of an attorney or party to appear on time without a valid excuse.

RULE 26

DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES

26.01 Initial Joint Disclosure of All Witnesses

Each party must, not later than the date for disclosure designated in the case schedule, disclose the names of all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

26.02 Supplemental Joint Disclosure of All Witnesses

Each party must, no later than the date for disclosure in the case schedule, disclose the names

of all persons, whose factual or expert knowledge did not appear relevant at the time of the initial disclosure, whom the party reserves the option to call as witnesses at trial.

26.03 Scope of Disclosure

Disclosure of witnesses under this rule must include the following information:

(A) All Witnesses. Name, address, and business phone number (or home phone number, if no business number is available).

(B) Lay Witnesses. A brief description of the witness's relevant knowledge.

(C) Experts. A brief description of the expert's qualifications and summary of the expert's opinions and the basis or theory of that opinion.

26.04 Exclusion of Testimony

Any witnesses not disclosed in compliance with this rule may not be called to testify at trial, unless the trial judge orders otherwise for good cause and subject to conditions as justice requires.

26.05 Cases Without a Case Schedule

In the event the trial judge does not specify a date, the parties must jointly disclose all their witnesses on or before a final pretrial, or 14 days before trial, whichever is later.

RULE 27 (RESERVED)

RULE 28 DISCOVERY

28.01 Informal Discovery

Counsel will participate in discovery conferences with opposing counsel and freely exchange discoverable information and documents upon informal request. Counsel should make every effort to resolve discovery disputes by agreement prior to filing motions with the court.

28.02 Discovery Motions

Motions for protective orders or to compel discovery must be accompanied by a statement reciting efforts made to resolve the matter and must contain a request for a hearing in the caption, if a hearing is desired.

28.03 Discovery Cutoff

The discovery cutoff date specified in the case schedule will be the last date for any party to seek the involvement of the trial judge in the discovery process by way of motion seeking a ruling, an order, sanctions, or other court action, absent extraordinary circumstances. Voluntary, mutually agreed-upon discovery, including perpetuation of trial testimony by video recording or otherwise, may continue after the discovery cutoff in a manner that does not delay any other event on the case schedule.

28.04 Discovery Documents

Discovery documents should not be filed with the court. Only a notice of response to discovery requests need be filed.

**RULE 29
(RESERVED)****RULE 30
DISPOSITIVE MOTIONS**

All motions that ask the court to determine the merits of any claim or defense as to any or all parties will be considered a dispositive motion. All dispositive motions must be filed no later than the date specified in the case schedule or court order. Counsel should file any dispositive motions at the earliest practical date in the course of litigation.

**RULE 31
DEFAULT JUDGMENTS**

31.01 When a party against whom a judgment is sought has been served and has failed to plead or otherwise defend as provided by the Civil Rules, the party entitled to a judgment by default should promptly apply in writing to the trial judge within 30 days after the date upon which the defaulting party should have pleaded or otherwise defended. Service of the motion upon the defendant(s) is required even if the defendant(s) has not made an appearance in the case. The written motion must include where appropriate, if not previously submitted to the court, the following documents: proof of assignment from the original creditor or original party in interest to the plaintiff and the last billing statement from the original creditor sent to the defendant(s), or an affidavit explaining why the required documents are not available.

31.02 In seeking a default judgment against a party, the moving party must certify by affidavit that the party against whom judgment is sought is not incompetent, a minor, or currently serving on active duty in the military. The affidavit must be filed no later than the day of filing the motion for default judgment.

31.03 The court may deny the motion for default judgment and dismiss the complaint without prejudice for failure to comply with the requirements of this section.

31.04 Under Civ.R. 55, if the party against whom judgment by default is sought has appeared in the action, written notice of the hearing on the motion will be served upon all parties.

**RULE 32
SUMMARY JUDGMENT MOTIONS**

32.01 The briefing schedule for all motions for summary judgment filed pursuant to Civil

Rule 56 will be as provided in Civ.R. 6(C). Any party seeking to alter that schedule must file a motion.

32.02 All affidavits, depositions, and other evidentiary material permitted by Civ. R. 56(C) in support of or in opposition to the motion for summary judgment must be filed with the motion or response that those materials support.

RULE 33

ADMINISTRATIVE APPEALS

(A) At the discretion of the trial judge, all Administrative Appeals (F) will be placed on the appeals track, which consists of the following sequence of events within these time limits:

Latest Time of Occurrence Weeks	
Filing Notice of Appeal (and demand for Record, if required)	0
Filing of Record	4
Dispositive Motions	6
Filing of Record, if extension granted	8
Filing of Appellant's Brief	10
Filing of Appellee's Brief	12
Filing of Appellant's Reply Brief and non-oral hearing date	13
Oral Argument, if allowed	14

(B) The trial judge may extend this schedule upon written motion of a party or sua sponte for good cause shown, such as the complexity of the case or the length of the record. Unless the trial judge otherwise orders, the appeal will be deemed ripe for decision on the date set for the filing of the Reply Brief. The trial judge may set a shorter schedule for expedited appeals.

RULE 34

TRIAL PROCEDURE

34.01 In all civil actions that are tried to the court or to a jury, the following matters should be accomplished prior to trial, at a time that will be specifically designated in the court's trial or pretrial order:

(A) All exhibits must be exchanged by counsel.

(B) All stipulations, except those necessarily arising in the course of the trial, must be in writing, approved by the parties and counsel, and filed with the clerk.

(C) If there are objections interposed during stenographic or audio-visual depositions to be offered at trial, the party offering the deposition should request a ruling upon each objection to allow its timely editing reflecting the rulings prior to trial. Counsel's objections, if any, should be indexed, and the grounds for the objections should be set forth clearly.

(D) Counsel must file and serve upon opposing counsel a trial brief. The trial brief should contain

at least the following material:

- (1) A succinct statement of the kind of action;
- (2) A clear statement of the issues involved;
- (3) A summary of the factual situation in regard to each claim or defense;
- (4) An itemized list of the claimed special damages;
- (5) A statement of the principles of law involved in the case supported by the citation of appropriate legal authority;

(E) Counsel should file and serve upon opposing counsel proposed jury instructions, which contain at least the following material:

- (1) If applicable, the specific section(s) of Ohio Jury Instructions upon which the party requests the court to instruct, the complete text of the section(s) together with appropriate legal authority to support the instruction;
- (2) The complete text of any special jury instruction, together with appropriate legal authority to support the instruction.

(F) Counsel should file and serve upon opposing counsel proposed verdict forms, and, if applicable, proposed jury interrogatories.

34.02 All counsel and all parties should be present in the courtroom at least 30 minutes prior to the time the trial is scheduled to commence.

34.03 Pre-recorded Depositions

(A) Any pre-recorded deposition filed with the clerk of courts must be accompanied by a written transcript.

(B) The judge may require a deposit when filing a pre-recorded deposition.

(C) In the event a party wishes to present at trial a pre-recorded deposition as trial testimony, counsel should arrange with the court to have the court's audio-visual playback system available for trial.

34.04 All exhibits will be marked by the court reporter; Plaintiff's exhibits will be marked numerically and Defendant's exhibits will be marked alphabetically. The court reporter will be the official custodian of all exhibits offered during the trial of any case, and will retain the exhibits until otherwise ordered by the court.

34.05 After judgment and appeal, or after appeal time has expired without appeal, counsel should file a motion for the release of exhibits and provide a proposed entry to the judge. The

court reporter will provide a receipt for the exhibits upon their release.

MISCELLANEOUS RULES OF PRACTICE AND PROCEDURE

RULE 35

CERTIFICATE FOR QUALIFICATION FOR EMPLOYMENT PETITIONS

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

35.02 In order to request a CQE, the Petition for Certificate of Qualification for Employment (RC 2953.25) ([Appendix Form 35 A](#)) must be filed with the clerk of courts by the Petitioner. The Petitioner must provide the DRC Electronic Number and attach a printed receipt of electronic Petition if submitted through the DRC.

35.03 All Petitions submitted through the DRC must include electronic access to the Department of Rehabilitation and Correction CQE Summary.

35.04 Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of \$50. Payment of this deposit may be made in any form typically accepted by the court. A judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency ([Appendix Form 35 B](#)) or other relevant information for the court's consideration if requesting a reduction in the filing fee.

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

35.06 Upon receipt of a Notice of Petition and the required deposit, the clerk of courts will assign the Petition a miscellaneous civil case number and randomly assign the matter to a judge.

35.07 The court will obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition (see [Order for Investigation Appendix Form 35 F](#)) or otherwise.

35.08 The court will attempt to determine all other courts in the state in which the Petitioner has been convicted of or pleaded guilty to an offense through review of the Petitioner's criminal history or other investigation. The clerk of courts will send a Notice to Court Regarding Petition for Certificate of Qualification for Employment ([Appendix Form 35 E](#)) to each court so identified. That Notice will be sent by ordinary US mail.

35.09 The clerk of courts must also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment ([Appendix Form 35 D](#)) and Submission of Information Regarding Petition for Certificate of Qualification for Employment ([Appendix Form 35 E](#)) to the Prosecuting Attorney of Delaware County.

35.10 The judge or magistrate will review the Petition, criminal history, all filings submitted by the prosecutor or victim, and all other relevant evidence.

35.11 The judge or magistrate may order any report, investigation, or disclosure by the Petitioner that it believes is necessary to reach a decision (see Order for Investigation [[Appendix Form 35 F](#)] and Order for Additional Information [[Appendix Form 35G](#)]).

35.12 Once all information requested has been received, a judge will decide whether to grant ([Appendix Form 35 H](#)) or deny ([Appendix Form 35 I](#)) the Petition within 60 days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a magistrate, and then sent to the judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

35.13 The clerk should provide a written notice to the Petitioner of the court's decision and judgment entry. If denied, the notice should include conditions, if any, placed on subsequent filings, as well as language that a final appealable order has been filed. The clerk should also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

RULE 36

BROADCASTING, TELEVISIONING, AND RECORDING COURT PROCEEDINGS

Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, is permitted under the following conditions:

36.01 Administration

(A) Requests for permission to broadcast, televise, record, or photograph in the courtroom must be made in writing to the assigned trial judge as far in advance as reasonably practical, but in no event later than one hour prior to the courtroom session to be broadcast, televised, recorded, or photographed unless otherwise permitted by the trial judge. Request forms may be obtained from the trial judge's office. For purposes of this rule only, the phrase "trial judge" includes magistrates.

(B) The trial judge may grant the request in writing consistent with Rule 12 of the Rules of Superintendence, and this rule. Written permission will be made a part of the record of the proceeding.

36.02 Revocation of Permission

Upon the failure of any media representative to comply with the conditions prescribed by the trial judge, the Rules of Superintendence, or this rule, the trial judge may revoke the permission to

broadcast, photograph, or record the trial or hearing.

RULE 37

RECEIVERSHIPS

37.01 Applicability

Unless otherwise ordered by the court in a specific case, this local rule governs practice and procedure in all receivership matters.

37.02 Motions for Appointment of a Receiver

(A) The court has no closed-panel or “approved” list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.

(B) Parties seeking appointment must fully advise the court of the entire fee arrangement proposed to compensate the receiver, including all expense reimbursements and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.

(C) Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an ex parte basis. A hearing on the motion for appointment of a receiver will be set at the court’s discretion.

(D) The court will set a bond commensurate with the anticipated size of the estate, having in mind 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.

37.03 Hearings and Requests for Procedural Orders

(A) Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approval entry tendered to chambers.

(B) The party who submitted or approved a proposed order entered by the court is responsible for serving it upon the receiver or receiver's counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.

(C) For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the court.

(D) An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

37.04 Qualifications to Serve as a Receiver

(A) Every receiver appointed must be an individual who is a resident of Ohio, unless good

cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.

(B) Every out-of-state business involved in a receivership must be represented by counsel having an office within this county or having familiarity with receivership practice in this court.

(C) Upon accepting appointment, each receiver must affirmatively acknowledge in writing in the record that he or she will:

- (1) act in conformity with Ohio law and these local rules;
- (2) deposit all funds coming into the receiver's 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.

37.05 General Duties of the Receiver

Unless the court specifically authorizes a receiver to continue a business, the receiver must:

- (A) take control of the assets of the defendant debtor that are subject to the receivership;
- (B) give notice to all known creditors of the receiver's appointment;
- (C) 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 for submitting claims;
- (D) cause the assets of the business to be preserved, inventoried, and, where appropriate, appraised;
- (E) determine the validity and priority of creditors' claims;
- (F) 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 that the liens attach to the proceeds of the sale; and

(G) 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.

37.06 Receivership Plan and Progress Reports

(A) At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court must be provided with a written plan for the receivership. The plan must, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.

(B) The initial receivership plan must identify:

(1) the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;

(2) whether the present goal is to preserve and operate a business, collect rent on property, liquidate assets, or take other action;

(3) 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;

(4) anticipated transaction 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);

(5) the anticipated duration of the receivership;

(6) 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;

(7) 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;

(8) if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.

(C) The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.

(D) Copies of each receiver's plan and report must be filed with the clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy should be submitted to chambers, together with a proposed entry approving the plan and report.

(E) Ordinarily, no approval of fees or other proposed action in a receivership will occur unless 14 days

have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.

(F) After consideration, the court will approve or disapprove the plan and report by court entry.

(G) After filing the first plan and report, the receiver must file updated plans and reports no less often than semi-annually. Each should include a summary of action taken to date measured against the previous plan for the receivership; should set forth proposed future action; and should update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

37.07 Failure to Act Timely

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in:

(A) Removal of the receiver and/or attorney for the receiver; and/or

(B) Withholding of fees for the receiver and/or counsel.

37.08 Applications to Employ Counsel or Professionals

(A) A receiver (or other party) 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 must 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. Unless the court addresses the application during the initial hearing on whether to grant a receivership, written notice of all such applications must be given to the debtor, all parties that have appeared, and all those for whom service of process remains pending.

(B) The retention agreement between a receiver and every professional must be in writing. Every professional whose retention is approved by the court is, and will remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.

(C) Applications for authority to retain professionals to assist a receiver should summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:

(1) all necessary licenses are in good standing and not under suspension;

(2) appropriate conflict checks have been made by the professional;

(3) as to lawyers, professional liability insurance in an amount equal to the minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and

(4) the contract retaining the professional will affirmatively state that the professional will

avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise, or sell through the receivership.

(D) Applications to employ professionals must also set forth:

- (1) the professional's usual and customary hourly rate or fee;
- (2) the proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;
- (3) whether any fees were paid to the professional during the one-year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and
- (4) the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.

(E) No fee, commission, expense reimbursement, or other direct or indirect compensation of any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval.

37.09 Expenditure Authority of the Receiver

(A) A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.

(B) A receiver taking charge of an operating business must have authority to pay reasonable wages to employees and all reasonable and customary business-related expenses, subject to periodic accounting to the court.

(C) All fees, compensation, or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court. Such requests must be by motion, with notice given to all appropriate parties. A proposed order approving the request should be submitted to the court.

(D) All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the court if, in the aggregate, they exceed \$2,500 per month, or such other threshold as set by order in the specific receivership. Such request must be by motion, with notice given to all appropriate parties. A proposed order approving the request should be submitted to the court.

37.10 Disposition of Property

(A) With court approval after any notice that the court deems appropriate, a receiver may use, sell, or lease property other than in the ordinary course of business.

(1) Unless otherwise ordered, a receiver must serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice must be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.

(2) If any party or person having an interest in the property to be sold or leased files an objection within 14 days of service of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.

(3) The receiver has the burden of proving the commercial reasonableness of a proposed disposition of property.

(4) If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.

(5) The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security interests, or other liens encumbering the property will attach to the proceeds of disposition (net of the reasonable expenses incurred in the sale of the property) in the same order, priority, and validity that the liens had immediately before the sale.

(B) Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures. However, if a receiver is appointed in a foreclosure proceeding, the mortgaged property must be sold in accordance with R.C. 2323.07 et al., unless otherwise approved by the court in accordance with the law.

37.11 Payment of Receiver and Professional Fees

(A) Fee applications must be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver should attach to each fee application a brief, updated plan and progress report, together with a billing summary concisely reflecting:

(1) the dates on which work was performed;

(2) a description of work performed;

(3) the name of each individual performing the work; and

(4) the hourly rate(s) sought to be charged, or other method used to calculate proposed fee(s) and expenses.

(B) Ordinarily, no approval of fees or other proposed action in a receivership will occur unless 14 days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause, the court may alter this notice period. A proposed order approving any fees should be submitted to the court.

(C) Fees allowed for services by a receiver, counsel, and professionals employed by a receiver are within the sound discretion of the trial judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.

(D) An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

37.12 Final Report to the Court and Creditors

When the final fee application is submitted, it should be accompanied by a receiver's final report that includes all of the following information:

- (1) (a) the total amount of money collected during the receivership, (b) the total funds collected since the last interim fee award to the receiver (if any), and (c) the source(s) of 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) the approximate number and admitted balances due creditors but remaining unpaid;
- (6) the approximate number and total of creditors' claims that remain open or unresolved;
- (7) proposed final distributions to creditors and the date by which the receiver proposes to make them and close out the case;
- (8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys, and other professionals;
- (9) the amount of additional administrative expense sought to be paid in the final fee application; and
- (10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

37.13 Trade Secret or Privileged Information

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for

operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work-product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document should be submitted to the court for in camera review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should be disclosed in the public case file or for attorney viewing only.

RULE 38

JUDICIAL SALES

38.01 Title Insurance

(A) In every action demanding the judicial sale of residential real estate consisting of one to four single-family units, the party or parties seeking the such judicial sale must file, within 14 days after the filing of the pleadings requesting that relief, a preliminary judicial report, under Section 2329.191(B) of the Ohio Revised Code, including: (i) a legal description of each parcel of real estate to be sold at the judicial sale; (ii) the street address of the real estate or, if there is no street address, the name of the street or road upon which the real estate fronts together with the names of the streets or roads immediately to the north and south or east and west of the real estate; (iii) the county treasurer's permanent parcel number or other tax identification number of the real estate; (iv) the name of the owners of record of the real estate to be sold; (v) a reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate; (vi) a description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were filed for record prior to the lien being foreclosed are not required to be included; and (vii) the name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder. The preliminary judicial report will be effective within 30 days prior to the filing of the complaint or other pleading requesting judicial sale.

(B) Prior to submitting any order or judgment entry to the court that would order the sale of the residential real estate described in section (A), the party or parties submitting the order or judgment entry must file with the clerk of the court a final judicial report that updates the state of the title to that real estate from the effective date of the preliminary judicial report through the date of lis pendens. Where the evidence of title indicates that a necessary party or parties have not been made defendants, the attorney for the party submitting the judgment decree should proceed without delay to cause those new parties to be added and must serve a copy of the complaint in accordance with the Ohio Rules of Civil Procedure.

(C) The costs of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report, together with the premiums for those reports computed as required by the department of insurance, based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any

other additional amount as may be ordered by the court will be taxed as costs in the case. In the event the requesting party has been required to pay the preliminary judicial report premium in advance, the advancement will be includable as a reimbursement cost upon the filing of a copy of the premium statement and evidence of payment.

(D) In every action demanding the judicial sale of residential real estate consisting of more than four single-family units or of commercial real estate, the party seeking that judicial sale must file with the clerk of the court within 14 days after filing the pleadings requesting relief either a preliminary judicial report or a commitment for an owner's fee policy of title insurance on the form approved by the department of insurance that is prepared and issued by a duly licensed title insurance agent on behalf of a licensed title insurance company. The commitment must have an effective date within 14 days prior to the filing of the complaint or other pleading requesting a judicial sale and must contain all of the information listed in section (A) for a preliminary judicial report. The commitment must cover each parcel of real estate to be sold, must include the amount of the successful bid at the judicial sale, must show the purchaser at the judicial sale as the proposed insured, and must not expire until 30 days after the recordation of the deed by the officer who makes the sale to that purchaser. After the officer's return of the order of sale and prior to the confirmation of the sale, the party requesting the order of sale must file with the clerk of court an invoice for the cost of the title insurance policy, commitment cost related expenses, and cancellation fees, if any. The amount of the invoice will be taxed as costs in the case. The purchaser at the judicial sale may, by paying the premium for the title insurance policy, obtain the issuance of title insurance in accordance with the commitment.

(E) The party or parties requesting the order of sale must prepare a distribution entry showing court costs assessed, which includes the invoice for the cost of the title insurance policy and cancellation fees, if any, verified by the clerk's and recorder's offices on a "Court Certificate of Release," (see [Form F38.05-39.01 appended](#)), and all other costs.

38.02 Statement of Acceptability

In actions for the marshaling and foreclosure of liens, any other judicial sale of real estate, or any action involving title to real estate, except in cases where the premises involved are registered under the Torrens Law, the attorney for the plaintiff must secure from the Delaware County Engineer, and file simultaneously with the complaint, a statement reflecting the acceptability, or lack thereof, of the description of the real estate, for transfer purposes. In the event that a new survey of the real estate is necessary in order to secure a legal description acceptable for transfer purposes, the cost thereof will be taxed as costs in the proceeding. In the event that the description of the real estate is not acceptable for transfer at the time of the filing of the complaint, and as so reflected upon the Delaware County Engineer's Statement, a new description acceptable for transfer purposes must be secured during the pendency of the case and prior to the issuance of an Order For Sale. The new description must be submitted to the Delaware County Engineer for a determination of acceptability of transfer and a statement

pertaining thereto must be secured from the Delaware County Engineer, and the same will not issue unless the description of the real estate is acceptable for transfer by the Delaware County Engineer. (See [Form F38.02 appended](#).)

38.03 Assignment of Note and Mortgage

In actions for the marshalling and foreclosure upon liens, any party seeking judgment must file the following documentation:

(A) A copy of the note and evidence that the plaintiff is the holder in due course of the note. If the note does not reflect that the plaintiff is the holder, an assignment of the note must be filed, proving that the plaintiff is the holder of the note.

(B) A copy of the mortgage and evidence that the plaintiff is the mortgagee of the mortgage. If the mortgage does not reflect that the plaintiff is the mortgagee, an assignment of the mortgage must be filed, proving that the plaintiff is the mortgagee.

38.04 Failure to comply with the foregoing provisions of this rule is grounds for dismissal of the case.

38.05 This rule does not apply to any foreclosure brought by the State of Ohio, Delaware County, or any municipal corporation.

38.06 At the court's discretion, any case that is inactive for six months after judgment, and not under a bankruptcy stay, will be placed upon the court's inactive list. At that time, all costs must be paid. Any party seeking to reactivate an inactive case must pay a new deposit.

RULE 39 SHERIFF'S SALES

39.01 On all judicial sales or sales upon execution of residential real estate, except where the judgment creditor is the purchaser at sale, the Sheriff will require the successful bidder as purchaser to present, at the time of the sale, in cash or by certified check or cashier's check payable to the Sheriff, a deposit in the amount applicable to the purchase price as required by Section 2329.211 of the Ohio Revised Code. If the judgment creditor is the purchaser at the judicial or execution sale of residential real estate, the purchaser will not be required to make a sale deposit.

On all judicial sales or sales upon execution of commercial real estate, the Sheriff will require the successful bidder as purchaser to present, at the time of the sale, in cash or by certified check or cashier's check payable to the Sheriff, a deposit in an amount not less than 10% of the amount of the appraised value or other percentage determined by the Court, but in no event shall the amount deposited be less than \$300.

(A) The unpaid balance of the purchase price is due and payable to the Sheriff within 30 days from the date of confirmation. The purchaser must pay interest on the unpaid balance of the purchase price at the annual rate of interest provided in Section 1343.03 of the Ohio Revised Code

from the date of confirmation to the date of payment of the balance unless the balance is paid within 30 days from the date of confirmation.

(B) Any interest received will be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority. This rule does not apply when the purchaser is the plaintiff.

(C) Each attorney must utilize a Court Certificate of Release (see Form F38.05-39.01 appended) to verify the costs prior to the preparation of the confirmation entry.

39.02 Not later than the first Monday following the date of the sale, the Sheriff will file the return with the clerk. The plaintiff must prepare and deliver a proposed entry confirming the sale to the judge for signature and serve copies upon all parties or their attorneys of record by regular mail within seven days after the date of sale. It is not necessary to obtain the approval of other parties or their attorneys prior to the filing of this entry. Failure to prepare the confirmation entry and present it to the judge within the time limits may result in sanctions being imposed.

(A) Unless proper written objection to the proposed confirmation entry is presented to the court by a party or the party's attorney within 14 days after the date of sale, the proposed entry will be approved by the court and filed with the clerk forthwith. If proper written objection is made, the court will determine the validity of the objection and make an order determining the issue.

(B) On the day immediately following the filing of the court's entry confirming the sale, the clerk will instruct the Sheriff to prepare a deed to the purchaser. The Sheriff's deed must conform to the requirements of Section 2329.36 of the Ohio Revised Code and must be delivered to the purchaser upon payment of the full purchase price and interest, if any, unless the purchaser is the plaintiff.

39.03 In the event a purchaser fails to pay the balance due on the purchase price, including all court costs, costs associated with preparation of the deed, and any other costs or fees, and complete the purchase within 30 days after the date of confirmation, the purchaser may be held in contempt of court, and any attorney of record in the case may cause a citation to issue commanding the defaulting purchaser to appear before the judge having charge of the matter and show cause why the purchaser should not be punished. Upon a finding of contempt, the court will proceed in accordance with Section 2329.30 of the Ohio Revised Code.

39.04 Appraisers must be provided reasonable and proper fees, as determined by the Sheriff.

RULE 40

ARBITRATION

40.01 Arbitration Procedures

Arbitrations in this court must be conducted in accordance with the procedures set forth in this Local Rule, unless otherwise ordered by the court.

40.02 Cases for Submission

(A) Referral by Court. Any judge of the general division of the court may, at any time, order any case assigned to that judge to be heard and decided by a Board of Arbitration, consisting of 3 members who are licensed attorneys, to be selected as provided in this rule (except cases involving title to real estate, equitable relief and appeals), provided the following conditions are satisfied:

- (1) The case must be at least 60 days old;
- (2) All of the parties must have appeared in the case;
- (3) The apparent value of the claim or claims of the plaintiff or plaintiffs may not exceed \$50,000 per claimant, exclusive of interest and costs;
- (4) The case should be of the type that is capable of being arbitrated under these rules, including, but not limited to, the rules regarding evidence and time limitations.

(B) Stipulation. Without limitation as to amount, counsel in any civil action may stipulate in writing that the case may be submitted to mandatory arbitration in accordance with this rule.

(C) Motion. Counsel in any civil action that is at least 60 days old, and for which the trial date is at least 90 days away, may file a motion accompanied by a pretrial statement, requesting that the case be submitted to mandatory arbitration in accordance with this rule. A party who wishes to oppose the motion for arbitration must file a memorandum contra within 14 days of service of the motion. Any party may submit suggestions for appropriate arbitrators.

(D) Order for Arbitration. Whether by stipulation of the parties or by motion, the court will determine whether the action is ready and appropriate for arbitration in accordance with the standards listed in 40.02(A). When the order of arbitration is made by the judge, the judge will select the arbitration panel and designate a chairperson. A copy of the entry will be sent to the arbitrators and all parties. Within 14 days of the date of the order, each party must deposit \$200.00 with the clerk of courts as security for the payment of the arbitrator fees, unless otherwise ordered by the court.

40.03 Arbitrators

(A) Selection. In all cases subject to arbitration, the members of the board of arbitration will be appointed by the assigned trial judge from a list of consenting attorneys who have been admitted to the practice of law for more than one year, and who have consented to act as arbitrators, and who have indicated to the court their consent to so act. Attorneys subsequently desiring to be eliminated from the list may notify the court by letter. The list of arbitrators will be kept on file with each judge.

(B) Manner of Appointment. The trial judge in each case submitted to arbitration will appoint three lawyers from the list to act as an arbitration board. One of the lawyers so appointed will be designated as chairperson of the board by the judge. The parties may, by agreement, stipulate that the case be submitted to a single arbitrator rather than a panel of arbitrators.

(C) Single Arbitrator. By agreement or by waiver, the parties may proceed with the chairperson as the sole arbitrator. A sole arbitrator will receive the chairperson's fee of \$150 per case. The parties may stipulate to compensate a sole arbitrator more than the amount of compensation provided in this rule.

(D) Composition of Board; Disqualification. Not more than one member of a law partnership or an association of attorneys will be appointed to the same board, nor will an attorney be appointed to a board who is related by blood or marriage to any party in the case or to any attorney of record in the case, or who has an interest in the determination of the case that would interfere with an impartial consideration of the case.

40.04 Compensation of Arbitrators

(A) Members of the Board. Each member of a board of arbitration who has signed an award or files a minority report will receive as compensation for his or her services in each case a fee of \$250 per half day. When more than one case arising out of the same transaction is heard at the same hearing, it will be considered as one case in determining compensation of arbitrators. In cases requiring hearings of unusual complexity, the assigned judge, on motion of the members of the board and for cause shown, may allow additional compensation. Additionally, the parties may stipulate to compensate the arbitrators more than \$250.00 per half day. The members of the board will not be entitled to receive their fee until after filing the report and award with the assigned judge.

(B) Chairperson. In addition to the compensation in Rule 40.04(A), the chairperson will receive further compensation of \$150.00 per case heard by the board.

(C) Source of Funds. All compensation for arbitrators will be first paid from the required advance of funds on deposit with the clerk of courts. The remainder of arbitration fees will be paid equally among the parties. If there is an excess on deposit after the payment of arbitration fees, the excess will be refunded equally among the parties.

(D) Settlement/Dismissal of Claim. In the event that a case is settled or dismissed more than two days prior to the date scheduled for the hearing, the board members will not be entitled to the fees. In the event that a case has been settled or dismissed within the two-day period, board members will be entitled to compensation of \$100.00. The two-day period includes Saturdays, Sundays, and holidays.

(E) Counsel for the parties are required to notify the judge and the chairperson immediately of any settlement or dismissal so that the arbitrators can be notified.

40.05 Hearings

All arbitration hearings must be held within 90 days from the date of referral.

(A) Time and Place. Hearings will be held at the place designated by the chairperson of the panel.

(B) Time Parameters. All arbitrations conducted under these rules will be governed by

the following time parameters:

(1) All plaintiffs to the action will have a total of 90 minutes to present their case in chief, case in rebuttal, or in defense of any and all claims. Those 90 minutes includes time for opening statements and closing arguments. The time may be allocated between all plaintiffs as all plaintiffs may agree.

(2) All defendants to the action will have a total of 90 minutes to present their case in chief, counterclaim and case in rebuttal or in defense of any and all claims. These 90 minutes includes time for opening statements and closing arguments. The time may be allocated between all defendants as all defendants may agree.

(3) For good cause shown, including, but not limited to, cases involving third-party practice, the time parameters set forth in Section 40.05(B) may be altered, but only by the judge. In those cases, the chairperson and arbitrators will be compensated in half-day increments as provided under Loc.R. 40.04 for additional time spent.

(C) Non-disclosure of Offers of Settlement. No disclosure may be made to the arbitrators prior to the filing of the report and award of any offers to settle made by either party. Prior to the delivery of the court file to the chairperson of the board of arbitration, the assigned judge will remove from the file and retain all papers or any notations referring to demands or offers for settlement, including demands or offers for settlement contained in the pretrial statement.

(D) Settlement. Because sufficient time is available to the parties prior to the hearing date to settle or compromise their disputes, once a hearing date is set, the hearing will proceed at the scheduled time. There will be no unilateral communications by counsel or the parties with the arbitrators concerning the merits of the controversy at any time prior to the filing of the report and award of the board.

40.06 Inability of Party to Proceed

(A) Continuance. In the event that counsel for any party is unable to proceed on the date assigned, unless otherwise ordered by the assigned judge, the chairperson may mark the case “continued” and reset it for hearing within 90 days from the date of referral.

(B) Pending Motions. Any motion that inadvertently has not been ruled on prior to the referral of the action to arbitration, or that has been filed subsequently to the referral, will be disregarded by the panel.

40.07 Case Continued Twice-Certified to Court

Whenever any arbitration hearing has been continued two times after assignment to a panel, the case will be certified by the chairperson to the judge, who will summon the parties or their counsel. The judge has the power to make an appropriate order, including an order of dismissal for want of prosecution or an order that the case be again assigned to the board of arbitration and be heard and an award made, whether or not a party appears.

40.08 Oath of Arbitrators

When the arbitration panel has been assembled, each member must swear or affirm in the presence of the litigants substantially as follows: “I solemnly swear or affirm that I will faithfully and fairly hear and examine the matters in controversy, and that I will make a just award to the best of my understanding.” The oath or affirmation may be administered by a counsel for a party who is a notary public or by one of the panel.

40.09 Default of a Party

The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. An award will not be made solely on the default of a party. The board of arbitration may require the other party to submit any evidence necessary for the making of an award. The failure of a party to appear, either in person or by counsel, and participate in an arbitration proceeding, will be considered a waiver of that party’s right to file an appeal de novo and a consent to the entry by the court of judgment on the report and award of the panel. The court to whom the case is assigned may, upon motion filed within 30 days of filing of the report and award, and for good cause shown, grant leave to a party who has failed to appear and participate in a hearing, to file an appeal de novo.

40.10 Conduct of Hearing/General Powers

A majority of the members of the board, unless the parties agree upon a single arbitrator, will be the judge of the relevancy and materiality of the evidence offered. Conformity to the Rules of Evidence is not necessary. All evidence will be taken in the presence of the arbitrators and all of the parties except where any of the parties is absent, in default, or has waived the right to be present. The board may receive the evidence of witnesses by sworn testimony, affidavit or written report, and will give it whatever weight the board feels is appropriate after consideration of any objections made to its admission. Counsel should, upon request, whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

40.11 Specific Powers

The board of arbitration, by a majority, will have the general powers of a court, including, but not limited to, the following:

(A) Subpoenas. Subpoenas may be issued as provided in Rule 45 of the Ohio Rules of Civil Procedure, through the clerk of courts as in any other case filed in the court. The subpoena forms should be altered to show the correct place of hearing.

(B) Production of Documents. The board of arbitration will have the power to compel the production of all books, papers, and documents it deems material to the case. Should a party or witness fail to produce documents or to testify regarding a matter after being ordered to do so by a panel, the panel will consider that particular matter uncontested and may proceed to make a final award without the necessity of issuing a citation for contempt.

(C) Administering Oath; Admissibility. The board of arbitration will have the power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions, and to decide the law and the facts of the case submitted to them.

(D) Medical Expenses; Property Damage. In actions involving personal injury or damage to property, bills or estimates may be offered and received in evidence without further proof for the purpose of proving the value and reasonableness of charges for services, labor and materials, and where applicable, the necessity for expenses, on condition that one week's written notice has been given to the adverse party, accompanied by copies of the bills to be offered in evidence.

(1) Hospital Bills. Bills for hospital services must be on the official letterhead or billhead of the hospital and must be dated and itemized;

(2) Doctor/Dentist Bills. Bills for services rendered by doctors and dentists must be on the official letterhead or billhead of the doctor or dentist, and must state the dates of each visit and an itemization of the charges for each visit;

(3) Bills for Nurses, etc. Bills for services rendered by registered nurses, licensed practical nurses or physical therapists must be dated and must contain an itemization of the days and hours of services and the corresponding charges for those services;

(4) Bills for Medications, etc. Bills and receipts for medications, eyeglasses, prosthetic devices, medical belts, or similar items must clearly show the date and place of purchase and the amount of each purchase.

(5) Property Repair Bills or Estimates. Bills or estimates for property repair must clearly identify and set forth the charges for labor and materials necessary for repair of the property. In the case of an estimate, the party intending to offer the estimate into evidence must, at least one week prior to the arbitration, forward to the adverse party notice of such intention, together with a copy of the estimate and a statement indicating whether or not the property was repaired in full or in part. If repairs were made, the notice must include a copy of the receipt or bill showing the items of repair made and the amount paid for labor and materials.

40.12 Supervisory Powers of Judge.

The trial judge or a judge designated to serve in his or her absence, will have full supervisory power with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

40.13 Witness Fees

Witness fees in any case referred to arbitration will be in the same amount as now or hereafter provided for trial witnesses in this court and may be ordered taxed as costs in the case. The costs in any case will be paid by the same party or parties by whom they would have been paid had the case been tried in this court.

40.14 Transcript of Testimony

Arbitrators are not be required to make a transcript of the proceedings before them. Any party desiring a transcript must provide a court reporter and cause a record to be made. The party requesting a transcript must pay the costs of preparation, which are not considered costs in the case. Any party desiring a copy of a transcript will be provided with it by the reporter

upon payment, based upon the usual charges made for a copy of a transcript plus one-half of the cost of the court reporter's services at the hearing.

40.15 Report and Award--Not a Judgment

Within 30 days after the hearing, the chairperson of the board of arbitration must prepare and file a report and award with the clerk of courts and, on the same day, mail or otherwise forward copies to all parties or their counsel. An award may not exceed \$50,000 per claimant, exclusive of interest and costs. The report and award must be signed by all of the members of the board. In the event all three members do not agree on the finding and award, the dissenting member should write the word "dissents" before his or her signature. A minority report is not required unless the dissenting arbitrator elects to prepare one due to unusual circumstances. The chairperson should also submit a copy of the report and award to the judge.

40.16 Legal Effect of Report and Award

The report and award, unless appealed, will be final and have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified, the court will enter a judgment in accordance with the decision of the board. After judgment is entered, execution process may be issued as in the case of other judgments.

40.17 Appeals

(A) Right of Appeal De Novo and Filing Requirements. Any party may appeal an award of the board of arbitration to the Common Pleas Court of Delaware County. The filing of a single appeal will be sufficient to require a de novo trial of the entire case on all issues and as to all parties without the necessity of each party filing a separate notice of appeal. No appeal can be withdrawn without the consent of all parties. The right of appeal is subject to the following conditions, all of which must be complied with within 30 days after the filing of the award with the clerk of courts.

(1) An appellant must file a notice of appeal with the clerk of courts and serve a copy on the adverse party or parties and the trial judge accompanied by an affidavit that the appeal is not being taken for delay. The affidavit accompanying the notice of appeal must be signed by the appealing party or counsel for the appealing party.

(2) The appellant's notice of appeal must be accompanied by a fee of \$100, payable to the clerk of courts. This sum is not recoverable by the appellant in any proceeding. Expenditure of these funds is at the discretion of the court.

(3) An appellant must submit payment to the clerk of courts for any outstanding arbitration fees.

(B) If the party appealing is indigent, then upon proper motion or affidavit of indigency, the trial judge may allow the appeal to proceed without the fees. If, however, the party appealing who has filed a poverty affidavit receives a settlement, or judgment in the case, the party who agrees to or is ordered to pay the judgment must pay first to the clerk of courts out of the settlement or judgment before making payment to anyone else, an amount equal to all arbitration compensation fees and appeal fees previously waived by the court.

(C) All appeals will be de novo proceedings at which members of the deciding board of arbitration or single arbitrator are barred as witnesses. In addition, no mention of the arbitration or its result will be made at the time of trial. However, this section should not be construed to prohibit a party from employing the transcript of testimony of a witness or party made at the arbitration hearing for the purpose of impeachment, or for any other purpose allowed by law, or the Ohio Rules of Civil or Criminal Procedure, or the Ohio Rules of Evidence.

40.18 Exceptions

(A) **Reasons for Exceptions.** Any party may file exceptions with the clerk of courts from the decision of the board of arbitration within 30 days from the filing of the report and award for the reasons set forth in R.C. 2711.10.

(B) **Procedure.** Copies of exceptions must be served upon each arbitrator within 48 hours after filing, and the matter will be set for hearing before the trial judge. If exceptions are sustained, the report of the board will be vacated by the court and the case will be set for trial. The filing of exceptions tolls the running of the 30 day period for appeal as provided in Rule 40.17(A), until a ruling on the exceptions has been made by the court.

RULE 41 MEDIATION

41.01 Ohio Uniform Mediation Act. The Delaware County Common Pleas Court General Division incorporates by reference the R.C. Chapter 2710 “Uniform Mediation Act” (UMA).

41.02 Cases Eligible for Mediation

(A) **General.** The court may order parties to mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by a mediator.

(B) **Exceptions.** Mediation is prohibited in the following:

- (1) As an alternative to the prosecution or adjudication of domestic violence;
- (2) In determining whether to grant, modify, or terminate a protection order;
- (3) In determining the terms and conditions of a protection order;
- (4) In determining the penalty for violation of a protection order.

(C) Nothing in this division will prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order, or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

41.03 Confidentiality

(A) **General.** All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one may disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant will have the rights and duties under this rule as are attributed to parties, except that no evidence privilege will be expanded.

(B) **Exceptions.** All mediation communications are confidential with the following exceptions:

- (1) Parties may share all mediation communications with their attorneys;
- (2) Certain threats of abuse or neglect of a child or an adult;
- (3) Statements made during the mediation process to plan or hide an ongoing crime;
- (4) Statements made during the mediation process that reveal a felony.

41.04 Referral to Resources. The court administrator will maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

41.05 Mediator Training and Education. A mediator must meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

41.06 Mediator Selection and Assignment. The following methods may be used to select the mediator for the case:

- (A) The court may assign a court mediator to mediate;
- (B) The court may randomly assign a mediator to the case from the court's roster of approved mediators;
- (C) Specific appointments may be made by the court, taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case;
- (D) Parties may select a mediator from the court roster, if any;
- (E) Parties may request leave to select a mediator without guidance from the court. The court is not responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in this rule.

41.07 Procedures. A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or the mediator and explain the reasons for any opposition.

41.08 Termination. If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she must inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

41.09 No Stay of Proceedings. All remaining court orders will continue in effect during any mediation. No order is stayed or suspended during the mediation process except by written court order. Mediation will not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

41.10 Continuances. It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the judge or magistrate for good cause.

41.11 Fees and Costs. The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees will be shared equally. The court may waive fees and costs for an indigent party.

41.12 Attendance; Sanctions. If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

41.13 Evaluation, Comments, and Complaints. It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible and maintains the trust and confidence of the public. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

RULE 42

SUBPOENAS

Except for good cause shown, neither the clerk nor the Sheriff is required to issue subpoenas, unless requests are filed with the clerk at least two days prior to the trial date. The form of subpoena must be in accordance with Civil Rule 45(A) and service of the subpoena must be in accordance with Civil Rule 45(B). The issuers of the subpoena must comply with Civil Rule 45 (C) and be responsible for attaching to each subpoena the text of Civil Rule 45(C) and (D).

CRIMINAL RULES

OF PRACTICE AND PROCEDURE

RULE 43

GENERAL APPLICATION

43.01 These rules supplement existing Rules Governing the Courts of Ohio. In any case where the Criminal Rules of Procedure or Local Rules do not resolve the issue before the court, the Rules of

Civil Procedure are to be consulted.

43.02 Speedy Trial

Upon the determination that a case must proceed to trial without delay due to compliance with speedy trial statutes and rules, the assigned trial judge, if already in trial, shall request the administrative judge to preside or appoint another judge to preside.

43.03 Withdrawal of Counsel

A withdrawal of representation by counsel after a case is set for trial is discouraged. In order to withdraw as counsel of record, counsel must present a motion setting forth the reasons for requesting withdrawal and certifying that a copy was served on the client. The motion and proposed entry shall be presented to the trial judge. The request must be made no later than fifteen days before trial. An oral hearing shall be scheduled, with an order directing the client to be present.

RULE 44

GRAND JURY PROCEEDINGS

44.01 The grand jury shall be presided over on an alternating basis of four-month sessions by the judges of the General Division of the Delaware County Court of Common Pleas.

44.02 The court reporter or any other transcriber shall not prepare transcripts of testimony of grand jury proceedings except upon order of the trial judge, prosecuting attorney, or Attorney General.

44.03 Indictment - Dismissal

Criminal cases bound over to this court on which no final action is taken by the Grand Jury within sixty days may be dismissed forthwith and without prejudice. If the witness's testimony or other critical evidence is not available, the case may be continued by the court on motion of the prosecuting attorney for a definite period of time and the continuance noted in the report of the Grand Jury. Continuances must be presented to and approved by the judge who is responsible for the grand jury for that term of court.

44.04 Alternate Grand Jurors

Not more than seven alternates will be seated on the grand jury.

RULE 45

ARRAIGNMENTS

45.01 In all cases in which the prosecuting attorney has requested service of process to be accomplished by means of a summons, the Sheriff of Delaware County, Ohio, shall serve a copy of the judgment entry scheduling the arraignment and the notice of the right to appointed counsel upon the defendant at the time of the service of the indictment and summons.

45.02 In all cases in which the prosecuting attorney has requested the service of process to be accomplished by means of a warrant, an arraignment shall be immediately scheduled, following

the Sheriff's return of the warrant to the clerk's office and the defendant's acquisition of counsel. The Sheriff's Department shall immediately notify the trial judge's office of the arrest.

45.03 Subject to Crim.R. 10(B), all Defendants are required to personally appear at the arraignment and are required to be accompanied by and represented by an attorney.

RULE 46

TRANSPORT OF PRISONER TO COURT

Except as to arraignments, it is defense counsel's responsibility to confirm a prisoner's location and to prepare a transport order for any hearing for which an incarcerated (other than in the Delaware County Jail) defendant's presence is required.

RULE 47

BAIL FORFEITURE

Notice of bail forfeiture shall be sent by the clerk to the Defendant and to the surety in a form as may be approved by the Court. The Defendant and surety, on or before the date set forth, shall show good cause why judgment should not be entered against them. The clerk shall promptly present the affidavit to the trial judge. No oral hearing shall be held unless requested in writing and granted by the trial judge. After judgment is entered against the Defendant and surety, no surety shall be released nor shall any penalty be released or remitted, except upon the filing of a written verified application, setting forth in detail the reasons why a release or reduction should be granted. The clerk shall bring the application to the attention of the trial judge.

RULE 48

INACTIVE CRIMINAL CASES

Criminal cases in which further proceedings are not presently possible shall be placed in an inactive file by the clerk and considered closed for statistical purposes either upon motion of the prosecuting attorney or the court's own motion and may be subject to dismissal for want of prosecution. A case shall be removed from that list when the defendant is available and proceedings resume or when the case is dismissed. Cases shall include those in which the defendant is not competent to stand trial, is confined in a penal institution in another state, has not been served, or cannot be found. No case shall be placed on the inactive list until any bail has been forfeited and judgment entered. The clerk of court's office shall present an annual list containing the inactive files to the administrative judge and the county prosecutor. The prosecutor shall file a report with the administrative judge on the status of the inactive cases or shall dismiss those cases.

RULE 49

NOLLE PROSEQUI PROCEDURE

When the Prosecuting Attorney desires to enter a nolle prosequi in any criminal case pursuant to Crim.R. 48(A), a motion shall be filed, setting forth sufficient grounds for the requested relief, and a proposed judgment entry submitted with opposing counsel's signature;

otherwise, an oral hearing will be scheduled.

RULE 50 MOTIONS

50.01 Motions

(A) The filing and consideration of motions in a criminal case is governed in general by Crim.R. 12 and Loc.R. 7. A party may request a hearing in advance of trial to consider a motion. Unless good cause is shown, no motions will be considered on the day of trial. The absence of a witness regarding the consideration of a motion will not be cause for continuance of the trial.

(B) A courtesy copy of all motions and other written requests filed in criminal cases must be submitted to the trial judge. A courtesy copy of all motions, briefs, and memoranda (in support of, contra, and reply) must be submitted by the attorney or party filing the motion to the assigned Judge, as provided in Loc.R. 7.09.

50.02 Discovery

Pursuant to Crim.R. 16, discovery is to be conducted in a manner that will eliminate delay and unnecessary expense. Upon demand for discovery, it shall be the duty of a party to promptly respond to the request. In any event, discovery should be provided in fourteen days from the date of receipt of the demand, except in capital cases. The failure of a party to timely and fully respond may lead to the exclusion of evidence at trial.

RULE 51 INDIGENT DEFENDANTS

51.01 The Delaware County Public Defender Office will suggest an appointment of an attorney from the list of attorneys that is on file with the Public Defender Office.

(A) Before counsel is appointed, a defendant must file a completed affidavit of indigency with the Delaware County Public Defender Office. The sole responsibility for determining the eligibility of a defendant for court-assigned counsel rests with the Delaware County Public Defender Office. Eligibility will be determined according to the Ohio Public Defender Commission's standards.

(B) Attorneys who wish to be appointed to represent indigent defendants must complete an Application For Appointment As Assigned Counsel and must meet the following criteria:

1. Licensed to practice law in Ohio;
2. Good standing with the Supreme Court of Ohio;
3. Either (a) maintains an office in Delaware County or (b) has arranged to meet with clients at a law office located in Delaware County and lives in the county;

4. Maintains professional liability insurance as required by the Ohio Rules of Professional Conduct.
5. Membership in the Delaware County Bar Association is not required but is preferred so that attorneys have ready access to rule changes, local training seminars, and other updates from the court.

(C) Appointments will be distributed as widely as possible among attorneys on a rotary system designed to pair the defendant's level of offense with an attorney who meets the qualifications for assignment as established by the Ohio Public Defender Commission's standards. The Public Defender Office may appoint an attorney who is not next in sequence if an attorney who is next in sequence does not respond to the inquiry from the Public Defender Office within a reasonable time, is unavailable to represent the defendant, has a conflict, or the interests of justice require the appointment of a specific attorney instead of the next available attorney. If the Public Defender Office passes over the name of an attorney for any reason, the Public Defender Office will return to that attorney for the next appointment to the extent administratively feasible. If the attorney continues to not respond to inquiries from the Public Defender Office or if the attorney refuses a second time to represent a defendant due to unavailability, the office will not return to the attorney until the next rotation.

(D) Not more than one attorney per indigent defendant will be appointed, unless the trial judge otherwise orders.

(E) Immediately upon selection of an attorney, the Public Defender Office will notify the trial judge of the suggested appointment, and the trial judge will file the appropriate entry appointing the attorney, unless the judge decides that the attorney is not suitable for that particular defendant or that case.

(F) Upon appointment, the attorney should perform all duties as warranted by the facts of the case and must act in a professional manner.

(G) The attorney must personally represent the defendant for whom he or she was appointed and must not, absent an emergency, allow substitute counsel to represent the defendant.

(H) The attorney must have a working phone with a secretary or voicemail in order to respond timely to calls from the court or the defendant. The attorney must also have a mailbox in the courthouse and is responsible for checking the mailbox on a regular basis so as to remain informed of scheduling entries and other case-related communication unless an alternative or electronic form of communication has been established and approved by the court.

(I) Any court-appointed attorney who seeks to withdraw from representing a defendant must act in a manner consistent with the Ohio Rules of Professional Conduct.

(J) The judges of the court will periodically review the list of attorneys approved for court assignments to ensure that the attorneys on the list remain qualified to represent felony defendants and that the work of those attorneys continues to meet the ethical standards set by the

Ohio Rules of Professional Conduct. The judges of the court will also periodically review the appointments to ensure an equitable distribution of appointments. Per Rule 8 (F) of the Rules of Superintendence for the Courts of Ohio, persons pre-qualified to serve are not assured a substantially equal number of appointments. No person is granted a legal right or claim by virtue of this rule.

(K) An attorney may be removed from the list for court-appointment assignments for good cause, including but not limited to the following reasons:

1. Failure to maintain licensure to practice law in the State of Ohio and to remain in good standing with the Supreme Court of Ohio.
2. Failure to meet the criteria established above in Section 51.01(B).
3. Routine failure to respond timely to the Delaware County Public Defender Office's attempts to assign cases or repeated refusal to accept assignment of cases without a valid reason, such as a conflicting interest.
4. Routine failure to respond to attempts by a judge's staff to schedule hearings.
5. Routine failure to attend scheduled court hearings or to arrive timely.
6. Routine failure to adequately prepare for court hearings.
7. Routine failure to maintain appropriate contact with clients.
8. Routine failure to timely submit the Motion, Entry, and Certification for Court-Appointed Counsel Fees.

(L) In making the appointments, the Court will comply with Rule 8 of the Rules of Superintendence for the Courts of Ohio.

51.02 Any attorney appointed to provide legal representation for an indigent defendant will be compensated according to a schedule approved by the county commissioners. Counsel must maintain itemized time records for each appointed case showing the dates of service, nature of services rendered, and hours worked. Counsel's itemized time records must be provided to the court upon request.

51.03 A court-appointed attorney will be reimbursed for reasonable expenses of up to \$250.00 without prior approval of the trial judge. No allowance will be approved for fixed law-office overhead, daily copies of transcripts, or depositions, except as provided by law.

Expenses in excess of \$250.00 must be submitted to the trial judge for approval prior to their incurrence. All expenses must be documented with receipts.

(A) Reasonable expenses include, but are not limited to, the fees paid to investigators or experts whose services are reasonably necessary for the proper representation of an indigent defendant charged with a felony. The factors to be considered by the trial judge are:

(1) the value of the service to the defendant's proper representation at trial;

(2) the availability of alternatives that would fulfill the same functions as the service sought.

(B) Upon motion and for good cause, the trial judge may order that the judgment entry authorizing the services be sealed and maintained by the clerk, along with all other original papers in the criminal case.

51.04 Extraordinary Fees

(A) An attorney's fees in excess of those set forth above in Section 51.03 may be granted by the trial judge in a Complex Case or in other extraordinary circumstances.

(B) "Complex Case" is a case designated by the trial judge as a Complex Case because it involves multiple counts dealing with multiple separate incidents and the case involves an extraordinary amount of trial preparation or trial time.

51.05 Requests for compensation must be made by each appointed attorney on forms supplied by the Ohio Public Defender Commission. The requests for compensation and reimbursement must be filed within the time guidelines established by the Ohio Public Defender Commission. An attorney may be denied reimbursement for failure to meet the time deadlines or to comply with other reimbursement requirements. Attorneys should submit bills no later than 45 days after the last court date.

RULE 52

52.01 Creation of Specialized Mental Health Docket.

Recognizing that the mentally ill offender poses special challenges to the criminal justice system, the court has created the Mental Health Docket with the intent of protecting the community by reducing the recidivism of offenders with mental health disorders by improving and expediting the delivery of services to mentally ill criminal defendants through intense supervision and treatment.

52.02 Eligibility for Admission to Mental Health Docket.

The Mental Health Docket is a voluntary program for individuals charged with felony offenses who have been diagnosed with certain mental disorders that are amenable to treatment. Individuals must meet the following criteria to be admitted to the docket:

1. The offender is charged with a non-violent fourth or fifth degree felony
2. The offender is competent and understands and appreciates the consequences of the legal proceedings
3. The offender does not have current sex offender status
4. The offender must demonstrate a pattern of severe and persistent mental illness

These symptoms must meet the criteria for an Axis I diagnosis of the DSM-IVTR, DSM-V or any successor manual

5. The Defendant's mental health disorder was a factor in the behavior that resulted in the pending charge(s) and, unless treated, the defendant's disorder is likely to contribute to future criminal behavior
6. The offender is appropriate for care available in the community and is receptive to behavioral health treatment
7. The offender does not pose a risk of harm to the community, the staff of the court, the providers, or other agencies working with the Mental Health Docket.

52.03 The victim notification provision of Revised Code Chapter 2930 shall be followed where applicable.

52.04 Referral to Mental Health Docket.

Any judicial officer, defense counsel, prosecuting attorney, treatment or other community provider, law enforcement personnel, probation officer, jail personnel, or medical provider may make a referral in any form to the Mental Health Docket Coordinator.

52.05 Screening and Assessment Process for Mental Health Docket.

After a plea or finding of guilt is made, the court will refer the case to the Docket Coordinator who will screen defendants for eligibility. Defendants will also be required to complete a mental health assessment and pre-sentence investigation as part of this process. Defendants must complete and sign releases of information to facilitate inter-agency communication on behalf of the defendant and Mental Health Docket Team.

Upon completion of the eligibility screening and consideration of all applicable criteria and circumstances, the Mental Health Docket Coordinator will provide a written recommendation to the court.

Based upon the recommendation of the Docket Coordinator, and review of the mental health assessment and pre-sentence investigation report and all applicable criteria and circumstances, the Judge shall determine whether the defendant enters the Mental Health Docket as a condition of community control or intervention in lieu.

52.06 Docket Assignment for Mental Health Docket.

Cases shall remain on the regular docket of the originally assigned Judge until the Docket Coordinator has screened the defendant and determined that the defendant is eligible for admission. If the defendant is deemed eligible, following sentencing or disposition, the case shall be transferred to the Mental Health Judge by filing a Motion For Transfer To and Admission To Mental Health Docket. If the defendant is not accepted into the Mental Health Docket, then the case shall remain with the originally assigned Judge.

52.07 Admission to the Mental Health Docket.

Admission to the program is made only as a condition of community control or intervention in lieu. The defendant will be required to sign an acknowledgement of understanding of the requirements of the Mental Health Docket prior to entering the docket.

52.08 Docket Case Management

The defendant will be referred to local agencies based on their needs for treatment. The services to the defendants will be expedited pursuant to an agreement of understanding with the treatment agencies. The defendant will be provided the participant manual and copies of the signed participant acknowledgement. The treatment team will continue to monitor the defendant's behavior through treatment team meetings and holding the defendant accountable to the participation acknowledgement.

52.09 Mental Health Docket Review Hearings.

The court will schedule regular docket hearings to monitor compliance with the original orders, including treatment, in accordance with the client program phases. The Mental Health Docket team is responsible for obtaining and presenting information at the docket hearings regarding defendant's progress.

It is the responsibility of the Mental Health Docket team to monitor compliance through periodic communication with the designated treatment providers, and through direct monitoring and meeting with the defendant.

The Mental Health Docket team is comprised of a Judge, Mental Health Docket Coordinator and Probation Officer, and treatment providers.

52.10 Unsuccessful Terminations

Common behaviors that can lead to unsuccessful termination include but are not limited to the following:

- A. On-going noncompliance with treatment;
- B. Resistance to treatment;
- C. New serious criminal conviction;
- D. A serious Mental Health Docket violation or series of violations;
- E. A serious Community Control violation or a series of violations.

The negative consequences of an unsuccessful termination include:

- A. Loss of future eligibility for the Mental Health Docket;
- B. Further legal action including revocation of Community Control;
- C. Depending on the circumstance, the defendant may be subject to prison, jail, or other penalties.

52.11 Neutral Termination

The following is a list of events or actions that lead to a neutral discharge from the Mental Health Docket:

- A. A serious medical condition
- B. A serious mental health condition

- C. Death
- D. Other factor that may keep the participant from meeting the requirements for successful completion.

Upon neutral discharge it will be determined by the Mental Health Docket Team and ultimately by the Mental Health Docket Judge as to whether the participant continues on regular Community Control or is terminated from Community Control all together.

52.12 Creation of Specialized Recovery Docket.

Recognizing that the offender who has a drug and alcohol disorder poses special challenges to the criminal justice system, the court has created the Recovery Docket with the intent of protecting the community by reducing the recidivism of offenders who are diagnosed with a drug and alcohol disorder by improving and expediting the delivery of services to the addicted criminal defendants through intense supervision and treatment.

52.13 Eligibility for Admission to Recovery Docket.

The Recovery Docket is a program for individuals who have entered guilty pleas to felony offenses who have been determined to have a drug or alcohol disorder and who are amenable to treatment. Individuals must meet the following criteria to be admitted to the docket:

1. Clinical Eligibility Criteria

- A) Diagnosed with a moderate to severe substance disorder. The participant must have completed a drug/alcohol assessment by a certified licensed provider.
- B) Must be able to understand and comply with program requirements.

2. Other Eligibility Criteria

- A) Score 15 or Higher on the Ohio Risk Assessment System or a score of 5 or higher in the Substance Abuse Section of the Ohio Risk Assessment System.
- B) Must be a resident of Delaware County.
- C) The defendant is receptive to receiving treatment.
- D) Judge has the sole discretion in the admissibility to the Recovery Docket.
- E) Must be a case assigned or transferred to the judge assigned to the Recovery Docket.

3. Legal Criteria

- A) Intervention in Lieu of Conviction; or
- B) Charged with a felony offense less serious than a felony of the second degree; excluding F3 trafficking, domestic violence, sex offense, or OVIs; or
- C) The defendant is on Community Control with a Motion/Notice to Revoke the Community Control pending, or on agreement of the defendant, or on recommendation of the Probation Officer; or,
- D) Sentenced to Recovery Docket as part of Community Control placement and/or through judicial release.

52.14 The victim notification provision of Revised Code Chapter 2930 shall be followed where applicable.

52.15 Referral to Recovery Docket.

The judge, defense counsel, prosecuting attorney, or probation officer, may make a referral to the Recovery Docket.

52.16 Screening and Assessment Process for Recovery Docket.

Upon motion filed by the defendant (See Form 52.15a appended), a case may be referred to the Recovery Docket Probation Officer who will screen defendants for eligibility. The Referral Form (See Form 52.15b appended) may be completed prior to the filing of Form 52.15a. Defendants must complete and sign releases of information to facilitate inter-agency communication on behalf of the defendant and Recovery Docket Team. Upon completion of the eligibility screening and consideration of all applicable criteria and circumstances, the Recovery Docket Probation Officer will provide a written recommendation to the court. Based upon the recommendation of the Recovery Docket Probation Officer and all applicable criteria and circumstances, the Judge shall determine whether the defendant enters the Recovery Docket as a condition of community control or intervention in lieu of conviction. Form 52.15c will be completed at the hearing on Intervention in Lieu of Conviction or upon sentencing to Community Control, or a Motion/Notice to Revoke Community Control.

52.17 Docket Assignment for Recovery Docket.

Cases shall remain on the regular docket of the originally assigned Judge until the Recovery Docket Probation Officer has screened the defendant and determined that the defendant is eligible for admission to the Recovery Docket (See Form 52.15a appended). If the defendant is eligible, following sentencing or disposition, the case shall be transferred to the Recovery Docket by Judgment Entry (See Form 52.15d appended). If the defendant is not accepted into the Recovery Docket, then the case shall remain with the originally assigned Judge. If the defendant is accepted into the Recovery Docket, then a Judgment Entry Granting Transfer of the Case will be filed (See Form 52.15e appended).

52.18 Admission to the Recovery Docket.

Admission to the program is made only as a condition of community control or intervention in lieu of condition. The defendant will be required to sign an acknowledgement of understanding of the requirements of the Recovery Docket prior to entering the docket. (See Form 52.15c appended.)

52.19 Docket Case Management

The defendant will be referred to local agencies based on his needs for treatment. The services to the defendant will be expedited pursuant to an agreement of understanding with the treatment agencies. The defendant will be provided the participant manual and copies of the signed participant agreement. The treatment team will continue to monitor the defendant's behavior through treatment team meetings and holding the defendant accountable to the participation agreement.

52.20 Recovery Docket Review Hearings.

The court will schedule regular review hearings to monitor compliance with the original orders, including treatment, in accordance with the client program phases. The Recovery Docket team is

responsible for obtaining and presenting information at the docket hearings regarding defendant's progress. It is the responsibility of the Recovery Docket team to monitor compliance through communication with the designated treatment providers, and through direct monitoring and meeting with the defendant. The Recovery Docket team is comprised of the Judge, Recovery Docket Probation Officers and treatment agencies.

52.21 Unsuccessful Terminations

Common behaviors that can lead to unsuccessful termination include, but are not limited to, the following:

- (A) On-going noncompliance with treatment;
- (B) Resistance to treatment;
- (C) New serious criminal conviction;
- (D) A serious Recovery Docket violation or series of violations;
- (E) A serious Community Control or Intervention in Lieu violation or a series of Community Control violations or Intervention in Lieu violations.

The negative consequences of a termination include:

- (A) Loss of future eligibility for the Recovery Docket;
- (B) Further legal action including revocation of Intervention In Lieu of Conviction, Notice/Motion to Revoke Community Control;
- (C) Depending on the circumstances, the defendant may be subject to prison, jail or other penalties.

RULE 53 CONTINUANCES

Any motion for continuance of a trial must be in writing and filed with the clerk of courts. A copy of the motion shall be presented to the judge's office with a proposed judgment entry containing language granting or denying the continuance. The motion shall set forth: the reason(s) for the continuance, the number of previous continuances, whether opposing counsel consents to the continuance, the Defendant's try-by date, and the dates counsel are available for trial. Any order granting a continuance shall contain the date to which trial is continued.

RULE 54 NEGOTIATIONS

54.01 For the purpose of adhering to the provisions of Rule 11(F) of the Ohio Rules of Criminal Procedure, a complete text of negotiations shall be: (1) reduced to writing; and (2) signed and dated by the Assistant Prosecuting Attorney in charge of the case, counsel for the Defendant, and the Defendant.

54.02 Failure to comply with Loc.R. 54.01 may result in the court's refusal to proceed with any Guilty Plea Hearing.

RULE 55

DAILY COPIES OF TRANSCRIPTS

Daily copies of transcripts to counsel in criminal cases will not be ordered, provided for, or permitted except in those cases where the sound discretion of the trial judge would require it in the interest of justice.

RULE 56

DISCLOSURE OF PRE-SENTENCE REPORTS

56.01 Presentence Investigation Reports

(A) All judges shall allow the Probation Department a minimum of thirty days between acceptance of a plea and the date set for sentencing to prepare a Pre-sentence Investigation Report.

(B) The Probation Officer who prepares the report shall have it completed no later than two court days prior to sentencing. When the report is completed, it shall be sent to the trial judge and made available for review by the Defendant's attorney (or by the Defendant if he is not represented by an attorney) and the Prosecutor.

56.02 The sentencing judge shall be responsible for sending a copy of the report to the institution. An additional copy shall be provided by the Probation Department.

RULE 57

CERTIFICATION OF ASSETS

57.01 Any Defendant found guilty of a criminal offense in this court shall, on a form provided by this court, disclose assets of every kind for the purpose of assisting the trial judge, the Adult Probation Department, and the Sheriff, in the collection of the fine and cost in that case. The form shall be completed prior to sentencing, as part of the Pre-sentence Investigation Report. (See Asset Disclosure Form F57.01 appended.)

RULE 58

SURETY BAIL BOND REGISTRATION

(A) **Registration.** All bond agents and surety companies seeking to do business in Delaware County Common Pleas Court General Division must register and file their required credentials by the first day of April of each odd-numbered year in accordance with R.C. 3905.87. A registration application can be obtained from the Delaware County Clerk of Courts office or online at <https://clerkofcourts.co.delaware.oh.us/>. Registration after this date will require the filing of a petition and approval by the Common Pleas Court to be added to the approved list. The Petition for Judicial Approval for Surety Bail Bond Agent Registration can be obtained from the Delaware County Clerk of Courts office or online at <https://clerkofcourts.co.delaware.oh.us/>. The Court will review petitions on a quarterly basis.

(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, revoke 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 45 days but not more than 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 bail bond agent, the surety company, and the insurance company.

- (C) **Cancellation.** Pursuant to R.C. 3905.932(K), a bail bond agent cannot 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 60 days, unless the full amount of the judgment is deposited with the Clerk of the Court. Therefore, if a judgment remains unpaid for 60 days, registration with the Clerk of Courts under R.C. 3905.87 will be cancelled. Pursuant to O.R.C. §3905.87(A), the bail bond agent will not thereafter be permitted to post bonds at the Delaware County Common Pleas Court until the current obligations are met and credentials are submitted for registration during the next registration period.

RULE 59 (RESERVED)

RULE 60 POST-CONVICTION PETITIONS

60.01 Post-conviction petitions for a determination of a prisoner's constitutional rights shall be filed and docketed by the clerk in the original case in which the defendant was sentenced. Upon the filing of a petition, the clerk must issue written notice to the prosecuting attorney.

60.02 When a waiver or the return of the notice is filed, the clerk will deliver all the papers in the case to the trial judge who originally handled the case. If the trial judge who originally handled the case is no longer a member of the court, the case will be assigned to a judge by the administrative judge.

60.03 The clerk will deliver the post-conviction petition to the trial judge no later than one day after it has been filed.

COURT RECORDS MANAGEMENT AND RETENTION

RULE 61 GENERAL GUIDELINES

61.01 Applicability

(A) This rule and Loc. R. 62 to 63 are intended to provide minimum standards for the production, maintenance, preservation, and destruction of records within the court and to authorize alternative electronic methods and techniques. Implementation of this rule and Loc.R. 62 to 63 is a judicial governmental function.

(B) This rule and Loc.R. 62 to 63 will be interpreted to allow for technological enhancements that improve the efficiency of the court and simplify the production, maintenance, preservation, and destruction of court records.

61.02 Definitions

As used in this rule and in Loc.R. 62 to 63:

(A) “Administrative record” means a record not related to cases of a court that documents the administrative, fiscal, personnel, or management functions of the court.

(B) “Case file” means the compendium of original documents filed in an action or proceeding in a court, including the pleadings, motions, orders, and judgments of the court on a case-by-case basis.

(C) “Index” means a reference record used to locate journal, docket, and case-file records.

(D) “Journal” means a verbatim record of every order or judgment of a court.

(E) “OHS” means the Ohio Historical Society, State Archives Division.

(F) “Record” means any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of a court that serves to document the organization, functions, policies, decisions, operations, or other activities of the court.

61.03 Combined records

Notwithstanding any other provisions of the law, a court may combine indexes, dockets, journals, and case files provided that the combination contains the component of indexes, dockets, journals, and case files as defined in this rule and Loc.R. 62 to 63. A court may replace any paper documents with an electronic medium or microfilm in accordance with this rule.

61.04 Allowable record media

(A) A court may create, maintain, receive, record, copy, or preserve a record on traditional paper media, electronic media, including text or digital images, or microfilm, including computer output to microfilm.

(B) A court may create, maintain, receive, record, copy, or preserve a record using any nationally accepted records and information management process, including photography, microfilm, and electronic data processing, as an alternative to paper. The process may be used in regard to the original or a copy of a record if the process produces an accurate record or copy and the process complies with the American National Standards Institute (ANSI) standards and guidelines, or, in the event that ANSI standards cease to exist, other nationally accepted records and information management process standards.

(1) If the court creates, maintains, receives, records, copies, or preserves a record using a records and information management process in accordance with 61.04(B) of this rule and the record is required to be retained in accordance with the schedules set forth in Loc. R. 62 to 63, the court must cause a back-up copy of the record to be made at periodic and reasonable times to ensure the

security and continued availability of the information. If Loc.R. 62 to 63 requires the record to be retained permanently, the back-up copy must be stored in a different building than the record it secures.

(2) Records must be maintained in conveniently accessible and secure facilities, and provisions must be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, received, recorded, copied, or preserved by an alternative records and information management process in accordance with division 61.04(B) of this rule must be provided.

(3) In accordance with applicable law and purchasing requirements, a court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by division 61.04(B) of this rule.

(4) Paper media may be destroyed after it is converted to other approved media in accordance with this rule.

61.05 Destruction of records

(A) Subject to the notification and transfer requirements of divisions 61.05(B) and (C) of this rule, a record and any back-up copy of a record produced in accordance with division 61.04(B) of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Loc.R. 62 to 63.

(B) If Loc. R. 62 to 63 set forth a retention period greater than 10 years for a record, or if a record was created prior to 1960, the court must notify the OHS in writing of the court's intention to destroy the record at least 60 days prior to the destruction of the record.

(C) After submitting a written notice in accordance with division 61.05(B) of this rule, the court must, upon request of the OHS, cause the record described in the notice to be transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.

61.06 Exhibits, depositions, and transcripts

At the conclusion of litigation, including time for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied:

(A) The court notifies the party in writing that exhibits, depositions, or transcripts may be destroyed within 60 days from the date of the written notification;

(B) The written notification required in division 61.06(A) of this rule informs the party that the exhibits, depositions, or transcripts may be destroyed if not retrieved within 60 days of the notification;

(C) The written notification required in division 61.06(A) of this rule informs the party of

the location for retrieval of the exhibits, depositions, or transcripts;

(D) The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within 60 days from the date of the written notification.

61.07 Extension of retention period for individual case files

A court may order the retention period for an individual case file extended beyond the period specified in Loc.R. 62 to 63.

RULE 62

RETENTION SCHEDULE FOR ADMINISTRATIVE RECORDS

The following retention schedule applies for the administrative records of the courts:

62.01 Administrative journal

Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases will be retained permanently.

62.02 Annual reports

Two copies of each annual report, if any, will be retained permanently.

62.03 Bank records

Bank transaction records, whether paper or electronic, will be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

62.04 Cash books

Cash books, including expense and receipt ledgers, will be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

62.05 Communication record

Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

62.06 Correspondence and general office records

Correspondence and general office records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

62.07 Drafts and informal notes

Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the draft and informal notes.

62.08 Employment applications

Employment applications for posted or advertised positions will be retained for two years.

62.09 Employee benefit and leave records

Employee benefits and leave records, including court office copies of life and medical insurance records, will be retained by the appropriate fiscal officer for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

62.10 Employee history and discipline records

Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees will be retained for 10 years after termination of employment.

62.11 Fiscal records

Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, will be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

62.12 Grant records

Records of grants made or received by a court will be retained for three years after expiration of the grant.

62.13 Payroll records

Payroll records of personnel time and copies of payroll records maintained by another office or agency will be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

62.14 Publications received

Publications received by a court may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the publications.

62.15 Receipt records

Receipt and balancing records will be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

62.16 Requests for proposals, bids, and resulting contracts

Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal will be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

RULE 63**RETENTION SCHEDULE FOR THE JUDICIAL RECORDS OF THE COURT****63.01 Definitions**

(A) As used in sections 63.02 to 63.06, "division" means the General Division of the Court of Common Pleas of Delaware County, Ohio.

(B) As used in this Rule, "docket" means the record where the clerk of the division enters all of

the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.

63.02 Required records

(A) The division will maintain an index, docket, journal, and case files in accordance with Loc.R. 61.02, 63.01, and this section of Loc.R. 63.

(B) Upon the filing of any paper or electronic entry permitted by the division, a stamp or entry will be placed on the paper or electronic entry to indicate the day, month, and year of filing.

63.03 Content of docket

The docket of the division will be programmed to allow retrieval of orders and judgments of the division in a chronological as well as a case-specific manner. Entries in the docket will be made as events occur, will index directly and in reverse the names of all parties to cases in the division, and will include:

(A) Names and addresses of all parties in full;

(B) Names, addresses, and Supreme Court attorney registration numbers of all counsel;

(C) The issuance of documents for service upon a party and the return of service or lack of return;

(D) A brief description of all records and orders filed in the proceeding, the time and date failed, and a cross reference to other records as appropriate;

(E) A schedule for court proceedings for the division and its officers to use for case management;

(F) All actions taken by the division to enforce orders or judgments; and

(G) Any information necessary to document the activity of the clerk of the division regarding the case.

63.04 Retention schedule for the index, docket, and journal

The index, docket, and journal of the division will be retained permanently.

63.05 Judge, magistrate, and clerk notes, drafts, and research

Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

63.06 Retention schedule for case files

(A) **Death penalty cases.** Death penalty case files will be retained permanently.

(B) **Real estate.** Matters that resulted in a final judgment determining title or interest in real estate will be retained permanently.

(C) **Search warrant records.** Search-warrant records will be indexed and the warrant and returns retained in their original form for five years after the date of service or last service attempt.

(D) **Voluntary dismissals.** Case files of matters that are voluntarily dismissed will be retained for three years after the date of dismissal.

(E) **Other case files.** Any case file not listed in this Rule will be retained for 12 years after the final order of the General Division. Documents within a case file admissible as evidence of a prior conviction in a criminal proceeding will be retained for 50 years after the final order of the general division.

(G) Retention schedule for case files—domestic relations division of the court of common pleas.

- (1) **Certified mail receipts in uncontested cases and post-decree motions.** In new cases and cases involving post-decree motions where personal jurisdiction is established by certified mail receipt and the defendant/respondent fails to answer, enter an appearance, or otherwise defend, the certified mail receipt will be retained for 30 years after the date of issuance and may be retained in a separate file from the case file.
- (2) **Divorce or dissolution: Minor children.** Case files of divorce and dissolution that involve minor children will be retained for 25 years after the date of the final order of the domestic relations division.
- (3) **Divorce or dissolution: No children.** Case files of divorce and dissolution not involving minor children will be retained for 12 years after the final order of the domestic relations division.
- (4) **Domestic violence petitions.** Case files of petitions for domestic violence protection orders will be retained for one year after the expiration of any resulting protection order. If the parties to a petition for a domestic violence protection order are also parties to a divorce, the case file of the petition will be retained for one year after the expiration of any resulting protection order or until the parties are divorced, whichever is later. In case files of petitions for domestic violence protection orders in which no protection order is issued, the case file will be retained for one year from the date the petition was filed. If post-decree motions have been filed, the case file will be retained for one year after the adjudication of the post-decree motion or the date specified for case files of petitions for domestic violence protection orders in division (G)(4) of this rule, whichever is later.
- (5) **Legal separation.** Case files of legal separation will be retained until the parties are divorced or for two years after the spousal support terminates, whichever is later, unless otherwise ordered by the court. If post-decree motions have been filed, the case file will be retained for two years after the adjudication of the post-decree motion or the date specified for case files in division (G)(5) of this rule, whichever is

later.

- (6) **Real estate.** Case files of matters that resulted in a final judgment determining title or interest in real estate will be retained permanently.
- (7) **Registration or adoption of foreign decree.** Case files of registrations or adoptions of foreign decrees will be retained for two years after the emancipation of all of the parties' minor children. If post-decree motions have been filed, records will be retained for two years after the adjudication of the post-decree motion or the date specified for case files in division (G)(7) of this rule, whichever is later.
- (8) **Uniform Reciprocal Enforcement of Support Act ("URES A") filings.** Case files involving URESA filings will be retained for 19 years after the final order of the domestic relations division or for one year after transfer of the case to another jurisdiction.

APPENDIX FORMS

Appendix Form 19A

IN THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO

:

IN RE: THE APPOINTMENT OF
STANDING SPECIAL PROCESS
SERVER

: AFFIDAVIT

I, _____, being first duly sworn and cautioned according to law, state that:

1. I reside at _____.

My telephone number is _____.

My email address is _____.

2. I am eighteen (18) years of age or older.

3. I will not attempt to serve process in any case in which I am a party, counsel for a party, or a relative of any party.

4. I do not have a felony criminal record.

5. I will follow all applicable Local Rules and Ohio Rules of Civil Procedure. I will also obey any specific instructions for service of process as ordered by the Court in individual cases, including: *If a pleading is left with a responsible party who is more than sixteen (16) years of age, then return is as "residential service" and if the pleading is left with the individual to be served, then the return is as "personal service."*

6. I am going to be acting as an agent of _____.

Applicant

Sworn to before me and subscribed in my presence this _____ day of _____, 20____.

Notary Public

IN THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO

:

IN RE: THE APPOINTMENT
OFSTANDING SPECIAL PROCESS
SERVER

:

JOURNAL ENTRY APPOINTING
PROCESS SERVER

It appearing to the Court that the applicant has provided all the requested information in the affidavit;

The Court appoints _____ as a standing special process server. This order expires two years from the date it is filed unless modified by the Court.

IT IS SO ORDERED.

ADMINISTRATIVE JUDGE

Appendix Form F22.02

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

CLASSIFICATION FORM

CASE NO. _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS:

CIVIL

- () Professional Tort----- A
() Product Liability----- B
() Other Torts----- C
() Workers' Compensation----- D
() Foreclosure----- E
() Administrative Appeal----- F
* Complex Litigation----- G
***Complex Litigation designation
requires judicial approval. Sup.R. 42**
() Other Civil----- H

DOMESTIC RELATIONS

- () Termination of Marriage, with children-- A
() Termination of Marriage, no children--- B
() Dissolution of Marriage, with children-- C
() Dissolution of Marriage, no children--- D
() Change of Custody----- E
() Visitation Enforcement/Modification---- F
() Support Enforcement/Modification----- G
() Domestic Violence----- H
() U.I.F.S.A.----- I
() All Others----- K

PLEASE PRINT OR TYPE THE INFORMATION REQUESTED BELOW

DATE: _____

TRIAL ATTORNEY: _____

Ohio Supreme Court

Registration No.: _____

Address: _____

Telephone: _____

Fax Number: _____

Email Address: _____

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

PETITION FOR

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned hereby petitions for a Certificate of Qualification for Employment (see attached Exhibit A) with the Court of Common Pleas where the Petitioner resides. Petitioner claims to have suffered a collateral sanction that is related to employment or occupational licensing as a result of one or more convictions or pleas of guilty to an offense. If filing is made directly with the Court, Petitioner also asserts no time has been served on a term in a state correctional institution or in a department-funded program.

Respectfully Submitted,

Signature

Name

Street

City, State Zip

Phone Number

Fax Number (if any)

Email

FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Name	D.O.B.	Person Represented's Name <i>(if juvenile)</i>	D.O.B.
Mailing Address	City	State	Zip Code
Case No.	Phone ()	Cell Phone ()	

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

Please place an 'X'

Ohio Works First / TANF: ____ SSI: ____ SSD: ____ Medicaid: ____ Poverty Related Veterans' Benefits: ____ Food Stamps: ____

Refugee Settlement Benefits: ____ Incarcerated: ____ Committed to a Public Mental Health Facility: ____

Other (please describe): _____ Juvenile: ____ *(if juvenile, please continue at section VIII)***IV. INCOME AND EMPLOYER**

	Applicant	Spouse	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
TOTAL INCOME			\$

Employer's Name: _____ Phone Number: _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
Total Liquid Assets	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation for Work / Fuel	
Insurance		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
EXPENSES	\$	EXPENSES	\$

VII. INITIAL DETERMINATION OF INDIGENCY

TOTAL INCOME: _____

TOTAL LIQUID ASSETS: + _____

TOTAL EXPENSES: - _____

TOTAL ADJUSTED INCOME: = _____

_____ The total adjusted income is at or below 187.5% of the Federal Poverty Guidelines

_____ The applicant is unable to pay filing fees/deposit

_____ The total adjusted income is between 187.5% - 125% of the Federal Poverty Guidelines.

VIII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure / Affidavit of Indigency Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within seven (7) days of submitting this form to the entity that will make a determination regarding your indigency.

IX. AFFIDAVIT OF INDIGENCY

I, _____ (applicant) being duly sworn, state:

1. I am financially unable to pay the required filing fees/deposit without substantial hardship to me or my family.
2. I understand that I must inform the court if my financial situation should change before the disposition of the case(s) for which assistance is being provided.
3. I understand that I may be subject to criminal charges for providing false financial information in connection with this application.
4. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Affiant's signature

Date

Notary Public / Individual duly authorized to administer oath:

Subscribed and duly sworn before me according to law, by the above named applicant this ____ day of _____, _____, at _____, County of _____, State of Ohio.

Signature of person administering oath

Title (example: Notary, Deputy Clerk of Courts, etc.)

X. JUDGE CERTIFICATION

I hereby certify that above-noted applicant is unable to fill out and / or sign this financial disclosure / affidavit for the following reason: _____. I have determined that the applicant meets the criteria for receiving relief from payment of the filing fee/court deposit.

Judge's signature

Date

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

NOTICE TO COURT OF PETITION FOR

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within fourteen days.

Natalie Fravel

Delaware County Clerk of Courts,

Deputy Clerk

Appendix Form 35D

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

NOTICE TO PROSECUTOR OF

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within fourteen days.

Natalie Fravel

Delaware County Clerk of Courts,

Deputy Clerk

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

RESPONSE TO REQUEST FOR INFORMATION REGARDING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned voluntarily submits the following information regarding the above captioned Petition.

NOTE: It is not necessary to submit any or all of the information listed below.

1. Please check one of the following:

- ☐ I recommend the Petitioner receive a CQE.
- ☐ I do not recommend the Petitioner receive a CQE.
- ☐ I have no opinion.

If you marked "recommend" or "do not recommend," please comment below:

2. The Petitioner did/did not (circle one) successfully completed community control sanctions.

Comments:

3. The Petitioner does/does not (circle one) owe any outstanding monies.

Comments:

4. Additional Comments:

Respectfully Submitted,

Signature

Name of Person Submitting Information

Position (if victim, indicate here _____)

Name of Organization: Court, Prosecutor's
Office, Other

Street

City, State Zip

Phone Number

Fax Number

Email

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

ORDER FOR INVESTIGATION REGARDING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby Orders the Probation Department to do the following and report back its findings within _____ days of this Order:

- _____ 1. Attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense.
- _____ 2. Obtain a current LEADS report on Petitioner.
- _____ 3. Verify the accuracy of information submitted in the Petition.
- _____ 4. Other: (specify)

IT IS SO ORDERED.

JUDGE/MAGISTRATE

DATE

Appendix Form 35G

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

ORDER FOR ADDITIONAL INFORMATION

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby Orders the Petitioner to provide the following information within _____ days of this Order:

IT IS SO ORDERED.

JUDGE/MAGISTRATE

DATE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

JUDGMENT ENTRY GRANTING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby finds:

The Petitioner has suffered a COLLATERAL SANCTION that is related to employment or occupational licensing as a result of individual's conviction of or plea of guilty to an offense (felony or misdemeanor) and that applies by operation of law in this state; AND

The Petitioner has established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment/occupational license; AND

The Petitioner has established by a preponderance of the evidence the Petitioner has a substantial need for the relief requested in order to live a law-abiding life; AND

The Petitioner has established by a preponderance of the evidence that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

THEREFORE, it is HEREBY ORDERED, ADJUDGED AND DECREED that the above captioned Petition for Certificate of Qualification for Employment is hereby GRANTED. The purpose for this certificate is to assist the petitioner in obtaining employment and to obtain a _____ (insert none if not applicable) license from the Ohio _____ licensing board.

IT IS FURTHER ORDERED that the Clerk Notify the Department of Rehabilitation and Corrections that a Certificate of Qualification for Employment be issued to Petitioner.

The Clerk is HEREBY ORDERED to provide written notice to Petitioner.

IT IS SO ORDERED,

JUDGE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

JUDGMENT ENTRY DENYING

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby finds:

The Petitioner has/has not (circle one) suffered a COLLATERAL SANCTION that is related to employment or occupational licensing as a result of individual's conviction of or plea of guilty to an offense (felony or misdemeanor) and that applies by operation of law in this state;

The Petitioner has/has not (circle one) established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment/occupational license;

The Petitioner has/has not (circle one) established by a preponderance of the evidence the Petitioner has a substantial need for the relief requested in order to live a law-abiding life;

The Petitioner has/has not (circle one) established by a preponderance of the evidence that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

THEREFORE, it is HEREBY ORDERED, ADJUDGED AND DECREED that the above captioned Petition for Certificate of Qualification for Employment is hereby DENIED.

IT IS FURTHER ORDERED that the following conditions (if any) are placed on Petitioner's subsequent filings:

_____.

The Clerk is HEREBY ORDERED to provide written notice to Petitioner and the Department of Rehabilitation and Corrections.

THIS IS A FINAL, APPEALABLE ORDER. THERE IS NO JUST CAUSE FOR DELAY.

IT IS SO ORDERED,

JUDGE

In the Court of Common Pleas, Delaware County Ohio

COURT CERTIFICATE OF RELEASE

To: _____
(Recorder or Clerk of Courts)

Case No: _____

The below lien is released _____ satisfaction by proceeding of Delaware County, Ohio,
(with or without)
in the case of:

_____ vs _____
Plaintiff Defendant

Type of Release:

- ☐ Mortgage Release
- ☐ Mechanic's Lien
- ☐ Vendor's Lien
- ☐ Assignment

- ☐ Lease
- ☐ Federal Tax Lien
- ☐ Bureau of Employment

- ☐ Certificate of Judgment
- ☐ Other (specify below)

Lien filed by:

Other: _____

Name: _____ Date: _____ Vol.: ____ Pg: _____

Lien assigned to: (if applicable)

Name: _____ Date: _____ Vol.: ____ Pg: _____

Lien filed against: _____

(Full or Partial) Release of Property (*Attach complete description if partial release; no description needed if full release.*)

Other Comments: _____

Approved for Recording by: _____ Fee: \$ _____
(Recorder's or Clerk's Office) Date

Issued To: _____ on _____ Fee: \$ _____
(Recorder or Clerk) Date

**NATALIE FRAVEL, CLERK OF COURTS
DELAWARE COUNTY, OHIO**

By: _____
Deputy Clerk

Instructions

1. Complete one form for each release
2. Send to Delaware County Recorder's Office for approval and fee information on each Recorder's Release, and/or Send to Delaware County Clerk of Court's office for approval and fee information on each lien filed in the Clerk's office.
3. File each original Court Certificate of Release at the time of filing the Confirmation Entry.
4. File each original plus one copy if you would like a file-stamped copy returned to you.

ALL RELEASE INFORMATION MUST MATCH THE CONFIRMATION ENTRY

OFFICE OF THE DELAWARE COUNTY ENGINEER

To: The Court of Common Pleas of Delaware County, Ohio

STATEMENT OF (ACCEPTABILITY) (NONACCEPTABILITY)
OF LEGAL DESCRIPTION FOR TRANSFER PURPOSES

I hereby certify that the description of the premises hereinafter set forth
and listed in the Delaware County Engineer's
Office as standing in the name(s) of:

is (acceptable) (non-acceptable) to this office for the purposes of transfer.

[SET OUT DESCRIPTION]

DATED: _____

Delaware County Engineer

By: _____

THE COMMON PLEAS COURT OF DELAWARE COUNTY, OHIO

STATE OF OHIO

CASE NO. _____

Plaintiff

-vs-

Defendant

MOTION FOR REFERRAL AND FOR ADMITTANCE TO
RECOVERY DOCKET FOR
EVALUATION FOR PROGRAM ELIGIBILITY

The defendant hereby moves the Court for admittance into the Recovery Docket Program. I hereby give my consent to be interviewed by Court staff who operate the Delaware County Common Pleas Court's Recovery Docket Program,(hereinafter "Recovery Docket)" for the purpose of determining if I am eligible for admission into the Recovery Docket. I will need to be diagnosed as dependent by a licensed treatment provider and cooperate in the completion of a presentence investigation.

I understand that if I am accepted into the Recovery Docket, I will be required to participate in a Court-ordered substance abuse treatment program, for a minimum of 18 months in duration, with conditions of supervision that are established to further my successful recovery from substance dependence.

I hereby give my consent to be evaluated for eligibility and admission into the Recovery Docket. I agree to give truthful and accurate answers to the questions I am asked in being evaluated for eligibility and admission into the Recovery Docket. I understand that unless I otherwise authorize, only my attorney and the Delaware County Common Pleas Court and Court staff may receive the information I provide in the process of being evaluated for admission into the Recovery Docket and that my attorney is bound by the confidentiality requirements established by the attorney-client privilege in receiving such information. I further understand

that the information I give in being evaluated for admission into the Recovery Docket Program will not be provided to the State of Ohio and/or counsel for the State of Ohio and is not subject to discovery by the State of Ohio under the Rules of Criminal procedure or any other law or rule.

I also understand that as part of the eligibility determination process I will be asked to sign a separate Authorization for Release of Information, which authorizes reciprocal communication and release of information from the Delaware County Common Pleas Court and Court staff by and between the current treatment agency, and other substance abuse and mental health treatment providers and community service agencies.

I know of no serious physical health conditions which would keep me from completing the Recovery Docket requirements. I know of no pending charges or detainers from any other jurisdiction that would prevent me from entering or completing the Recovery Docket. I understand that, if I am eligible and accepted into the Recovery Docket Program I will be supervised by the Recovery Docket Judge, Judge Schuck, as to my compliance with the programming and rules of the Recovery Docket Program. I further understand that if I am unsuccessfully terminated from the Recovery Docket for any reason after being admitted into the program, my case will be returned to the trial docket and scheduled for sentencing or disposition before Judge Schuck.

I have been informed and understand that evaluation for admission does not guarantee my eligibility or admission into the Recovery Docket Program. I further understand that if I am determined not to be eligible for the program or I am not admitted into the Recovery Docket, my case shall remain on the regular docket for final resolution. I will complete referral form 52.15 (b).

SIGNED:

Defendant

Date

APPROVED:

Counsel for Defendant

Date

Prosecutor

Date

Certificate of Service

This motion was served on the Delaware County Prosecuting Attorney and the Recovery Docket Officer on the _____ day of _____, 20____ by _____.

Counsel for Defendant

Cc: Delaware County Prosecuting Attorney
Counsel for Defendant
Defendant
Recovery Docket Coordinator

Form 52.15(a)
Revised 11/5/18

Recovery Docket

Referral Form

QUALIFYING FACTORS

1. Clinical Eligibility Criteria

- C) Diagnosed with a moderate to severe substance disorder. The participant must have completed a drug/alcohol assessment by a certified licensed provider.
- D) Must be able to understand and comply with program requirements.

2. Other Eligibility Criteria

- F) Score 15 or Higher on the Ohio Risk Assessment System or a score of 5 or higher in the Substance Abuse Section of the Ohio Risk Assessment System.
- G) Must be a resident of Delaware County.
- H) The defendant is receptive to receiving treatment.
- I) Judge has the sole discretion in the admissibility to the Recovery Docket.
- J) Must be a case assigned or transferred to the judge assigned to the Recovery Docket.

3. Legal Criteria

- E) Intervention in Lieu of Conviction; or
- F) Charged with a felony offense less serious than a felony of the second degree; excluding F3 trafficking, domestic violence, sex offense, or OVIs; or
- G) The defendant is on Community Control with a Motion/Notice to Revoke the Community Control pending, or on agreement of the defendant, or on recommendation of the Probation Officer; or,
- H) Sentenced to Recovery Docket as part of Community Control placement and/or through judicial release.

Referred by:

Phone Number and Address:

Personal Information (please print)

Name (Last, First, and Middle Initial):			DOB:
Street Address:			Age:
City:	Zip Code:	Home Phone:	Work Phone:
Social Security No:	Aliases:		

Court Information

Incarcerated:	Where:
Y <input type="checkbox"/> N <input type="checkbox"/>	

CC: Recovery Docket Probation File, Referral Source

Appendix Form No. 52.15b

Revised 11/5/2018

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO
RECOVERY DOCKET

THE STATE OF OHIO,	:	
Plaintiff,	:	
-vs-	:	Case No.
	:	
Defendant	:	

**ACKNOWLEDGMENT OF REQUIREMENTS OF THE RECOVERY DOCKET AND
JOURNAL ENTRY ACCEPTING THE DEFENDANT INTO RECOVERY DOCKET**

I wish to be placed in the Adult Post Conviction/or ILC Recovery Docket and I am willing to participate in the Recovery Docket and comply with all the program terms and expectations set forth in the participant handbook that has been reviewed with me. I understand that the participation agreement outlines the process and requirements of the Recovery Docket.

1. I understand that I will be given a Court Services Plan and a Treatment Plan and I will have to comply with those plans. I further understand that the Court Services Plan and Treatment Plan will be amended as I progress through the Recovery Docket phases. The minimum length of the program is 18 months and will have 4 phases, the first phase will last approximately 2 weeks, and the remaining phases can last up to 6 months for each phase.
2. I am expected to and willing to immediately attend all individual and group counseling sessions, educational sessions, and activities or assessments as required by my counselor, probation officer and Judge.
3. I will also sign all necessary releases of information. I understand I will be placed in appropriate treatment programs as soon as possible and am required to attend. I understand that I will keep confidential all the participants and information heard in the review hearings or group sessions. I will cooperate with all treatment services outlined in my treatment plan and in any later or amended treatment plans from my treatment provider including any additional assessments. I further understand that I may also have to attend community support meetings.
4. I understand that I am still on reporting Community Control/Supervision in order to monitor compliance. I will be expected to report to my Recovery Docket Officer, and

make payments towards Court Costs, Supervision Fees and Restitution and follow the conditions set forth by the Court. I understand that my probation officer will discuss my case and overall performance with the treatment team in bi weekly meetings and in ongoing communication with my treatment provider. I understand that I have a right to request the attendance of defense counsel at treatment team meetings concerning my progress, at my own expense.

- A. I understand that progress through the phases of Recovery Docket are based on how well I am doing with my treatment plan and complying with the requirements of the Recovery Docket. There are no pre-set timelines for completing each phase.
- B. I understand that repeated non-compliance with the requirements of my Court Services Plan or Treatment Plan may result in my dismissal from the Recovery Docket and could result in further community control sanctions. Sanctions may be graduated and may include jail time, community service, GPS monitoring, or residential treatment before a hearing is required. Furthermore, I understand that by complying with my treatment plan and the Recovery Docket I will be rewarded for my compliance.
- C. I agree to attend all Status Review hearings as a part of the important judicial interaction between the Judge and myself. I understand at a minimum I will attend 2 review hearings monthly during the initial phase.
- D. I understand that I will be placed on a call in system for observed drug tests. I understand and agree that I will be responsible to call in on daily basis to determine if I am to report for drug testing. I understand what time I am to report for testing. I understand and agree that failing to do so will result in graduated sanctions being rendered.
- E. I understand and agree to remain free from alcohol and all other illegal mood altering substances up to and including designer drugs unless otherwise prescribed by a physician. I agree to not abuse any prescription medications prescribed or not prescribed. Documentation of prescribed medications shall be provided to the Recovery Docket Probation Officer and the treatment facility and/or my counselor prior to taking them. I understand that if I continue to use that sanctions may be given, treatment plans may be amended to include a more appropriate level of care and a return to the initial phase.

I understand that if I am late for a test, miss a test, and refuse to submit a urine sample, they will be documented as such. Those will be considered presumptive positive tests. I understand that if I fail to produce a urine specimen or if the sample provided is not of sufficient quantity, it will be considered as a presumptive positive test. I understand that if my urine sample, is diluted, contaminated or adulterated it will be considered a presumptive positive test. I understand that if I substitute urine it may be grounds for immediate dismissal from the Recovery Docket. I understand I must provide a urine sample which is negative for all drugs and alcohol. I understand I have two hours to

provide a urine sample. All of the above will be reported to the Judge and will result in immediate graduated sanctions.

- F. Urine samples will also be analyzed for temperature, specific gravity, Creatinine and other chemical markers to ensure a valid urine specimen. I have been informed that drinking excessive amounts of fluids can result in a diluted urine sample. My entire test results will be reviewed at the Status Review Hearings. Furthermore, I understand that the Judge will be notified immediately of any violations of the above and will result in immediate graduate sanctions.
 - G. I understand that any noncompliance on my part will be governed by immediate and graduated sanctions before a hearing is imposed.
- 5. I understand that in order to successfully complete and graduate from the Recovery Docket I must complete all the phases, have complied with Community Control and/or Intervention In Lieu, pay all costs, supervision fees, and restitution if ordered.
 - 6. I understand that I may be terminated from the Recovery Docket for continued noncompliance with treatment, treatment resistance, new serious criminal conviction, a serious Recovery Docket violation or continued series of violations, a serious Community Control Violation or series of violations. I further understand the consequences of termination from the Docket could be loss of future eligibility for the Recovery Docket; further legal action including revocation of Intervention In Lieu of Conviction, Notice/Motion to Revoke Community Control; depending on the circumstances, I may be subject to prison, jail or other penalties. I understand I will retain all constitutional rights and a right to an attorney if a revocation of community control occurs.
 - 7. I understand that it is my responsibility to inform all treating physicians of my recovery from drugs/alcohol before I am given an addictive medication and that I am subject to drug testing. If a doctor believes that it is necessary to prescribe the medication such as narcotic pain medication or any other medication that will yield a positive urine screen, the physician must submit a letter to the Recovery Docket Probation Officer stating that he/she is aware of my status as a recovering addict/alcoholic and the need for this medication outweighs the risks. I must have a letter prior to taking any medication that will cause a positive screen. If I test positive and do not have a letter from your doctor, I will be sanctioned immediately. I further understand there may be over the counter medications that I may not take as well.
In cases of emergency room care, I understand that all emergency room orders and discharge information will be made available to the Recovery Docket Probation Officer no more than 7 days upon release from the hospital and all prescription will have to be cleared by a primary care physician to continue taking the medications without sanctions. A pattern of visits to the emergency room for ailments that require opiate treatment may be brought back before the Court at the discretion of the Recovery Docket Team. Furthermore, I understand that I must bring all of my prescriptions in the original bottle to my probation appointment as directed.

8. I understand that all status review hearings will be recorded and all hearings are public.

I have read this Acknowledgement and understand this agreement, and I freely and voluntarily relinquish the rights discussed and agree to abide by all rules and conditions of the Recovery Docket. After consultation with my attorney, I hereby sign the Agreement to participate in the Recovery Docket.

Participant

Date

Attorney for Participant

Date

Prosecutor

Date

Having reviewed the Recovery Docket Admissions Assessment and eligibility requirements the Court hereby accepts this case and the defendant into the Recovery Docket.

It is so ordered.

Judge

Date

Cc: Delaware County Prosecuting Attorney
Counsel for Defendant
Defendant
Recovery Docket Adult Court Services

Form 52.15c
Revised 11/5/18

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
 :
 Plaintiff, :
 :
 -vs- : Case No.
 :
 :
 Defendant :

**JUDGMENT ENTRY REFERRING DEFENDANT FOR SCREENING FOR
RECOVERY DOCKET**

The defendant is referred for screening to determine eligibility for the Recovery Docket.

Dated: _____

JUDGE

The Clerk of this Court is hereby **ORDERED** to serve a copy of this Judgment Entry upon all parties or counsel by ☒ Regular U.S. Mail ☐ attorney mailbox at the Delaware County Court House ☐ Facsimile transmission

CC: Assistant Prosecuting Attorney
Attorney for Defendant
Recovery Docket Coordinator

Appendix Form 52.15(d)

Revised 11/5/2018

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
 :
Plaintiff, :
 :
-vs- : Case No.
 :
 :

Defendant :

JUDGMENT ENTRY TRANSFERRING CASE TO RECOVERY DOCKET

The Defendant having been screened for the Recovery Docket and approved by the Recovery Docket Coordinator; this case is hereby transferred to the Recovery Docket Judge, subject to approval of the Judge.

Judge

The Clerk of this Court is hereby **ORDERED** to serve a copy of this Judgment Entry upon all parties or counsel
☐ by Regular U.S. Mail ☐ attorney mailbox at the Delaware County Court ☐ House Facsimile transmission

CC: Assistant Prosecuting Attorney
Attorney for Defendant
Recovery Docket Coordinator

Appendix Form 52.15(e)
Revised 11/12/14

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
 :
 Plaintiff, :
 :
 -vs- : Case No.
 :
 :
 Defendant :

JUDGMENT ENTRY DENYING ADMITTANCE TO RECOVERY DOCKET

The defendant, having been screened and found not eligible or suitable for the Recovery Docket, is denied acceptance.

Dated: _____

JUDGE

The Clerk of this Court is hereby **ORDERED** to serve a copy of this Judgment Entry upon all parties or counsel by ☒ Regular U.S. Mail ☐ attorney mailbox at the Delaware County Court House ☐ Facsimile transmission

CC: Assistant Prosecuting Attorney
Attorney for Defendant
Recovery Docket Coordinator

Form 52.15(f)
Revised 1/2/15

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
 :
 Plaintiff, :
 :
 -vs- : Case No.
 :
 :
 Defendant :

JUDGMENT ENTRY NEUTRALLY TERMINATING FROM RECOVERY DOCKET

The defendant, is now not eligible for the Recovery Docket due to residing outside of Delaware County. Therefore she/he will be neutrally terminated from the Recovery Docket.

Dated: _____

JUDGE

The Clerk of this Court is hereby **ORDERED** to serve a copy of this Judgment Entry upon all parties or counsel by ☐ Regular U.S. Mail ☐ attorney mailbox at the Delaware County Court House ☐ Facsimile transmission

CC: Assistant Prosecuting Attorney
Attorney for Defendant
Recovery Docket Coordinator

Form 52.15(g)
Revised 11/5/2018

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
 :
 Plaintiff, :
 :
 -vs- : Case No.
 :
 :
 Defendant :

**JUDGMENT ENTRY UNSUCCESSFULLY TERMINATING THE DEFENDANT FROM
THE RECOVERY DOCKET**

Upon recommendation of the Defendant's treatment team, the Court finds that the Defendant has not been compliant with the requirements of the Recovery Docket. Therefore, the Defendant is unsuccessfully terminated from the Recovery Docket.

Dated: _____

JUDGE

The Clerk of this Court is hereby **ORDERED** to serve a copy of this Judgment Entry upon all parties or counsel by ☐ Regular U.S. Mail ☐ attorney mailbox at the Delaware County Court House ☐ Facsimile transmission

CC: Assistant Prosecuting Attorney
Attorney for Defendant
Recovery Docket Coordinator

Form 52.15(h)
Revised 11/5/2018

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
Plaintiff, : Case No.
vs. :
, :
Defendant. :

**MOTION OF DEFENDANT FOR EARLY SUCCESSFUL TERMINATION OF
INTERVENTION IN LIEU OF CONVICTION**

Now comes the defendant and respectfully requests early successful termination of Intervention of Lieu of Conviction. The period of Intervention In Lieu of Conviction was imposed on _____, and is scheduled to terminate on _____. The defendant requests early successful termination of Intervention In Lieu because:

Recommendation of Probation Officer attached (strike alternative).

WHEREFORE, the defendant respectfully requests that this motion be granted.

Defendant

Street Address

City, State and Zip Code

Phone Number

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the motion was forwarded to the Delaware County Prosecuting Attorney's Office, by hand delivery to their mailbox located at the Clerk of Courts Office and by hand delivery to the judge's office on this _____ day of _____, 20_____.

_____Defendant

Form 52.15(i)
Revised 11/5/2018

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :
Plaintiff, : Case No.
vs. :
, :
Defendant. :

**MOTION OF DEFENDANT FOR EARLY SUCCESSFUL TERMINATION OF
COMMUNITY CONTROL SANCTIONS**

Now comes the defendant and respectfully requests early successful termination of Community Control. The period of Community Control was imposed on _____, and is scheduled to terminate on _____. The defendant requests early successful termination of Community Control because:

Recommendation of Probation Officer attached (strike alternative).

WHEREFORE, the defendant respectfully requests that this motion be granted.

Defendant

Street Address

City, State and Zip Code

Phone Number

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the motion was forwarded to the Delaware County Prosecuting Attorney's Office, by hand delivery to their mailbox located at the Clerk of Courts Office and by hand delivery to the judge's office on this _____ day of _____, 20_____.

_____Defendant

Form 52.15(j)
Revised 11/5/2018

**IN THE COURT OF COMMON PLEAS
DELAWARE COUNTY, OHIO
GENERAL DIVISION**

STATE OF OHIO

:

:

Plaintiff,

:

CASE NO. _____

:

vs.

:

:

:

:

Defendant.

:

AFFIDAVIT OF INDIGENCY

Comes now, _____, Defendant, and hereby provides the following statements for the purpose of determining indigency and a right to receive court-appointed counsel. Defendant attests to the truth and accuracy of the following information under oath and penalty of perjury.

CERTIFICATION OF ASSETS

1. REAL PROPERTY

a. Own Private Home: Y N Rent: Y N

Address: _____

Total Monthly Mortgage Payments: \$ _____

Name of Lender(s): _____

Total Appraised Value: \$ _____ Total Equity: \$ _____

c. Other Real Property Owned: Y N (If yes, then execute Addendum A.)

2. MOTOR VEHICLE(S)

a. Own Car, Truck, Etc.: Y N

Make/Model/Year: _____

Value: \$ _____ Monthly Payment Amount: \$ _____

- Principal Balance Currently Owed: \$_____ Delinquent: Y N
- b. Other Vehicle(s): Y N
- Make/Model/Year: _____
- Value: \$_____ Monthly Payment Amount: \$_____
- Principal Balance Currently Owed: _____ Delinquent: Y N
- c. Additional Vehicles Owned: Y N (If yes, then execute Addendum A)

3. OTHER ASSETS/DEBTS

Assets

- a. Bank Account(s): Y N Total Number of Bank Accounts: _____
- Total Combined Value: \$_____
- b. Stocks, Bonds, Insurance: Y N Total Number of Accounts: _____
- Total Combined Value: \$_____
- c. Other assets:
- Description: _____ Total Value: \$_____

Debts

- e. Money Owed By You Y N
- (Do not restate mortgage and/or auto loans if disclosed previously in this affidavit.)
- Child Support: \$_____
- Personal Loans: \$_____
- Judgments/Recovery: \$_____
- Other: \$_____ Description: _____

4. SOURCES OF INCOME

Money Owed to You: Y N

- a. Child Support: \$_____ per _____
- b. Personal Loans: \$_____ per _____
- c. Unpaid Wages/Compensation: \$_____ per _____
- d. Judgments/Recovery: \$_____ per _____
- e. Workers Compensation: \$_____ per _____
- f. Social Security/Disability: \$_____ per _____
- g. Unemployment: \$_____ per _____

h. Other Sources of Income \$_____per_____

4. ON BAIL: Y N

Bondsman: _____ Amt: \$_____ Premium: \$_____ Pd By: _____

5. FAMILY INFORMATION

a. Marital Status: S M WID DIV SEP Court Decree: Y N

b. Spouse's Name: _____ Address: _____

Spouse Employed: Y N Employer Name: _____

Spouse's Monthly Net Pay \$_____

Spouse's Additional Income Source: _____ Amt: \$_____/month

c. Children: Y N Number: _____ Ages: _____

d. Support Owed Y N

Paying Spousal Support: Y N Monthly Amount: \$_____

Receiving Spousal Support: Y N Monthly Amount: \$_____

Paying Child Support: Y N Monthly Amount: \$_____

Receiving Child Support: Y N Monthly Amount: \$_____

e. Parents' Names: _____

Phone(s): _____ Address(es): _____

Live With Parents: Y N Parents Own Home: Y N

Mother Employed: Y N Father Employed: Y N

Monthly Wage: \$_____ Monthly Wage: \$_____

Parents Own Car(s): Y N Estimated Value: _____

Do your parents provide additional support? Y N

Describe: _____ Amount: \$_____

6. EMPLOYMENT

a. Currently Employed: Y N

b. Name of Employer: _____ Title: _____

c. Average Monthly Net Pay: \$_____

b. Length of Employment: _____ Type Work: _____

e. If Unemployed, Date Last Worked: _____

f. Disabled: Y N

Receiving Unemployment, Disability, Social Security Pay: Y N

Type: _____ Amt: \$ _____ Mthly Weekly Bi-Weekly

Type: _____ Amt: \$ _____ Mthly Weekly Bi-Weekly

Type: _____ Amt: \$ _____ Mthly Weekly Bi-Weekly

g. Welfare Asst: Y N Case Worker: _____

Case Worker Phone Number: (_____) _____

h. Student: Y N Name of School: _____

Highest Grade Completed: 7 8 9 10 11 12 12+

i. Additional Employers: Y N (If yes, attach Addendum A)

7. CERTIFICATION

I declare that (a) I have read this certification statement (b) this certification statement has been read to me (strike out inapplicable statement) concerning my assets and my financial condition and that the statements contained therein are true.

Signature-Defendant

Date

STATE OF _____)

COUNTY OF _____)

Sworn to and subscribed before me this ____ day of _____, 20__.

Notary Public

Seal

Printed Name: _____

My Commission Expires: _____

ADDENDUM A to F57.01

Additional Real Estate Owned:

Address: _____ Appraised Value: \$ _____

Monthly Mortgage Payment: \$ _____ Total Equity: \$ _____

Address: _____ Appraised Value: \$ _____

Monthly Mortgage Payment: \$ _____ Total Equity: \$ _____

Additional Vehicles Owned:

Make/Model/Year: _____ Value: \$ _____

Monthly Payment Amount: \$ _____ Total Amount Owed: \$ _____

Delinquent: Y N

Make/Model/Year: _____ Value: \$ _____

Monthly Payment Amount: \$ _____ Total Amount Owed: \$ _____

Delinquent: Y N

Additional Employers/Income Sources:

Employer/Source of Income Name: _____

Description: _____

Average Monthly Net Income: \$ _____

Employer/Source of Income Name: _____

Description: _____

Average Monthly Net Income: \$ _____