

**Morrow County Court of Common Pleas**

# **Rules of Court**

**Judge Robert C. Hickson, Jr.**

**Judge Tom Elkin**

**Judge Howard Hall (retired)**



**August 2018**

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**RULES OF PRACTICE OF THE MORROW COUNTY COURT OF COMMON PLEAS  
MORROW COUNTY, OHIO**

**GENERAL PROVISIONS**

- (1) All General Rules of the Court of Common Pleas shall be given top priority over all other local rules for any other divisions of the Common Pleas Court unless specifically stated and should be considered for guidance if other divisional rules are inadequate or require further explanation.
- (2) **DIVISIONS** - The Court of Common Pleas, Morrow County, Ohio shall be divided into four divisions, to wit: the General Division; the Probate Division; the Domestic Relations Division; and the Juvenile Division. The Rules herein shall apply to all Divisions where applicable, but to each respective Division as specifically indicated.
- (3) **PURPOSE** - The purpose of these Rules is to set forth local practices and procedures of this Court, consistent with the Rules of Superintendence, the Rules of Civil and Criminal Procedure and such other rules as may be adopted or promulgated by the Ohio Supreme Court pursuant to Section 5 Article IV of the Ohio Constitution.
- (4) **EFFECTIVE DATE** - The effective date for the original comprehensive version of the Morrow County Rules of Court was August 1, 2006. This most recent version is effective August 15, 2011. All future amendments to these rules shall be noted as such with the month and year of the adoption of the amendment.
- (5) **SUPERSEDENCE** - To the extent that these rules may be in conflict with local rules in place at the time of the adoption of these rules, these rules shall supersede such existing local rules, since it is intended that these rules replace any and all local rules in existence prior to the effective date of these rules. Also, all Amendments shall supersede prior Rules as indicated herein and from time to time hereafter.

## **RULE 1**

### **TERM OF COURT/HOURS OF COURT SESSIONS**

1.00 There shall be one term of Court for all Divisions of the Morrow County Common Pleas Court. Each term shall be for the calendar year beginning January 1 and ending December 31 until further Order of the Court. All causes and proceedings of every type and nature in all divisions pending on the last day of the term shall be continued into the next term without further order of this Court.

1.01 The Jury Commission shall meet in the month of August each year and at such other times as the Court may direct for the purpose of drawing Jurors for the next calendar year in accordance with the provisions of Chapter 2313 of the Ohio Revised Code.

1.02 The Jury Commission shall provide a venire of Jurors to serve as Grand Jurors and Petit Jurors for the Common Pleas Court in the amount ordered by the Common Pleas Court on an annual basis in accordance with Chapter 2313 of the Ohio Revised Code. From the list created in August of each year, the Jury Commission shall also provide a venire to the Common Pleas for Grand and Petit Juries in accordance with Chapter 2313 of the Ohio Revised Code and in the amount requested so that jurors may be summoned when needed by the Court.

#### **1.03 HOURS OF COURT SESSIONS**

The daily sessions of court shall be from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m. on Monday through Friday of each week, except for those days designated by Ohio Law as legal holidays. Such hours may be extended or modified by the Judge(s) and/or Magistrate(s) as circumstances may dictate or to meet special conditions.

## **RULE 2**

### **PRESIDING JUDGE/ADMINISTRATIVE JUDGE**

2.00 Pursuant to Sup. R. 3 (A) (3), a duly elected Judge, shall serve as the Presiding Judge of the Morrow County Court of Common Pleas.

2.01 Pursuant to Sup. R. 4 (A) (3), a duly elected Judge shall serve as the Administrative Judge of the Morrow County Court of Common Pleas.

### **RULE 3**

#### **GENERAL ORDER OF REFERENCE: MAGISTRATES**

3.01 The parties to actions in the Domestic Relations and Juvenile Divisions are not entitled to a trial by jury (except Serious Youthful Offenders and adults charged with criminal conduct in the Juvenile Division as authorized by statute) under the laws and Constitution of the State of Ohio, and it is deemed to be for the best interests of the parties that any such cases or actions may be referred to a Magistrate of this Court in accordance with Rule 53 of the Ohio Rules of Civil Procedure. Magistrates shall exercise all powers delegated to a Magistrate by rule, statute, and/or the Constitutions of the United States of America and the State of Ohio. Magistrates may issue restraining orders in domestic relations cases and also may issue restraining orders when proper pursuant to O.R.C. 3113.31 (Domestic Violence), O.R.C. 2903.013 (Anti-Stalking), and/or O.R.C. 2151.34 (Criminal Protection Order against person under 18 years of age).

Magistrates are hereby authorized to delegate the drafting of Journal Entries setting forth the Magistrate's decision to an attorney of record in any matter that has been referred to and heard by a Magistrate pursuant to this rule.

**RULE 4**

**CLERK OF COURTS  
GENERAL AND DOMESTIC RELATIONS DIVISIONS**

Deposit of Cash to Secure Costs, Bonds, Etc.

4.01 No civil action or documents regarding such shall be accepted for filing by the Clerk of Courts, unless the party or parties shall have first deposited a sum of money to secure the payment of costs. If the costs are not paid at the termination of the litigation, any deposits for costs shall be applied by the Clerk to the unpaid costs. The following represents the filing fee and cost schedule for civil actions filed with the Clerk of Courts.

|  |    |        |
|--|----|--------|
| New Civil Case Complaint (excluding foreclosures)<br>(plus \$25.00 for each mailing over 5 mailings) | \$ | 400.00 |
| Foreclosures<br>(plus \$25.00 for each mailing over 5 mailings)                                      | \$ | 475.00 |
| Amended Complaint (no new party(s))  | \$ | 50.00  |
| Amended Complaint (for up to 5 new party(s) added; after 5,<br>add \$25.00 per new party)            | \$ | 200.00 |
| Counter Claim/Cross Claim  | \$ | 50.00  |
| Third Party Complaint  | \$ | 200.00 |
| Re-Open Case with a Motion   | \$ | 175.00 |
| Bank Attachment  | \$ | 175.00 |
| Cognovit Judgment  | \$ | 175.00 |
| Debtors Exam   | \$ | 175.00 |
| Garnishment  | \$ | 175.00 |
| Writ of Execution or Possession  | \$ | 175.00 |
| Divorce With or Without Minor Children   | \$ | 400.00 |
| Dissolution With or Without Children   | \$ | 275.00 |
| Certificate of Judgment  |    |        |
| To Make  | \$ | 5.00   |
| To File  | \$ | 23.00  |
| To Release Regular Lien  | \$ | 5.00   |
| To Release State Lien  | \$ | 28.00  |
| Administrative Appeal  | \$ | 400.00 |
| To File Appeal (Final Decision has been made-Now Appealing)  | \$ | 90.00  |
| Expungement or Sealing of Record (minimum costs \$50.00)   | \$ | 125.00 |
| Each Page  | \$ | 1.00   |
| Filing Requiring Judge's Signature   | \$ | 2.00   |
| Order of Sale  | \$ | 750.00 |
| Retrieval of Closed Files in Storage   | \$ | 38.00  |

All other costs, not specifically set forth above, shall be charged pursuant to the applicable O.R.C. provisions, plus \$75.00 for special project fees if it constitutes a criminal cause, a (non-foreclosure) civil action or proceeding or a Judgment by Confession. Foreclosure actions shall require \$100.00 as a special project fee. The Court may assess a retrieval fee for obtaining closed files which have been sent to storage out of county. Requesting party, or if no



request is made, the party who filed a pleading that required the reopening of a closed file in storage, shall be responsible for the fee for recovery of the file from storage. The Court shall make a good faith effort to request the return of closed files in storage in the least expensive manner.

#### 4.02 DUTIES

It shall be the responsibility of the elected Clerk of Courts to file together and carefully preserve in the office of the Clerk of Courts all papers delivered in every action or proceeding. Such guidelines shall be pursuant to the applicable sections of the Ohio Revised Code.

#### 4.03 COPIES

It will be the discretion of the Clerk of Courts to establish guidelines pertaining to making copies for counsel and the public within the laws of Ohio.

#### 4.04 DEFINITIONS

- a. Source Document - The original document also known as the “hard copy” containing original signatures.
- b. Facsimile Machine - a machine that can send and receive a facsimile transmission.
- c. Fax - an abbreviation for “facsimile”.
- d. Facsimile Transmission - The transmission of an original source document through a facsimile machine which encodes a document into electrical or optical signals, transmits and then recreates the document to print to provide a duplicate of the original source document.

#### 4.05 FILING OF A FACSIMILE COPY

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to 419-947-5421 subject to the following conditions: A document filed by fax shall be accepted as an original filing. The person making a fax filing must also send the original source document to the Clerk of Courts postmarked within five (5) days. The person filing a document by fax shall also provide a cover page containing the following information:

- a. The name of the Court
- b. The title of the case
- c. The case number
- d. The name of the assigned Judge/Magistrate
- e. The title of the document being filed
- f. The date of the transmission
- g. The transmitting fax number
- h. An indication of the number of pages being transmitted, including the cover page
- i. The name, address and telephone number of the person making the filing

If a document is sent by fax to the Clerk of Courts, without the cover page information listed above, the filing shall not be accepted by the Clerk.

The Clerk of Courts is not obligated to send any form of notice to the sending party of a failed fax transmission. However, the Clerk of Courts may inform the sending party of the failed transmission.

Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk of Courts shall be considered filed with the Clerk of Courts as of the date and time the Clerk time stamps the document received, as opposed to the date and time of the fax transmission. The Clerk of Court shall time-stamp fax filed documents as soon as possible upon receipt thereof.

The Clerk of Courts is not required to acknowledge the receipt of a facsimile transmission. The risks of sending a document by facsimile to the Clerk of Court's Office for filing shall be borne entirely by the sending party. Anyone using facsimile transmissions to file documents with the Clerk of Courts is encouraged to use technological methods to verify the receipt of the transmission. Transmissions shall be limited to ten (10) pages.

#### 4.06 TAXING OF COSTS

When a case is finalized through any means, a judgment entry shall be filed which will indicate the party to whom the costs shall be taxed. Any deposit for costs shall be applied to the costs of the proceeding. If the costs are greater than the deposit for a proceeding, the party to whom the costs are taxed shall make arrangements with the Clerk of Courts for payment. The Clerk of Courts shall not be obligated to refund any advanced fees such as filing fees until all costs have been paid by the responsible party(s), unless ordered by the Court.

#### 4.07 EXECUTION FOR COSTS

The Clerk of Courts shall keep a list of all unpaid and accrued costs in all proceedings before the appropriate Divisions of the Court, and the Clerk shall send statements to all persons against whom costs have been taxed in all proceedings that have become final at least once every three months. After two such notices have been sent and no less than sixty (60) days have passed, if the costs are not paid, the Clerk of Courts may issue and file a certificate of judgment in the amount of the costs without further order, except as set forth in Rule 4.08 below.

#### 4.08 COLLECTION PROCEEDINGS

The Clerk of Court shall not pursue collection proceedings against criminal defendants or other who have been given time to pay the costs by Court Order beyond sixty (60) days, until after the time period has expired.

#### 4.09 REMOVAL OF DOCUMENTS FROM COURT FILES

Documents in file folders in the official records of this Court shall not in any manner be tampered with, removed, or copies by any person unless authorized by this Court. Employees of this Court and of the Clerk of Courts are authorized to handle files, remove and copy documents, and to correct filings in files. Other persons, such as attorney and title examiners, may handle files under the direction and control of the Court and/or Clerk of Courts employees or by special order of this Court. Any violation of this Rule shall be punishable by Contempt.

#### 4.10 COURT OF APPEALS DECISION

The Clerk of Courts shall, upon receipt of a decision from any appellate court, provide the local court (judge who decided the case) with a copy of the decision in a timely manner, not to exceed 10 days after the receipt and/or filing of the decision by the Clerk of Courts.

## **RULE 5**

### **CONFIDENTIALITY OF RECORDS**

5.00 Reports and records of Juvenile proceedings, Juvenile Probation, Victim Witness, Victim Impact and Job and Family Services are confidential information and shall not be made public beyond case number and nature of the event or the case without a written order of this Court.

5.01 Inspection of Juvenile Court records by attorneys or other interested parties shall be governed by Rule 32 [C] of the Ohio Rules of Juvenile Procedure. Any Pre-Disciplinary Investigation, physical examination, or mental health report or evaluation prepared at the direction of the Court shall not be copied by counsel without the express approval of the Court. The Court may limit or deny inspection pursuant to Rule 32 [C] of the Ohio Rules of Juvenile Procedure.

5.02 Juvenile Traffic records maintained by the Court are confidential and shall not be made public. Inspection of such records by attorneys or interested parties shall not be allowed without the express approval of the Court. Record checks requested by counsel, law enforcement, or other agencies shall be directed to the Juvenile Deputy Clerk, who shall provide reasonable access to public records.

5.03 All requests for records shall be provided in compliance with the Ohio Revised Code.

5.04 Rules 44-47 of the Rules of Superintendence for the Courts of Ohio, (copies of which are attached hereto and incorporated herein by reference) which became effective on July 1, 2009, shall govern the handling of personal identifier's in all matters before this Court. Form 1 in the Appendix.

## **RULE 6**

### **PROFESSIONALISM, GENDER AND RACIAL FAIRNESS**

6.00 Professionalism demands that all persons having contact with the courts be treated with dignity and in a fair and equitable manner, and, to that end, those conducting business in the Morrow County Common Pleas Court, including but not limited to Judges, lawyers, litigants, witnesses, court personnel and jurors, shall conduct themselves so as to promote professionalism, as well as gender and racial fairness in this court.

6.01 The judges and court employees shall set a professional as wells as a gender and racial fairness example and shall require everyone involved in the court system to do so.

6.02 As officers of the court, the attorneys have a responsibility: to set a gender-fair example; to treat clients, litigants, court employees, other members of the bar, judges, and the public with fairness and equal dignity; and to promote gender and racial fairness with their clients and associates. The highest standards of professionalism are required of those practicing in this Court.

6.03 All proceedings shall be conducted in a professional manner. Litigants and counsel shall be civil to one another and to the Court.

6.04 Attorneys shall not engage in undignified or discourteous conduct which tends to degrade the Court and/or the legal profession.

## RULE 7

### CASE MANAGEMENT

For the purpose of compliance with the mandates of the Rules of Superintendence of the Supreme Court of Ohio (C. P. Sup. Rule 9), together with the purpose of ensuring the readiness of cases for pretrial and trial, thus maintaining and improving the timely disposition of cases, the following case management program is hereby adopted.

It is the desire of the Court to expedite cases through this Court, and every effort shall be made by the parties and their counsel at Pretrial to cooperate in accomplishing this purpose.

#### 7.00 CIVIL CASES

This Rule is made in addition to, and not in derogation of, rules promulgated by the Supreme Court of Ohio.

- 1) Continuances shall only be granted in accordance with Local Rule 12.
- 2) Scheduling - All matters regarding cases filed in this Court shall be overseen by the Assignment Commissioner of the Morrow County Court of Common Pleas utilizing the CourtView Justice Solutions computer system. All cases shall be scheduled in an appropriate manner based upon individual case factors.
- 3) Status Conferences - In the event a case appears to be delayed, a status conference shall be scheduled. All parties or their counsel shall be present for the status conference, the purpose of which shall be to determine what is causing a delay, to explore methods of resolving the delay problem, and to move forward towards the prompt scheduling of a trial, if necessary.
- 4) Time Guidelines - The following are "tolerable delay" times for the various civil cases brought before the Morrow County Court of Common Pleas:

| <u>Type Case</u>                     | <u>Time</u> |
|--------------------------------------|-------------|
| Forcible Entry                       | 45 Days     |
| Habeas Corpus                        | 45 Days     |
| Injunction                           | 60 Days     |
| Dissolution and Uncontested Divorces | 90 Days     |
| Worker's Compensation                | 120 Days    |
| Mortgage Foreclosures                | 120 Days    |
| Contested Divorces                   | 120 Days    |
| Administrative Appeals               | 120 Days    |
| Product Liability                    | 210 Days    |
| Other Torts                          | 210 Days    |
| Personal Injury                      | 210 Days    |
| Medical Malpractice                  | 360 Days    |
| Complex Litigation                   | 720 Days    |

- 5) All new civil case filings shall include a properly filled out case designation form. See Form 2 attached in the Appendix.

#### 7.01 CRIMINAL CASES

A. At the time of the initial appearance of a Defendant when counsel is present or as soon as counsel becomes available for the Arraignment proceeding, the Court shall set the matter for Pre-trial Conference within sixty (60) days of the date when the case is considered to have begun in this Court, to wit: that being either the date the summons was served on the Defendant or the date the Defendant is arrested on the Indictment. The Pre-Trial Conference shall also be considered a possible change of plea date, if agreement can be reached.

If more than thirty (30) days have already elapsed prior to the appearance of the Defendant with an attorney for Initial Arraignment, the Court shall not only set a Pre-Trial Conference/possible Change of Plea Hearing date, but shall also set the case for Trial by Jury to begin within four (4) months of the beginning of the case in this Court.

Whenever a criminal case is scheduled for Trial, the Final Pre-Trial Conference shall be scheduled more than two (2) weeks prior to the date of Trial at which time the case must be resolved in order to avoid a trial. The Court thereafter will not accept a plea to an amended charge, except for just cause. Otherwise, after the final pre-trial, the case shall either be dismissed, pled to as charged, or a Trial will be held as scheduled.

B. In all criminal cases where Rule 16 of the Ohio Rules of Criminal Procedure is utilized with regard to discovery requested by the Defendant and with regard to reciprocal discovery requested by the State, all Motions requesting a Court Order to comply with the demands for discovery shall be granted without hearing, unless a hearing is requested by either party within ten (10) days after the filing of a Motion for Discovery or a Motion for Reciprocal Discovery.

#### 7.02 DOMESTIC RELATIONS CASES

The Clerk of Courts shall, within 72 hours after the completion of service of summon or motion on the adversarial party(s) in a domestic relations case, inform the Court of said completion of service.

In the event there are contested matters, the parties or their counsel shall notify the Court of that fact within 30 days from date of summons being served, at which time the Assignment Commissioner shall schedule the matter as contested (See Local Rule DR-3)

#### 7.03 ADMINISTRATIVE APPEALS

Upon the filing of an administrative appeal, a Pretrial conference shall be set within 30 days after notice of appeal has been served upon the opposing party, at which Pretrial conference the issues shall be delineated and a hearing date set, if deemed necessary.

#### 7.04 COMPLEX LITIGATION

At such time as a matter bearing the designation of complex litigation is at issue, a Pre-Trial Conference shall be scheduled by the Assignment Commissioner, at which conference the following matters shall be discussed and date(s) established setting forth the time each of the following matters shall be accomplished:

1. All pleadings, including amendments, shall be filed.
2. All motions, including Civil Rule 56 motions, shall be filed.
3. To disclose witnesses, both lay and expert, to each other.
4. To complete discovery.
5. To take evidentiary depositions.
6. To file requested special instructions and authority therefore.
7. To advise the Court of unusual questions of law.
8. A Status and/or Pretrial conference shall be scheduled. Status schedules shall be not less than quarterly.

At the earliest possible time, whether at a status conference or a Pretrial conference, the Court shall ascertain the number of trial days which will be required to try the matter, and a trial date certain shall be set.

Unless upon motion and for good cause shown, with the written permission of the Court to deviate from such, the schedule shall be strictly followed. It is the intent of this Court to bring each case, whether simple or complex, to completion within the shortest time possible, without materially affecting a fair and just disposition.

#### 7.05 AFFIDAVITS OF INDIGENCY AND APPLICATION FOR ATTORNEY'S FEES

It shall be the responsibility of the attorney representing a party (defendant or plaintiff), who seeks to file an application for attorney's fees, to ensure that all documentation is complete and is accompanying that application. This includes a completed affidavit of indigency when appropriate. The application and accompanying documents shall be filed in a timely manner, and this shall be exclusively the responsibility of counsel to do so.

## **RULE 8**

### **ENTRIES**

#### **8.00 CRIMINAL CASES**

In all criminal cases coming before this Court, the Morrow County Prosecuting Attorney shall prepare journal entries after every hearing or event occurring before the Court, unless otherwise specified by the Court. After all sentencing, intervention in lieu, revocation and judicial release hearings, a copy of a proposed journal entry shall be prepared by the Prosecutor's Office within five (5) business days of the hearing and such proposed journal entry shall be submitted electronically and in written form to the Court and electronically to Counsel for all parties for review. Within five (5) business days of receipt of the proposed entry, counsel shall communicate any questions or issues of concern to the court directly. If questions can not be resolved, counsel may submit his or her own version of a proposed entry to the Court within the five (5) day period. If counsel fails to notify the court of any issues or discrepancies within the five (5) day period, the Court may consider that there are no objections to the proposed entry prepared by the prosecutor and may adopt such or modify such as the Court deems proper. Routine journal entries, such as those merely setting the next event, shall be submitted only to the Court. The goal is to have journal entries prepared and submitted as soon as possible, hopefully no later than fourteen (14) business days after the hearing, so as to avoid delays, but, also to allow for accuracy with review of substantive journal entries.

#### **8.01 ALL OTHER CASES**

A. Unless the Court otherwise directs, counsel for the party in whose favor an order, decision, decree, or judgment is rendered, shall, within five (5) days after the rendering of such, prepare the proper journal entry of judgment, and submit it to counsel(s) for the adverse party(s), who shall approve or reject the same within five (5) days after the receipt thereof. When approved by counsel(s), it shall be so endorsed and furnished to the hearing Officer (Judge or Magistrate). If an entry is not returned to the preparing counsel within five (5) days, it shall be tendered to the Court with the notation "submitted" regarding other counsel(s). Failure of counsel(s) to approve or disapprove the proposed journal entry within the time period noted above shall be considered to be a waiver of objections and may allow the Court to adopt the submitted proposed journal entry without further proceedings. If counsel is unable to agree upon the form of the entry, each shall submit a desired version of the entry within five (5) days, of receipt of the originally proposed entry, to the hearing Officer, who will decide what entry, shall be filed, if either.

B. Within 30 days after a verdict, decree, order or decision is rendered; the Journal Entry and Judgment shall be filed. If such entry is not prepared and presented for filing by counsel, within the five (5) day period or any period prescribed by the Court, then it may be prepared and filed by the Court or, in the Court's sole discretion, the Court may dismiss the matter for want of prosecution.

C. Counsel(s) shall promptly submit an order of dismissal following the settlement of any case. If counsel(s) fail to do so within fourteen (14) days after representation to the Court that a case has been settled with all parties endorsing same, the hearing Officer may order the case



dismissed for want of prosecution, or may file a judgment entry of settlement and dismissal and assess costs, if the Court is privy to the settlement agreement or is made aware of a written settlement through mediation or otherwise.

D. Requests for findings by the Court: see Civil Rule 52. Counsel(s) and Attorneys shall, within 14 days after the filing of the request, submit their proposed findings. Failure to file proposed findings by the party making the request within the time allotted shall be deemed to be a waiver, or withdrawal of the request.

E. The entry reflecting the verdict in an appropriation case shall contain language which directs that the appropriating political subdivision or agency shall be responsible for and effect the transfer of the appropriated land on the Auditor's, Treasurer's, and Recorder's records, and the entry shall further provide for the payment of all required costs of such transfer(s). Additionally, such entry shall provide for distribution of the award or portion thereof remaining to be distributed.

## **RULE 9**

### **RECORD OF PROCEEDINGS**

9.00 The official record of this Court shall be maintained by an audio/video recording system used within main Courtroom(s) of the Morrow County Court of Common Pleas. An audio recording system shall be used in all other hearing rooms or courtrooms which are used for conducting Common Pleas Court proceedings. All copies of recorded proceedings before the Court using the digital technology shall be supplied to a requesting party upon payment of a \$10.00 fee for each copy. This fee, unless waived, is the responsibility of the requesting party and shall be paid to the Morrow County Court of Common Pleas. Upon proof of a valid receipt, the bailiff shall make the copies requested.

9.01 For purposes of appeal, transcripts of proceedings recorded on disk or tape shall be prepared in accordance with Rule 9 (A) of the Rules of Appellate Procedure. The requesting party will be responsible for the costs associated with transcribing the proceedings.

9.02 The Court is the custodian of all electronic records of proceedings. An attorney, pro se litigant or designated court stenographer or transcriber, may, at the Court's convenience, request an appointment to review the recorded proceedings. This shall allow a party to prepare an appeal without ordering unnecessary portions of the record pursuant to App. R. 9 (A). No person, who is not: 1) a member of the Bar or a law firm's representative; 2) a pro se litigant; or 3) a designated court reporter/transcriber, will be granted permission to view or listen to the recording without counsel being present or court authorization. There shall be no cost to review or listen to the audio or video proceedings.

9.03 With regard to all audio tapes of proceedings from Morrow County Common Pleas Court which were recorded prior to the installation of the audio/video digital recording system or which have been used as the record in the various hearing rooms, audio tapes may be removed from the court premises only upon written permission of the Court. The recognized court stenographer/transcriber or any other person who petitions the Court to remove audio tapes of proceedings from the court premises and who is granted leave to do so shall sign a receipt for those tapes removed. In no case shall audio tapes of proceedings be removed from the Court for more than 7 days without written authority of the Court.

9.04 Recorded Grand Jury proceedings, whether at the courthouse or off site, shall be packaged, identified on the packaging and submitted to the Court as soon as conveniently possible after the Grand Jury session. The Court shall maintain custody and control of said records. However, until turned over to the Court, the County Prosecutor shall be fully responsible for the records.

9.05 Parties may request that a court reporter be present for hearings, but such shall be at the expense of the party requesting such and arrangements shall be made by that party after court approval of having a court reporter prepared. The court retains discretion to have an additional record, such as a court reporter being present, for any particular case or portion of such case.

## **RULE 10**

### **SERVICE OF COPIES, SUMMONS AND NOTICES**

#### **10.01 Initial Service of Summons or Process**

If the party is a person, then certified mail shall be marked that delivery is “restricted” to that person as addressee. Service may be deemed defective if return receipt card is signed by a person other than addressee. Residence service may be acceptable only after all other reasonable means of personal service on the person have proven to be unsuccessful as determined by the Court upon review.

10.011 If the party is a partnership, a corporation or an association, the Ohio Rules of Civil procedures shall govern, unless it is clear that the addressee did not, in fact, receive service.

10.012 If an attorney or other person attempting to obtain service is notified of failure of service by certified mail and fails to file further instructions for the Clerk to obtain service within 30 days after notice has been deposited in the U.S. mails, the case may be dismissed for want of prosecution, without further notice.

10.013 Service may be checked and case status ascertained by checking the docket on CourtView or by speaking with the Probate Division Deputy Clerk, Juvenile Division Deputy Clerk, or the Morrow County Clerk of Courts, whichever is appropriate. This Rule is intended to make as certain as possible that all parties to lawsuits have actual notice thereof.

10.014 Facsimile copies of pleadings and motions may be served on the opposing parties or their counsel of record. SEE LOCAL RULE 4, SECTION 4.04 and 4.05.

10.015 Since the postal authorities will not normally deliver certified mail to “unknown spouses” or “John Doe” or “unknown heirs”, the party requesting service on such unknown parties shall effectuate service by publication or shall ascertain the actual name or names of the unknown parties for proper service. If the Clerk is directed to serve unknown parties by certified mail, the Clerk shall not make it “restricted delivery”

#### **10.02 Service of copies and notices after the case has been initiated**

Generally, the Court and the parties shall follow the Ohio Rules of Civil Procedure (specifically Civ. R. 5).

10.021 Except for notices of hearing and final appealable orders, all of which shall be sent by regular U.S. mail, all other documents required to be served by the Court on the attorneys or parties may be served by pick up at the Clerk’s office so long as the attorney or party signs a receipt for the specific documents after being handed such by the Deputy Clerk or Clerk.

**10.03** In order to provide for the more efficient operations of the Morrow County Court of Common Pleas, the parties to all actions who file documents such as Motions, Memorandums, Memorandums Contra, and other such pleadings, which require action by a Judge or Magistrate,

shall provide a courtesy copy of the document(s) to the Judge or Magistrate to whom the case is assigned simultaneously with the filing of such documents with the Clerk. This procedure, although being sometimes paper excessive, is intended to result in a more efficient and effective operation of the court system by bringing such matters to the attention of the hearing officers in a more timely fashion.

## **RULE 11**

### **SUBPOENAS**

11.00 Except for good cause shown, the Clerk shall not be required to issue subpoenas, nor shall the Sheriff be required to serve the same, unless requests are filed with the Clerk at least three (3) business days prior to the time when the witness is to appear.

11.01 The Clerk of Courts shall not fax blank subpoenas.

11.02 Only written instructions for service of subpoenas shall be accepted by the Clerk of Courts.

## **RULE 12**

### **CONTINUANCES AND MOTIONS TO WITHDRAW AS COUNSEL**

12.00 Continuances may only be granted following the filing of a written motion with memorandum indicating the basis for such request or by oral motion in Court with opposing counsel and/or parties present. All Motions for Continuance shall bear the signature of the client of the requesting counsel, indicating that the client acknowledges and agrees to the continuance being filed on his, her or its behalf. If the client is unavailable or unable to sign the motion, counsel may sign for the client, but must so indicate that the client has knowledge and consents to the request for a continuance. No case will be continued on the date of the hearing, except for good cause shown. As long as there are no time issues concerning the case, the motion may be granted without hearing so long as the opposing counsel or the opposing party does not object and, in fact, consents to the continuance. However, the moving party shall be obligated to obtain a new date and time for the matter to be heard thereafter, which shall clear the Court's calendar as well as the calendars of all other attorneys and parties to the action. The burden shall be upon the moving party to be certain that all of the above is done in a proper manner. Oral Motions may be made in situations where such are justified. If the opposing counsel or parties do not consent to the continuance, then the matter shall be set for hearing on the motion before this Court as soon as possible after the filing of the motion depending on the availability of the Court, the Attorneys and the parties. The Court retains the discretionary authority to waive provisions of this rule if special circumstances exist.

12.01 With regard to Motions to Withdraw as Counsel for any party involved in an action pending before this Court, a formal Motion to Withdraw must be filed with the Court, with a supportive memorandum setting forth the basis thereof. Whether or not the party consents to the withdrawal of his, her or its Attorney, the Court may require a hearing on the matter if no Substitute Counsel has made an appearance on behalf of the party whose Counsel desires to withdraw.

## **RULE 13**

### **GUARDIAN Ad LITEM**

#### **13.00 WHEN APPOINTED**

Whenever the Court appoints a Guardian ad Litem (GAL) and/or legal counsel to protect the interest of a minor child or an incompetent adult and/or whenever the Court is required to do so by statute, the child or incompetent adult person shall be named as a party defendant if not already done.

#### **13.01 QUALIFICATIONS**

A. Each prospective Guardian ad Litem shall meet all requirements of Rule 48 (Guardian ad Litem) of the Rules of Superintendence for the Courts of Ohio. All applicants may be required to submit to civil and criminal background checks. All GALs shall certify annually that they have met the training requirements and are unaware of any circumstances that would disqualify them from serving. The Court shall conduct an annual review of the list of appointed GALs to ensure that all are in compliance with the training requirements and that all have performed satisfactorily on assigned cases.

B. Guardian ad Litem shall have the following qualifications:

1. Possession of a law degree or a graduate degree in psychology, psychiatry or social work.
2. Possession of a Certificate of Good Standing from the appropriate board or other licensing body.
3. Maintenance of appropriate malpractice insurance.
4. Prospective Guardian ad Litem must submit an annual application to the Administrative Judge or his designee (Court Administrator) for approval.

C. The Court shall have discretion to modify or waive any of the above qualifications on an individual case by case basis, as, for example, for a person who has extensive experience as a Guardian ad Litem, but who may not have the qualifications set forth in B above.

D. All Guardian as Litem must submit an application, a resume and a background disclosure statement to the Administrative Judge or his/her designee (Court Administrator) for approval. The Court may request updated applications from time to time. The Court retains the discretionary authority to appoint individuals to the position of Guardian ad Litem in any case where circumstances justify the appointment of such individuals as a Guardian ad Litem even though that individual may not otherwise be qualified as set forth above, but where that individual may have special credentials and experience for that particular case involvement. See Appendix for Application form (Form 4) and Background Disclosure Statement Form (Form 5).

### 13.02 HOW APPOINTED

The Administrative Judge or his/her designee (Court Administrator) shall maintain a list of qualified attorneys and a separate list of qualified non-attorneys.

The Judge or Magistrate may appoint any individual from the qualified Guardian ad Litem list. Decisions will be based upon the circumstances of the specific case to which the Guardian ad Litem is to be appointed.

### 13.03 REMOVAL

A Guardian ad Litem may be removed from the appointment list established herein for the following reasons:

1. Refusal of three (3) cases in any 12-month period without just cause.
2. Failure to meet or to maintain the qualifications and/or responsibilities established herein.
3. Due to a justifiable complaint/investigation resulting in disciplinary action from an appropriate licensing board.
4. In the interest of justice and for good cause shown.

### 13.04 COMPENSATION

Guardian ad Litem shall be compensated at an appropriate rate for all reasonable and necessary time expended.

### 13.05 PERIODIC REVIEW

The Administrative Judge or his/her designee (Court Administrator) shall annually review and certify all Guardian ad Litem appointments to ensure the equitable distribution of appointments among persons on each list maintained by the Court.

### 13.06 CONFLICTS

When appropriate at the time of appointment, the Court may also appoint the Guardian ad Litem to be the child's legal counsel. In the event that a Guardian ad Litem is also appointed as the child's legal counsel and a conflict of interest arises in the appointment, the Guardian ad Litem shall immediately move for permission to withdraw as counsel. In the event of such withdrawal, the Court may appoint a successor legal counsel from the list of qualified attorneys maintained in accordance with this rule.

### 13.07 RESPONSIBILITIES

At a minimum, the Guardian ad Litem for a minor child shall:

1. Interview each parent separately; perform a home visit to observe the living conditions and sleeping arrangements. Investigate all significant persons and interview those deemed appropriate independently.
2. Interview, where appropriate, the child or children separately.
3. Observe the child or children in the presence of each parent.
4. Contact the child's school, if any. Meet with child's teachers or guidance counselor and review school records. Obtain information on the child's behavior while at school.



5. Contact the child's health care providers, if appropriate. Obtain records from family physician or hospital. Evaluate the necessity of a psychological evaluation and/or counseling.
6. Meet with any evaluator assigned to the case. Review pleadings and consult with each attorney as to position and issues concerning the child.
7. Participate in all pre-trials, but, unless specifically requested to do so by the Court, the Guardian ad Litem shall not participate in any hearings or trial, other than to testify as the Court's witness.
8. Communicate with Job and Family Services, and make appropriate referrals.
9. Prepare a written recommendation to be presented to the Court outlining the findings of the Guardian ad Litem. The GAL shall immediately notify the Court if the child's wishes are in opposition to the GAL recommendation.
10. Submit monthly-itemized fee statements to the involved parties; including a log of all GAL activities pertaining to the case.

### 13.08 COMPLAINTS AGAINST GAL's

In an effort to establish a clear and consistent process for the filing of complaints against Guardian ad Litem, the following shall be followed:

The Court Administrator of the Morrow County Court of Common Pleas is hereby designated to receive complaints regarding Guardian ad Litem and their performance. The Court Administrator shall meet with the person(s) wishing to file the complaint in an effort to resolve the complaint. If the matter cannot be resolved, the complainant will need to file the necessary paperwork with the appropriate licensing board for review.

Only at the conclusion of the investigation by the appropriate licensing board, and *if* the complaint has been found to have merit resulting in disciplinary action, will the Court discontinue the use of that individual as a Guardian ad Litem. It will be the responsibility of the appropriate licensing board to enforce any disciplinary action deemed appropriate as the Court has no authority to enforce any form of disciplinary action against an individual appointed as a Guardian ad Litem.

If the complaint is found to be without merit by the appropriate licensing board, the individual appointed as a Guardian ad Litem will continue to remain in good standing with the Court and may still receive appointments.

All complaints filed should be investigated and concluded in a professional, prompt, and timely manner.

It will be the responsibility of the Court Administrator to maintain a separate file for each individual seeking an appointment as Guardian ad Litem. Within these files, any complaints and dispositions of complaints shall be preserved. A copy of all paperwork filed against a Guardian ad Litem shall be copied and placed in the Guardian ad Litem's official file maintained by the Court.

The Court has the discretionary authority as to who is appointed as a Guardian ad Litem, and the Court may discontinue the use of an individual as a Guardian ad Litem at any time.

## **RULE 14**

### **HEARING AND SUBMISSION OF MOTIONS, INCLUDING MOTIONS UNDER CIVIL RULE 56**

14.00 All Motions shall be accompanied by a Memorandum stating the grounds therefore and citing the authorities and reasons relied upon. Within 14 days after service of such Motion, unless a greater or lesser time is specified, each party opposing the Motion shall respond. Upon expiration of the time for filing Memoranda Contra, the matter shall be deemed submitted. Failure to file a Memorandum Contra within the time required is a waiver and consent to submit the issue or case to the Court forthwith for decision.

14.01 Motions shall, at the discretion of the Court, be ruled upon pursuant to Civil Rule 7(B) (2). Oral hearings on motions shall be set only where the Court orders such or where the party desiring an oral hearing demonstrates the need for such in writing prior to the expiration of fourteen (14) days.

## **RULE 15**

### **MEDIATION**

#### **15.00 SCOPE OF MEDIATION**

Only issues regarding visitation, companionship, the allocation of parental rights and responsibilities of minor children, civil cases, and truancy issues shall be mediated unless otherwise agreed by the parties and approved by the Court. Any agreement arrived at in mediation shall be reduced to writing. Parties with legal counsel shall be advised and given the opportunity to have the written agreement reviewed by their legal counsel prior to signing the agreement. The final settlement agreement shall be signed by the parties participating in the mediation, evidencing their voluntary and mutual agreement to the same. Said agreement shall then be deemed as binding on the parties, subject only to the approval of the Court; however, said agreement shall not become the order of the Court until prepared, approved, and filed as a judgment or order of the Court.

#### **15.01 STAY OF PROCEEDINGS**

Except as otherwise required by the Ohio Revised Code, all actions concerning the allocation of parental rights and responsibilities (including visitation and companionship actions, home investigations, and contempt actions) shall be automatically stayed during mediation proceedings. The stay may be lifted, at the Court's discretion, for good cause shown, upon the written application of any party.

#### **15.02 COSTS OF MEDIATION**

The costs of mediation shall be paid by the parties in the case who are involved in the mediation process, unless otherwise ordered by the Court. The costs of mediation shall be allocated on an equal basis unless otherwise agreed by the parties or unless otherwise ordered by the Court after consideration by the Court of the parties' respective abilities to pay for the same. The parties shall pay the mediator(s) directly and all fees for the mediation services must be paid before a final journal entry of judgment containing the mediated agreement will be approved by the Court.

#### **15.03 MEDIATION PROCEDURE**

Cases for mediation may be referred automatically pursuant to local rule or by the Judge/Magistrate if it is believed that mediation could be beneficial. Once a case is referred for mediation, the mediator shall conduct an initial mediation assessment. Upon completion of the mediation assessment, if the mediator determines that the parties are not amenable to mediation, a mediation report indicating that determination shall be filed with the Court, and the mediation proceedings shall be concluded. Upon completion of the mediation assessment, if it is determined that the parties are amenable to mediation, the mediator shall mediate the dispute between the parties, and the parties shall fully cooperate with the mediator during the mediation process. The mediator shall complete the mediation within thirty (30) days from the date of the referral, unless extended by the Court for good cause shown. If parties are unable to enter into an agreement, the mediator, with all of the parties present, shall contact the Assignment Commissioner to obtain a status hearing date.

Pursuant to Ohio Revised Code Section 3109.052(B) a mediation report, indicating whether or not an agreement had been reached on any of the issues that were subject of the mediation, shall be filed with the Court by the mediator within seven (7) days after mediation is completed or terminated. The report shall contain the content and details the agreement if an agreement had been reached. Upon filing the mediation report, the case shall be returned to the Court's regular docket for further proceedings. The mediation report shall be considered by the Court to the extent permitted by Ohio Revised Code Section 3109.052(B).

#### 15.04 QUALIFICATION OF MEDIATORS

Mediators shall meet the qualification of mediators set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio, effective November 24, 1997, or as thereafter amended.

#### 15.05 CONFIDENTIALITY

Pursuant to Ohio Revised Code 3109.052(C), the information presented by the parties to the mediator within the mediation process is deemed confidential, and the mediator can not be required to give testimony in the case being mediated, either by deposition or before the Court. However, the mediator may be required to give testimony in a separate criminal, delinquency, child abuse, child neglect, or child dependency proceeding.

## **RULE 16**

### **DEFAULTS**

16.00 See Ohio Civil Rule 55

16.01 In all cases where a party is seeking unliquidated damages, or is entitled to a jury trial, at the time designated for default judgment, the party entitled to such judgment shall present proper evidence in support of the allegations in the pleadings for consideration by the Court, and judgment shall be rendered according to the evidence and the law applicable. Prior to the commencement of said hearing, counsel shall indicate, and the entry of judgment shall show, that a trial by jury was waived and the matter submitted for decision by the Court. If the party seeking the judgment is desirous of a trial by jury, this must be indicated to the Court at the time that the matter is assigned for default judgment hearing.

16.02 In all cases where a party is seeking liquidated damages, the party entitled to such shall present proper evidence in support of the damage allegations in the complaint which may be in the form of an affidavit from a qualified and knowledgeable individual or employee of the movant.

16.03 In any action or proceeding commenced in this Court, if there shall be a default of any appearance by a party, the party seeking judgment shall file in the Court an affidavit setting forth facts showing that the party in default is not in the military service. (See 50 U. S.C. 521 et seq. the Service members Civil Relief Act) and that the party is not a minor or an incompetent person.

16.04 In the cases in which a judgment or decree has been rendered upon default, in addition to the requirements of Rule 60(B) of the Civil Rules, the default or the judgment or the decree shall not be set aside unless the party in default presents or offers to file the proper pleading in the case, together with his, her or its affidavit, or the affidavit of his, her or its agent or attorney, setting forth the facts excusing the cause of the default, and setting forth that there is a meritorious cause of action or defense along with the facts showing the nature of it. The Court may, if justice requires it, set aside the default, judgment or decree, upon such terms as may be just, and shall order the pleadings, for want of which the default existed, to be filed forthwith, or within such time as the Court may designate.

16.05 Having complied with all of the requirements above, the party moving for default judgment shall submit to the Court, at the time of submission of the Motion for Default, a proposed Journal Entry of Judgment. Failure to provide a proposed entry may result in the Motion being dismissed.

## **RULE 17**

### **GRIEVANCE/COMPLAINTS**

17.00 All parties involved in a proceeding before the Morrow County Court of Common Pleas have the right to file a complaint with the Court Administrator if they feel there has been an issue with processes, receiving timely decisions, Court personnel, or other such matters.

17.01 It shall be the responsibility of the Court Administrator to investigate the complaint using the best means available in an effort to determine the validity of the complaint.

17.02 If the complaint is directed against the Judiciary of the Morrow County Common Pleas Court, the Court Administrator shall relay the complaint directly to the Judge/Magistrate to whom the complaint is being filed. The Court Administrator and the Judge/Magistrate will review the complaint and take whatever action which is deemed appropriate to resolve the issue or complaint.

17.03 The Court Administrator will be responsible for contacting the complainant and advising him/her as to the action that is being taken to provide relief.

17.04 The Court Administrator will then monitor the situation surrounding the complaint to ensure that the proper course of action is taken and followed by the Court personnel.

17.05 This Rule in no way hinders the rights of citizens of the State of Ohio to file complaints with the Ohio Supreme Court and/or the Board of Commissioners on written words Grievances and Discipline.

## **RULE 18**

### **ASSIGNMENT AND TRIAL OF CASES**

18.00 Civil cases shall be assigned as nearly as practicable in consecutive order according to the original case number.

18.01 Cases preferred by statute shall be advanced for trial and assigned without regard to the date of filing.

18.02 For good cause shown, any case at issue may be advanced for trial out of its order. Any party seeking the advancement of a cause shall file a motion for advancement accompanied by a memorandum setting forth the reasons therefore.



## **RULE 19**

### **JURY TRIALS**

19.00 All basic Jury Trial procedures set forth in the Ohio Revised Code will be observed. Attorneys are reminded that this Court participates in the voir dire and requires counsel to observe the "Rules on Voir Dire" in O. J. I. 301.01, and O. J. I. 401.05.

19.01 The Court will conduct the initial voir dire examination, after which counsel will be allowed a reasonable time to question the prospective jurors. In the interests of conserving time, no questions or answers will be repeated, nor will questions answered and contained on the jury questionnaires be allowed. No promises will be exacted from the jury, nor shall hypothetical questions be asked to exact a juror's projected position. Jurors may not be asked what kind of verdict they might return under any circumstance.

19.02 Counsel may not examine prospective jurors concerning the law or possible instructions of the Court. The Court will instruct the jury on the law at the proper time.

19.03 The case may not be argued in any way while questioning the prospective jurors.

19.04 Counsel may not engage in efforts to indoctrinate jurors. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence (criminal cases) or other applicable burden of proof (civil cases).

19.05 Questions are to be asked collectively of the entire panel whenever possible.

19.06 Continuances shall be governed by the provisions of Local Rule 12.

19.07 Counsel are reminded that Opening Statements are to be a concise statement of what they believe the evidence will show, and are not "Opening Arguments".

19.08 Subpoenas. See Local Rule 11.

19.09 Counsel will be responsible for seeing that their clients and witnesses are properly attired for their appearance in the courtroom. No cut-off jeans, shorts more than 2 inches above the knees, or tank tops will be permitted in the courtroom. No hats or caps are to be worn in the courtroom and no clothing bearing obscene, offensive, or sexually explicit pictures or wording shall be permitted in the courtroom. Cell phones, pagers and other such mobile communication devices shall be turned off or placed on vibrate before entering the courtroom and shall not be used in the courtroom without the Court's permission.

## **RULE 20**

### **JURY USE AND MANAGEMENT PLAN**

The following is adopted using the Ohio Trial Court Jury Use and Management Standards as a guideline.

#### **20.00 OPPORTUNITY FOR SERVICE**

A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction. The Morrow County Common Pleas Court provides handicapped access, and shall make reasonable efforts to provide hearing impaired equipment, enhanced exhibits for sight impaired and interpreters for citizens on jury duty.

B. Jury Service is an obligation and privilege of all qualified citizens of Morrow County, Ohio.

#### **20.01 JURY SOURCE LIST**

A. The jury source list shall be obtained from the Board of Elections' list of all registered voters. The jury source list should be as inclusive of the adult population in the jurisdiction as is feasible.

B. The Court shall annually review the jury source list for its representativeness and inclusiveness of the adult population. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action will be taken.

#### **20.02 RANDOM SELECTION PROCEDURES**

The complete list from the Board of Elections shall be used so as to include all registered voters of Morrow County. An automated computer selection shall be made to insure that each eligible and available person has an equal probability of selection. The Jury Commissioners shall set up drawing dates and shall be present at each drawing, together with a representative designated by the Judge of the Morrow County Common Pleas Court, a representative designated by the Morrow County Clerk of Courts, and a representative designated by the Morrow County Sheriff.

#### **20.03 ELIGIBILITY FOR JURY SERVICE**

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

1. Are less than 18 years of age;
2. Are not citizens of the United States;
3. Are not residents of Morrow County;
4. Are not able to communicate in the English language;
5. Have been convicted of a felony and have not had their civil rights restored.

#### **20.04 TERM AND AVAILABILITY FOR JURY SERVICE**

The Court has implemented a telephone call-in system whereby jurors call a local number to hear a message which informs them as to whether or not they are still needed for jury service.

#### 20.05 EXEMPTION, EXCUSE, AND DEFERRAL

A. There are no automatic excuses or exemptions, with the exception of statutory exemptions, from jury service.

B. Eligible persons who are summoned may be excused from jury service only if:

1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, and they are excused for this reason by a Judge or a specially authorized court official.
2. They request to be excused: because they are 75 years or older; because they are a member of a recognized Amish Sect, or because they are a member of a cloistered religious sect.
3. Their service would be a continuing hardship to them or to members of the public and they are excused by a Judge or specifically authorized court official.
4. They request to be excused for any other reason allowed by the Court; and they are excused by a Judge, or specifically authorized court official.

C. Deferrals for jury service for reasonably short periods of time may be permitted by a Judge, or another specifically authorized court official. No deferral shall be granted for more than 12 months.

D. Requests for excuses and deferrals must be written or otherwise recorded.

E. Jurors with young children are not permitted to bring the young children to the jury room or Courtroom.

#### 20.06 VOIR DIRE

A. Voir dire examination should be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. Direction should be obtained from the Ohio Jury Instruction.

B. To reduce the time required for voir dire, basic background information regarding panel members may be made available to counsel in writing for each party at least 24 hours prior to the day on which jury selection is to begin, by way of a jury questionnaire. No question answered on a jury questionnaire may be repeated on voir dire. The jury panel will be advised of the decision in *State ex rel. Beacon Journal Pub. Co. v. Bond*, (2003), 98 Ohio St. 3d 146, prior to answering and returning a questionnaire, if questionnaires are requested.

C. The trial Judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time. No question asked by any Counsel, or the answer to that question, may be repeated.

D. The Judge should ensure that the privacy of prospective jurors is reasonably protected and the questioning is consistent with the purpose of the voir dire process. Each juror shall be afforded the privilege of requesting voir dire privately at the bench or in camera for purposes of avoiding embarrassment or invasion of privacy.

E. The voir dire process shall be held on the record.

F. Jurors will be invited to ask questions of the Court and/or counsel prior to completion of examination for cause.

#### 20.07 REMOVAL FROM THE JURY PANEL FOR CAUSE

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

#### 20.08 PEREMPTORY CHALLENGES

A. Rules of determining procedure for exercising peremptory challenges are designed to be uniform throughout the state.

B. Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.

C. In civil cases, the number of peremptory challenges should not exceed three for each side. If the Court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three peremptory challenges.

D. In criminal cases, the number of peremptory challenges should not exceed:

1. Six for each side when a death sentence may be imposed upon conviction.
2. Four for each side when a sentence of imprisonment may be imposed upon conviction; or
3. Three for each side in all other prosecutions.

E. One additional peremptory challenge should be allowed for each defendant in a multi-defendant criminal proceeding.

F. In criminal and civil proceedings, each side shall be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror. The designation of alternate jurors may be withheld until after the Court's charge at the discretion of the presiding judge.

G. Systematic use of peremptory challenges to purge the jury, solely by reason of those factors mentioned in I(A) herein, is forbidden.

#### 20.09 ADMINISTRATION OF THE JURY SYSTEM

A. The responsibility for administration of the jury system should be vested exclusively with the judicial branch of government.

B. All procedures concerning Jury Selection and service shall be governed by the Ohio Revised Code, the Rules of Superintendence for Common Pleas Courts and the Local Rules of Court.

C. Responsibility for administering the jury system shall be vested in an administrator and any deputy administrators assigned by the Judge acting under the supervision of the Common Pleas Judge.

#### 20.10 NOTIFICATION AND SUMMONING PROCEDURES

A. The notice summoning a person to jury service by the Jury Commission and/or Sheriff and the questionnaire eliciting essential information regarding that person shall be done in conjunction with the Common Pleas Court and shall be:

1. Phrased as to be readily understood by an individual unfamiliar with the legal and jury systems.
2. Delivered by ordinary mail.

B. The summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

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

#### 20.11 MONITORING THE JURY SYSTEM

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

- A. The representativeness and inclusiveness of the jury source list;
- B. The effectiveness of qualification and summoning procedures;
- C. The responsiveness of individual citizens to jury duty summonses;
- D. The efficient use of jurors;
- E. The cost-effectiveness of the jury management system;

F. Post-Juror questionnaires shall be evaluated not less than once a year.

#### 20.12 JUROR USE

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity, and coordinate the number of jurors with the Jury Commission. This information shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

#### 20.13 JURY FACILITIES

A. The Court shall provide an adequate and suitable environment for jurors.

B. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.

C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities, including but not limited to, separate men's and women's restrooms and a drinking water fountain.

D. Jury deliberation rooms shall include the space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

#### 20.14 JUROR COMPENSATION

A. Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority. It is the responsibility of each juror to notify the Clerk of Courts of any change of name or address during jury duty.

B. Juror fees shall be paid as promptly as possible.

C. Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

D. The Grand Juror foreperson shall be compensated at standard daily rates for performing duties as foreperson in presenting indictments.

E. Upon completion of the jury term, the Clerk of Courts shall mail checks to jurors.

#### 20.15 JUROR ORIENTATION AND INSTRUCTION

A. The Court shall develop and have an orientation program:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors, through oral or videotape instruction, and;
2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

B. The Court shall develop and provide some form of orientation or instruction to persons called for jury service.

C. The trial Judge shall:

1. Give preliminary instructions to all prospective jurors.
2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, cautionary instructions regarding fraternizing with the litigants, witnesses, and/or attorneys, not discussing the case with others prior to deliberations, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system.
5. Utilize written instructions.
6. Before dismissing a jury at the conclusion of a case:
  - a. Release the jurors from their duty of confidentiality;
  - b. Explain their rights regarding inquiries from counsel or the press;
  - c. Either advise them that they are discharged from service or specify when they must report; and
  - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

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

#### 20.16 JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

#### 20.17 JURY DELIBERATIONS

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making and shall conform with existing Ohio law.

B. The Judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

C. A jury should not be required to deliberate after a reasonable hour unless the trial Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

D. Training should be provided to personnel who escort and assist jurors during deliberations.

#### 20.18 SEQUESTRATION OF JURORS

A. A jury should be sequestered only for good cause, including but not limited to, insulating its members from improper information or influences.

B. **THE JURY SHALL BE SEQUESTERED AFTER A CAPITAL CASE IS SUBMITTED TO THE JURY**, in conformity with existing Ohio law.

C. The trial Judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

D. Standard procedures should be promulgated to:

1. Achieve the purpose of sequestration; and
2. Minimize the inconvenience and discomfort of the sequestered jurors.

E. Training shall be provided to personnel who escort and assist jurors during sequestration.



## **RULE 21**

### **REQUIREMENTS FOR MEDIA AT TRIAL**

#### **21.00 DEFINITIONS**

For purposes of this Rule, the term "proceeding" shall be understood to apply to any public hearing held by the Court, and the term "record" shall be understood to encompass broadcast, televise, record, or photograph.

#### **21.01 APPLICATION**

This Rule shall be applied in conjunction with Rule 2.8 of the Ohio Code of Judicial Conduct and Rule 12 of the Ohio Rules of Superintendence for the Courts of Ohio.

#### **21.02 AUTHORIZATION**

The Court shall grant requests to record proceedings that are made in accordance with this Rule. All requests for authorization to record proceedings shall be made: (a) to the assigned Common Pleas Judge in writing; (b) on the appropriate form available through the Court Administrator of the Common Pleas Court; and (c) as far in advance as is reasonably possible, but in no event later than 24 hours prior to the courtroom session to be recorded. Upon a showing of good cause, the Judge may waive the advance notice provision. In the event the Judge decides to approve the request, the Judge shall sign the journal entry setting forth the conditions of recording, whereupon the entry shall be filed and made a part of the record of the case.

#### **21.03 LIMITATIONS**

A. No recording equipment shall be allowed in the courtroom and no recording of proceedings shall be allowed in the absence of a written request and authorization. In the event that a proceeding for which authorization is granted is continued for more than 30 days, a new request shall be obtained in accordance with the procedures set forth in this Rule. No recording shall be made of proceedings in the Judge's chambers, in the jury deliberation room during the course of the trial or after the case has been submitted to the jury, of victims or witnesses who object to being recorded, or of jurors, without the express permission of the Judge. Under no circumstances shall photographs be taken of sexual assault victims or undercover law enforcement agents.

B. Permission granted for recording shall not be interpreted to diminish the requirement that jurors are forbidden to discuss the case with any person until after the trial or to diminish the ethical requirements that restrict judges and lawyers from releasing information pertaining to a case while the case is pending.

#### **21.04 EQUIPMENT**

The trial shall proceed in exactly the same manner as though there were no recording in process. Any equipment which is non-portable shall be set up and ready for operation prior to the commencement of morning or afternoon court sessions. No person shall be permitted to bring equipment into the courtroom while the trial is in session unless such equipment can be easily carried by a single person into the courtroom without causing a distraction or a disturbance.

"Pooling" of equipment shall be required in all proceedings. It is the responsibility of those requesting permission to record the proceedings to arrange for "pooling" of equipment.

#### 21.05 PROTECTION OF VICTIMS

At no time may a member of the press or media outlet, harass, molest, or in any manner bother a victim, family member of a victim, or court observer while in the courtroom or in the immediate vicinity such as hallways in the courthouse. If complaints are received or contemptuous actions are observed, the member of the press, media outlet, or their employer may be barred from future proceedings.

21.06 Ohio Sup. R. 12 is incorporated herein.

## **RULE 22**

### **VIDEO TRANSCRIPT OF TESTIMONY**

22.00 If testimony is to be presented by video deposition, the video tape and a written transcript with page and line (as opposed to time) index to objections shall be submitted to the Court for ruling on objections at the time of the final pretrial, but not later than seven (7) days prior to trial, whichever is earlier. Failure to comply with this Rule will result in the videotape not being admitted at trial, unless the Court, upon written application and for good cause shown, allows the videotape to be shown.

22.01 Ohio Sup. R. 13 is incorporated herein.

## **RULE 23**

### **RULE DAY FOR PLEADINGS, EXTENSIONS**

23.00 A party who desires to move, pleads, or otherwise answers a complaint on a pleading after the rule date shall apply to the Court for leave to file such before the rule date expires. Up to 30 days may be granted without approval of opposing counsel. All other leaves to plead after the first 30 days must have the written approval of opposing counsel and be filed before the expiration date of the former leave to plead. Failure to comply with this Rule will be at the risk of default judgment being granted pursuant to Rule 55 of the Ohio Rules of Civil Procedure.

**RULE 24**

**FORECLOSURE, QUIET TITLE & PARTITION ACTIONS**

**RULE 25**

**SHERIFF'S SALES**

**SHERIFF'S SALES**

**25.01 SALE AND DEPOSIT**

A. All bids submitted for purchase of real property will be in \$100.00 increments, whether or not a minimum bid is required. In every Sheriff's sale of real property, the Third Party High Bid Purchaser shall be required to deposit by 12:00 p.m. on the day of the sale or as soon as the purchaser's bid is accepted (whichever is earlier in time), in cash or by certified check payable to the Sheriff:

If the appraised value of the property is:

- less than \$10,000 – deposit is \$2,000.00
- \$10,001 - \$200,000 – deposit is \$5,000.00
- \$200,001 or higher – deposit is \$10,000.00

If the Plaintiff has the highest bid, the plaintiff shall be required to deposit \$2,000.00 at the end of the sale, despite the appraised value of the property. If the plaintiff fails to make the required deposit at the time of the sale, the property will be immediately offered again for auction by the sheriff.

The unpaid balance of the purchase price shall be due and payable to the Sheriff within 30 days from the date of sale. The purchaser shall pay interest on the unpaid balance of the purchase price at the annual rate of interest provided in R.C. §1343.03 from the date of the sale to the date of payment of the balance. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority.

1. The fee, payable to the Sheriff's Office, for processing and recording the deed will be \$100.00 and shall be listed in the fees and costs section of the Confirmation Entry.
2. In addition to other fees required by the Morrow County Clerk of Courts, the plaintiff in a foreclosure will pay a deposit of \$150.00 for appraiser's fees at the time the praecipe is filed for an order of sale. The Clerk of Courts will pay the appraiser's fee when the appraisal is filed.

B. In the event a party shall register a bid at a Sheriff's sale and such bid is accepted by the Sheriff as the successful bid, and the party offering the bid fails to deposit in cash or by certified

check payable to the Sheriff the amount required in 26.01(A) for the accepted bid, the Sheriff shall disregard the bid, and shall immediately re-offer the property for sale as before.

**C. SHERIFF'S DEED**

Within seven (7) days after the filing of the entry confirming the sale, the Attorney who files the writ of execution or the party on whose request the sale was ordered shall prepare a Sheriff's deed to the purchaser, and the Auditor's Transfer Form, unless otherwise ordered by the Court. The Sheriff's deed shall conform to the requirements of R.C. §2329.36, and the Sheriff shall process such deed and deliver said deed to the purchaser upon payment of the full purchase price and interest, if any.

**D. RELEASES**

Within seven (7) days after the filing of the entry confirming the sale, the party on whose request the sale was ordered shall cause to be prepared and submitted to the Clerk of Courts all release of lien documents which are required to be filed or recorded at various offices for the purpose of removing all liens and encumbrances relating to the real estate foreclosed upon.

**E. CONTEMPT**

In the event a purchaser fails to pay the balance due on the purchase price within 30 days after the date of the sale, the purchaser may be found to be in contempt of this Court, and the Sheriff may request that a citation issue commanding such defaulting purchaser to appear before the assigned Judge and show cause why the purchaser should not be found in contempt of court. Upon a finding of contempt, the Court may further proceed in accordance with R.C. §2329.04.

**F. CONFIRMATION OF SALE**

The Court will not confirm any Sheriff's sale until such time as the party ordering the sale has filed a certificate of service of notice of the sale stating that the notice of the sale has been sent to all parties who have appeared in the action, by ordinary US mail to each party's last known address or to their attorney of record, and further until after proof of publication of notice of sale, as requested by law, has been filed.

**26.01 SALE AND DEPOSIT**

A. In every Sheriff's sale of real property, the purchaser shall be required to deposit by 12:00 p.m. on the day of the sale or as soon as the purchaser's bid is accepted (whichever is earlier in time), in cash or by certified check payable to the Sheriff, 10% of the amount of the accepted bid. Where the bid is \$3,000.00 or less, the minimum amount of such deposit shall be \$300.00. The maximum amount of a deposit in any case shall be \$10,000.00. The unpaid balance of the purchase price shall be due and payable to the Sheriff within 30 days from the date of sale. The purchaser shall pay interest on the unpaid balance of the purchase price at the annual rate of interest provided in R.C. §1343.03 from the date of the sale to the date of payment of the balance. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority.

B. In the event a party shall register a bid at a Sheriff's sale and such bid is accepted by the Sheriff as the successful bid, and the party offering the bid fails to deposit in cash or by certified check payable to the Sheriff 10% of the amount of the accepted bid, the Sheriff shall disregard the bid, and shall immediately re-offer the property for sale as before.

C. SHERIFF'S DEED

Within seven (7) days after the filing of the entry confirming the sale, the Attorney who files the writ of execution or the party on whose request the sale was ordered shall prepare a Sheriff's deed to the purchaser unless otherwise ordered by the Court. The Sheriff's deed shall conform to the requirements of R.C. §2329.36, and the Sheriff shall process such deed and deliver said deed to the purchaser upon payment of the full purchase price and interest, if any.

D. RELEASES

Within seven(7) days after the filing of the entry confirming the sale, the party on whose request the sale was ordered shall cause to be prepared and submitted to the Clerk of Courts all release of lien documents which are required to be filed or recorded at various offices for the purpose of removing all liens and encumbrances relating to the real estate foreclosed upon.

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In the event a purchaser fails to pay the balance due on the purchase price within 30 days after the date of the sale, the purchaser may be found to be in contempt of this Court, and the Sheriff shall cause a citation to issue commanding such defaulting purchaser to appear before the assigned Judge and show cause why the purchaser should not be found in contempt of court. Upon a finding of contempt, the Court may further proceed in accordance with R.C. §2329.04.

F. CONFIRMATION OF SALE

The Court will not confirm any Sheriff's sale until such time as the party ordering the sale has filed a certificate of service of notice of the sale stating that the notice of the sale has been sent to all parties who have appeared in the action, by ordinary mail to their last known address or to their attorney of record, and further until after proof of publication of notice of sale, as requested by law, has been filed.

## **RULE 26**

### **POSTING NOTICE OF SERVICE BY PUBLICATION**

Pursuant to Civil Rule 4.4 (A)(2), the Clerk of this Court shall post in two (2) conspicuous places in the Courthouse, suggested as the bulletin board or wall in the office of the Clerk of Courts, as well as the bulletin board on the first floor near the Auditor's office and also in at least two (2) of the following public places:

|                              |                 |
|------------------------------|-----------------|
| Kroger's                     | Mt. Gilead      |
| Geyer's Save-A-lot           | Mt. Gilead      |
| Marengo County Market        | Marengo         |
| Marvin's Village Market      | Johnsville      |
| J.G.'s Outback Country Store | near Candlewood |
| Sparta General Store         | Sparta          |
| Cardington Village Hall      | Cardington      |
| Cardington Post Office       | Cardington      |
| Edison Village Hall          | Edison          |
| Edison Post Office           | Edison          |
| Marengo Village Hall         | Marengo         |
| Marengo Post Office          | Marengo         |
| Mt. Gilead Village Hall      | Mt. Gilead      |
| Mt. Gilead Post Office       | Mt. Gilead      |
| Fulton Village Hall          | Fulton          |
| Fulton Post Office           | Fulton          |
| Chesterville Village Hall    | Chesterville    |
| Chesterville Post Office     | Chesterville    |
| Sparta Village Hall          | Sparta          |
| Sparta Post Office           | Sparta          |



## **RULE 27**

### **SERVICE OF SUMMONS ON ELECTED OFFICIALS**

Whenever any Morrow County Elected Official is named as a party to a civil lawsuit in his or her official capacity as such elected official, initial service of summons on a complaint, cross claim or counterclaim shall be made by personal service on the elected official(s) by the Clerk of Courts. The Clerk of Courts is hereby permanently appointed as a special process server for the purpose of complying with this Rule. Whenever service of summons is effectuated by personal service made by the Clerk of Courts pursuant to this Rule, a receipt of service of summons form shall be signed by the elected official or his/her agent and filed as an official record in the case file.

If such personal service of summons is not completed within one (1) week of the filing of a complaint, cross claim or counterclaim naming said elected official as a party, then the Clerk of Courts shall cause service of summons by certified mail, return receipt requested, or by any other means which may be requested by the party filing the complaint, cross claim or counterclaim pursuant to the Ohio Rules of Civil Procedure.

## **RULE 28**

### **EXPUNGEMENTS**

Upon the filing of a motion requesting the expungement of a criminal record, the attorney representing the Movant or the person requesting the expungement (Movant) must provide the Morrow County Clerk of Courts with the full name, address and telephone number of the Movant. In all expungement proceedings, an investigation must be completed prior to the hearing. The Morrow County Clerk of Courts shall immediately serve a copy of the motion requesting the expungement of the record upon the Ohio Adult Parole Authority representative assigned to Morrow County located within the Morrow County Courthouse. The investigating officer must have contact information in order to interview and ask questions of the individual desiring to have his/her criminal record expunged. Further, upon notification, the Adult Parole Authority investigator shall initiate and complete an investigative report which shall be delivered to the Court within six weeks from the date of filing. If the investigating officer is unable to complete the investigative report, the investigating officer shall notify the Court of the reason for any delay with a request for a continuance.

## **RULE 29**

### **WARRANTS TO CONVEY**

Counsel are responsible for preparing a motion requesting that the Clerk of Courts issue, or cancel in a timely manner, a warrant to convey. It is counsel's responsibility to prepare these motions for all parties, witnesses or others legitimately required to be present for all court proceedings. This motion must be filed in not less than ten (10) days prior to the scheduled court proceeding, unless the Court allows lesser time. The motion shall have attached to it a proposed warrant to convey in the form which is set forth in the Appendix, Form 3, attached and incorporated herein, by reference to these rules.

## **RULE 30**

### **JAIL TIME CREDIT**

Prior to sentencing or prior to any hearing that requires a determination of credit for incarceration or jail time for a criminal Defendant, the Prosecutor and the Defense Counsel shall meet and discuss the exact amount of days to be credited for the Defendant as of the hearing date so as to expedite the proceedings and to eliminate any confusion. Should there be a disagreement between the Prosecutor and the Defense Counsel, they are to alert the Court of any questions associated with said calculation. In addition, the parties should consult with the preparer of any pre-sentence investigation report, who may be helpful in resolving any disputed issues. If applicable, the parties should also calculate juvenile incarceration time in the jail/incarceration time credit calculation.

## **RULE 31**

### **CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT**

1. 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 2925.25 and related rules established by the Department of Rehabilitation and Corrections (DRC).
2. In order to request a CQE, the Petition for Certificate of Qualification for Employment (RC 2953.25) [Form A] shall be filed with the Clerk of Courts by the Petitioner. The Petitioner shall provide the DRC Electronic Petition Number and attach a printed receipt of electronic Petition if submitted through the DRC. If not submitted electronically through the DRC, a written Petition must be completed on the form prescribed by the DRC and attached to the pleading.
3. All Petitions submitted through the DRC shall be accompanied by the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).
4. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit equal to that deposit required for the filing of a new civil complaint. Plaintiff shall also pay cost of any pre-hearing investigation requested by the Court. Payment of this deposit may be made in any form otherwise accepted in the court of filing. A Judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency (Form B) or other relevant information for the Court's consideration if requesting a reduction in the filing fees.
5. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.
6. Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a trial judge.
7. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition (see Order for Investigation (Form F)) or otherwise.
8. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Clerk of Courts shall send a Notice to Court

Regarding Petition for Certificate of Qualification for Employment [Form C] and Submission of Information Regarding Petition for Certificate of Qualification for Employment (Form E) to each court so identified. Such Notice shall be sent via ordinary US mail.

9. The Clerk of Courts shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment [Form D] and Submission of Information Regarding Petition for Certificate of Qualification for Employment (Form E) to the Prosecuting Attorney of the county in which the Petition was filed.
10. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.
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 (Form F) and Order for Additional Information (Form G)).
12. Once all information requested has been received, a Judge shall decide whether to Grant (Form H) or Deny (Form I) the Petition within sixty days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.
13. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequently filings and language that a final appealable order has been filed. The Clerk shall 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.
14. See Appendix for Forms
  - Form 6 Notice to Prosecutor of Petition for Certificate of Qualification for Employment (R.C. 2953.25)
  - Form 7 Petition for Certificate of Qualification for Employment (R.C. 2953.25)
  - Form 8 Notice to Court of Petition for Certificate of Qualification for Employment (R.C. 2953.25)
  - Form 9 Affidavit of Indigency
  - Form 10 Financial Disclosure/Affidavit of Indigency
  - Form 11 Order for Investigation Regarding Petition for Certificate of Qualification for Employment (R.C. 2953.25)
  - Form 12 Response to Request for Information Regarding Petition for Certificate of Qualification for Employment (R.C. 2953.25)
  - Form 13 Order for Additional Information Petition for Certificate of Qualification for Employment (R.C. 2953.25)

Form 14 Judgment Entry Granting Petition for Certificate of Qualification for  
Employment (R.C. 2953.25)

Form 15 Judgment Entry Denying Petition for Certificate of Qualification for  
Employment (R.C. 2953.25)

**RULE 32**  
**FORMS OF DOCUMENTS TO BE FILED**

32.01

All pleadings and other documents to be filed in any division of the Morrow County Court of Common Pleas shall have sufficient blank space on the face page of the document for the Clerk/Deputy Clerk to stamp the document as “filed” without having to stamp over any writing or printing. Sufficient blank space generally means no less than 2-1/2 inches from the edge, preferably at the top of the face page. The Clerk/Deputy Clerk shall stamp documents as “filed” in those places on the documents where no writing or printing is located so that the stamp and especially the date of filing are clearly visible.

32.02

All persons filing pleadings and other documents in the Morrow County Court of Common Pleas (Domestic Relations and Juvenile Division) shall use, where applicable, the pleadings and documents adopted by the Ohio Supreme Court, title Uniform Ohio Domestic Relations Forms found at [www.supremecourt.oh.gov/jcs/cfc/drforms](http://www.supremecourt.oh.gov/jcs/cfc/drforms) or the substantial equivalent.



**RULE 33**  
**NOTARY PUBLIC EXAMINATIONS AND FEES**

34.00 This rule covers the procedure for obtaining a Notary Public Commission.

34.01 The Court shall appoint or designate a member of the court staff as the person responsible for acquiring and maintaining notary examination booklets and tests for applicants as well as administering and or facilitating the notary test. This staff member shall also ensure that the Court is utilizing the most current application for Notary Public Commissions.

34.02 Each applicant shall pay a fee as determined by the Court to the staff member overseeing the administration of the notary exams or to another court staff member as authorized by the court. Upon payment of the fee which may include an amount for the Court, an amount for administration of the exam, a background check of the applicant, and an amount fee for filing the application should the Court send the application to the State. All potential applicants are advised to contact the Court to determine the most current fee. Applicants should be aware that the background check may take from seven (7) to fourteen (14) days to complete before the application can be completed.

34.03 New applicants for notary public commissions shall be required to take the current notary test as well as to complete a background check.

34.04 Applicants applying for the renewal of their notary public commission are not required to take the examination, if the renewal falls within a period of less than 10 years since the original application exam was administered. Renewal candidates may not be required to have a background check and pay the fee, if it is waived by one of the Common Pleas Judges. Otherwise, and in the mass majority of cases, renewal candidates are still required to pay a background check fee.

34.05 An applicant who is deemed by the Court or the administrator of the examinations to be unqualified for appointment may apply for re-examination after thirty (30) days. If the administrator of the exam or the Court deems the applicant to be unqualified after the second examination, then the applicant shall not be permitted to apply for another examination until 180 days after the second examination. If the administrator of the exam or the Court deems the applicant unqualified upon the third exam, then the applicant shall not be permitted to apply until five (5) years after the date of the first examination. Each application shall be accompanied by the fee specified by the Court. The termination of unqualified applicants may be designated as “failure to pass the notary public examination”, or any other nondiscretionary actions by the court. Those renewing their commission for a period of ten (10) or more years and every ten (10) or more year period since the prior exam, shall be required to take the notary public test. Effective as of February 11, 2015, new applicants or applicants seeking to renew their license ten (10) years or more since the date of the last examination, shall be required to pay a credit background check for a state and federal check of their criminal background of \$55.00. The background check shall be completed by Morrow County Sheriff’s Office, and the use of the background check shall be within exclusive discretion of the Judge signing the notary

application, who must determine whether or not the applicant is of good moral character, at least 18 years of age, and possess the qualifications necessary to properly discharge the duties of notary public.

### **34. APPOINTMENT OF COUNSEL FOR INDIGENTS IN CRIMINAL CASES AND CIVIL CASES WITH POTENTIAL OF INCARCERATION**

Upon proper application, the Morrow County Court of Common Pleas may appoint an attorney, licensed to practice in the State of Ohio to represent indigent individuals charged with a crime or a criminal/civil contempt action. The individual requesting appointment of an attorney will complete an affidavit of indigency, using the form prescribed by the Public Defender's Office for the State of Ohio. All information requested on the affidavit must be provided. Upon receipt of the affidavit, the Judge or Magistrate presiding over the matter will determine whether the individual is eligible for appointed counsel. In general, the Court will use the Federal Poverty Guidelines to determine whether an individual is entitled to appointed counsel. However, other factors may enter into the Court's decision. If the individual requesting counsel is eligible, an attorney will be appointed from the list maintained by the Judges.

#### **34.01 HOW APPOINTED**

The Administrative Judge and Presiding Judge will maintain a list licensed attorneys who qualified to accept appointments for representation of indigent defendants and/or individuals charged with contempt that may result in incarceration. The Judge or Magistrate hearing the matter may appoint any individual from the list of qualified attorneys who meets the criteria for appointment set forth by the Ohio Public Defender's Office. The Judges and Magistrates will rotate appointment among all attorneys on the list, to the extent possible under appointment guidelines maintained by the Ohio Public Defender's Office.

#### **34.02 REMOVAL**

Appointed counsel may be removed from the appointment list established herein for the following reasons:

1. Refusal of three (3) cases in any 12-month period without just cause.
2. Failure to meet or to maintain the qualifications and/or responsibilities established herein by the Court or Public Defender's Office.
3. Due to a justifiable complaint/investigation resulting in disciplinary action from an appropriate licensing board.
4. In the interest of justice and for good cause shown.
5. Failure to appear for hearings, meet with clients or being unprepared for hearings.

#### **34.03 COMPENSATION**

Appointed counsel shall be compensated at the following rates for all reasonable and necessary time expended: \$60.00 per hour for services performed out of court and \$70.00 per hour for services performed in court.

#### **34.04 PAYMENT FOR MILIAGE**

Appointed counsel may, upon application, be compensated for mileage incurred in travel to and from Court, at the Federal Mileage Reimburse Rate (2018 53.5 cents per mile). Said mileage will be noted on the application for fees supported by a separate affidavit stating mileage according to vehicle's odometer.

#### **34.05 PERIODIC REVIEW**

The Administrative Judge or his/her designee (Court Administrator) shall annually review and certify all appointments of counsel to ensure the equitable distribution of appointments among persons on each list maintained by the Court. At least once every five years the Administrative Judge or his/her designee (Court Administrator) will review the compensation paid to appointees and prepare a report to the funding authority and Morrow County Board of Commissioners.

# APPENDIX

**MORROW COUNTY COURT OF COMMON PLEAS**

\_\_\_\_\_  
Plaintiff

Vs.

Case #: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**Confidential Disclosure of Personal Identifiers**  
(Rule 45(D) of the Rules of Superintendence for the Courts of Ohio)

**Reference List**

|    | Complete Personal Identifier | Corresponding Reference | Location |
|----|------------------------------|-------------------------|----------|
| 1. |                              |                         |          |
| 2. |                              |                         |          |
| 3. |                              |                         |          |
| 4. |                              |                         |          |

IN THE COURT OF COMMON PLEAS OF MORROW COUNTY, OHIO  
CLASSIFICATION FORM

CASE NO. \_\_\_\_\_

CASE NAME: \_\_\_\_\_

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS:

**CIVIL**

- Professional Tort
- Product Liability
- Other Torts
- Workers Compensation
- Foreclosure
- Administrative Appeal
- Complex Litigation
- Other Civil

- A
- B
- C
- D
- E
- F
- G
- 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 J

PLEASE PRINT OR TYPE THE INFORMATION REQUESTED BELOW

Date: \_\_\_\_\_

Trial Attorney \_\_\_\_\_

Ohio Supreme Court

Registration No.: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF MORROW COUNTY, OHIO

STATE OF OHIO  
PLAINTIFF

CASE NO.: \_\_\_\_\_

VS.

CONVEYANCE ORDER

\_\_\_\_\_  
DEFENDANT

Defendant’s Attorney hereby requests conveyance of the Defendant, for the purpose of a Pre-Trial Conference herein on \_\_\_\_\_, and affirmatively represents to the Court that he/she has determined where the Defendant is imprisoned.

Therefore, the Sheriff of Morrow County, Ohio is directed to remove the Defendant (Inmate no. \_\_\_\_\_, DOB: \_\_\_\_\_) from the custody of the Superintendent or other person in charge of the \_\_\_\_\_ Correctional Institution, \_\_\_\_\_, Ohio and have Defendant before this Court for hearing herein on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. Defendant shall then be re-conveyed as appropriate.

It is further ordered that the Clerk of Courts shall forthwith issue certified copies hereof to the Sheriff of Morrow County, Ohio for compliance herewith.

**IT IS SO ORDERED.**

\_\_\_\_\_  
JUDGE

Approved and submitted by:

\_\_\_\_\_  
Attorney

**IN THE COURT OF COMMON PLEAS OF MORROW COUNTY, OHIO  
DIVISION OF DOMESTIC RELATIONS AND JUVENILE COURT  
APPLICATION FOR THE GUARDIAN AD LITEM APPOINTMENT LIST**

I hereby apply to be eligible for appointment as a guardian ad litem for minor children in domestic relations and juvenile cases involving the allocation of parental rights, custody, visitation and related issues.

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Supreme Court No.: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Office Address: \_\_\_\_\_ Fax: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Hourly rate: \$ \_\_\_\_\_. The initial deposit upon appointment is \$ \_\_\_\_\_. If you are willing to accept a lesser amount or will require an additional deposit, please enter the amount: \$ \_\_\_\_\_.

This application must be accompanied by:

1. A resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the guardian ad litem. You may also include any other training or experience, including foreign language proficiency, that would be helpful in the role of a guardian ad litem;
2. A copy of the applicant's certificate for completing the required pre-service training;
3. A copy of the applicant's criminal background check;
4. The applicant's original background disclosure statement.

**Incomplete applications will not be accepted and will be returned to you for completion.**

I certify that the information herein is true and accurate to the best of my knowledge and belief and that I have read and understand the duties and obligations of a guardian ad litem as set forth in the Local Rules of the Court.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

*Submit the completed application and accompanying documentation to:  
Sheri Clever  
Chief Deputy Clerk  
Juvenile Court  
48 East High Street  
Mount Gilead OH 43338*

Name: \_\_\_\_\_  
First Middle Last



Current Business Address: \_\_\_\_\_

\_\_\_\_\_  
City/State/Zip/County

**BACKGROUND DISCLOSURE STATEMENT**

***DRIVING HISTORY***

- |   | <b>Yes</b>               | <b>No</b>                |
|---|--------------------------|--------------------------|
| 1. Do you have a valid Ohio driver's license?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you been convicted of any moving traffic violation in the past 10 years?        | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you had any traffic violations involving alcohol or drugs in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |

***BACKGROUND***

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 4. Have you ever been convicted of a violation of law? Do not disclose expunge or sealed offenses.           | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you ever been charged with a crime involving a minor?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you ever committed an act that resulted in a child being adjudicated abused or neglected?            | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you have any condition or impairment which currently affects your ability to competently practice law? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Have you been ordered to pay child support or spousal support?  | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If so, are your payments current?   | <input type="checkbox"/> | <input type="checkbox"/> |

***CONDUCT***

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 9. Have you ever been disbarred, suspended, censured, sanctioned, or otherwise reprimanded or disqualified as a member of the legal profession or another profession, or as a holder of public office?          | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you ever been the subject of any written charges, complaints, or grievances to a court or administrative agency concerning your conduct as a Guardian ad Litem or attorney, including any now pending? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Has any surety on any bond on which you were the principal been required to pay any money on your behalf in the past 10 years?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Have you been denied a license for business, trade, or profession in the past 10 years?   | <input type="checkbox"/> | <input type="checkbox"/> |

**If you answered yes to any of the above questions, furnish a thorough explanation to each question.**



IN THE COURT OF COMMON PLEAS  
MORROW 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.

CLERK OF COURTS,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State Zip

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email