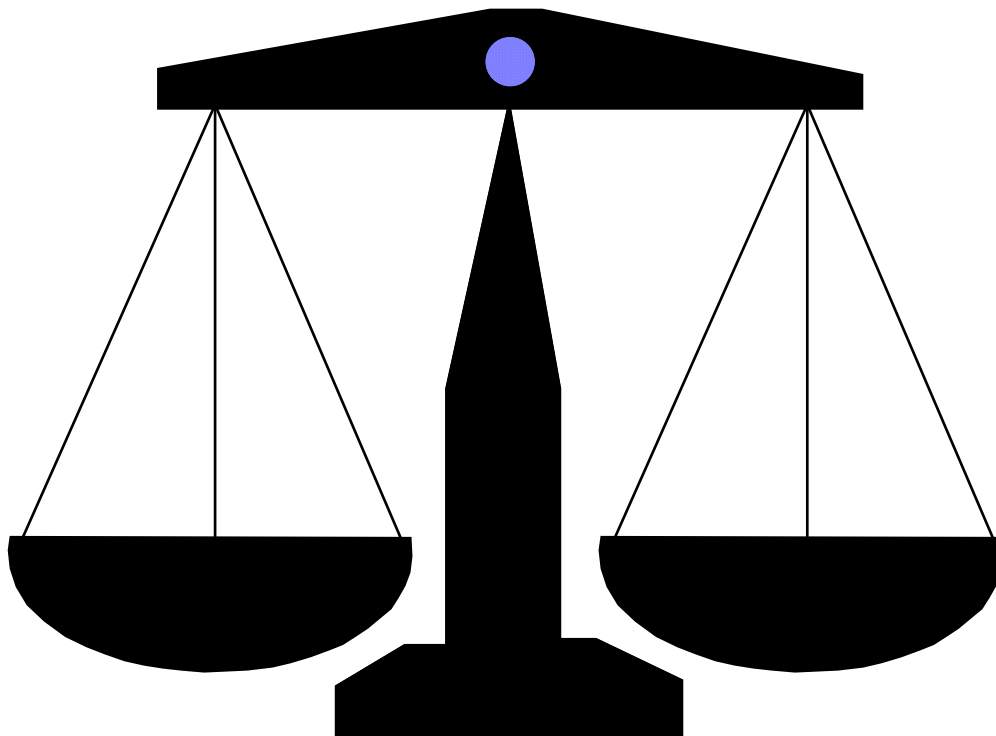


**RULES OF PRACTICE  
OF THE GENERAL DIVISION OF THE  
COURT OF COMMON PLEAS  
OF WOOD COUNTY, OHIO**

**AS ADOPTED MAY 28, 1999  
AND AS AMENDED THROUGH JANUARY 18, 2017**



A printable version of these rules appears online at  
<http://www.co.wood.oh.us/lawlibrary/>

The General Division of the Court of Common Pleas of Wood County, Ohio, is comprised of:

Courtroom #1 Judge Matthew L. Reger

Location: Third Floor, Wood County Courthouse  
Phone: 419-354-9210  
Fax: 419-354-7626

Courtroom #2 Judge Reeve W. Kelsey

Location: Third Floor, Wood County Courthouse  
Phone: 419-354-9220  
Fax: 419-354-9223

Courtroom #3 Domestic Relations

Location: First Floor, Wood County Courthouse  
Phone: 419-354-9290  
Fax: 419-354-9291

Courtroom #4 Judge Alan R. Mayberry

Location: Fourth Floor, Wood County Office Building  
Phone: 419-354-9600  
Fax: 419-354-9612

**RULES OF PRACTICE**  
**GENERAL DIVISION OF THE**  
**COURT OF COMMON PLEAS OF WOOD COUNTY, OHIO**

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## **CHAPTER 1**

### **PURPOSE, APPLICABILITY, AMENDMENTS, AND DISTRIBUTION**

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#### **RULE 1.01**

#### **PURPOSE, APPLICABILITY, AMENDMENTS, SANCTIONS, AND CITATION**

- A. The following Local Rules are adopted by the General Division of the Wood County Court of Common Pleas to provide the fair and expeditious administration of civil and criminal justice. The provisions herein are to be construed and applied to eliminate delay, unnecessary expense, and all other impediments to a just determination of civil and criminal cases.
- B. The rules of practice of this court for civil cases apply to all criminal and domestic relations proceedings, except where clearly inapplicable or otherwise provided.
- C. These rules of court shall apply in all proceedings in the General Division of the Wood County Court of Common Pleas unless in a particular instance the judge finds justice is otherwise better served.
- D. These rules may be amended upon the approval of a majority of the judges of the General Division of the Wood County Court of Common Pleas.
- E. Failure to comply with these rules may result in appropriate sanctions, including but not limited to, an award of attorney fees, costs, and dismissal of the action or granting of judgment.
- F. These rules shall be cited as "Local Rule X.XX."

## **RULE 1.02**

### **DISTRIBUTION OF LOCAL RULES**

Copies of the Local Rules shall be available electronically on the websites, if any, of the Wood County Clerk of Courts, the Wood County Law Library, and the General Division of the Wood County Court of Common Pleas. An electronic copy of the rules shall also be available by e-mail from the clerk of courts.

## **RULE 1.03**

### **INCORPORATION OF THE RULES OF SUPERINTENDENCE**

The Rules of Superintendence for the Courts of Ohio as promulgated from time to time and amended by the Supreme Court of Ohio are hereby adopted as rules of this court except as they may be modified or implemented herein

## **CHAPTER 2**

### **ADMINISTRATION OF THE COURT**

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#### **RULE 2.01**

##### **PRESIDING JUDGE AND ADMINISTRATIVE JUDGE**

- A. The position of presiding judge shall be elected by a majority vote of the judges of the court of common pleas.
- B. The position of administrative judge shall be elected by a majority vote of the judges of the general division of the court of common pleas.
- C. A minimum of monthly meetings shall be scheduled by the administrative judge of the general division to discuss and act upon administrative and procedural matters of the general division.
- D. Each judge shall have the responsibility for case management and docket control of cases assigned to that judge.

## **RULE 2.02**

### **CONCILIATION JUDGE**

It is determined that social conditions and the number of domestic relations cases render the conciliation procedures provided for in R.C. Chapter 3117 necessary for proper consideration of such cases, or to effectuate conciliation of marital controversies.

For the purpose of implementing R.C. 3117.02 and consideration of motions for conciliation under R.C. 3105.091, unless otherwise ordered, each judge shall serve as conciliation judge as follows:

#### **Even numbered years**

The Judge of Courtroom One shall serve as Conciliation Judge for Courtroom Two.

The Judge of Courtroom Two shall serve as Conciliation Judge for Courtroom Four.

The Judge of Courtroom Four shall serve as Conciliation Judge for Courtroom One.

#### **Odd numbered years**

The Judge of Courtroom One shall serve as Conciliation Judge for Courtroom Four.

The Judge of Courtroom Two shall serve as Conciliation Judge for Courtroom One.

The Judge of Courtroom Four shall serve as Conciliation Judge for Courtroom Two.

## **RULE 2.03**

### **GRAND JURY JUDGE**

The administrative judge, pursuant to Crim.R. 6, shall designate a judge of the general division of the court to serve as grand jury judge. The assignment of the grand jury judge shall be rotated among the judges, and each assignment shall be for a term of three or four months.

Each year the judges shall determine the term of each grand jury, three or four months.

It shall be the responsibility of the grand jury judge to hear any matters involving a defendant bound over but not yet indicted.

## **RULE 2.04**

### **TERM AND HOURS OF COURT**

- A. The term of court for the General Division shall be a calendar year with the court being in a continuous session commencing January 1st of each calendar year.
  
- B. Except for those days designated by law as legal holidays, normal court hours shall be 8:30 a.m. to 4:30 p.m., Monday through Friday, subject to change at the discretion of each judge to meet special situations.

## **RULE 2.05**

### **COURT SECURITY**

A. Appropriate levels of security should exist in the court to protect the integrity of court procedures, protect the rights of individuals before it, deter those who would take violent action against the court or litigants, sustain the proper decorum and dignity of the court, and assure that court facilities are secure for all those who visit and work there.

B. Under Sup.R. 9:

1. The court has appointed a local security advisory committee, consisting of one representative of each of the following groups: judges, law enforcement responsible for court security, commissioners, and other bar and community groups as deemed appropriate by the court.
2. The court has implemented a local security policy and procedure plan that has addressed the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

C. The court shall adopt a security operations manual, which shall set forth written directives for the purpose of ensuring security within the court while maintaining accessibility to the community.

## **RULE 2.06**

### **WEAPONS PROHIBITED**

A. No person, with the exception of those persons listed in section B of this rule, may convey or attempt to convey, possess or have under his or her control a deadly weapon or dangerous ordnance in the Wood County courthouse or in another building or structure in which a Wood County courtroom is located. This prohibition includes those persons licensed to carry a concealed weapon pursuant to R.C. 2923.125 or 2923.1213.

B. The following persons are permitted to convey, possess or have under their control a deadly weapon or dangerous ordnance in the Wood County courthouse or in another building or structure in which a Wood County courtroom is located:

1. A judge or magistrate of a court of record in Ohio.
2. A peace officer who is authorized to carry a deadly weapon or dangerous ordnance, who possesses that weapon or ordnance as a requirement of that peace officer's individual duties, and who is acting within the scope of his or her duties at the time of possession or control.
3. A person who conveys, attempts to convey, possesses or has under his or her control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding.
4. A bailiff of the court or court constable authorized to carry a firearm by R.C. 109.77 who possess or has under his or her control a firearm as a requirement of his or her duties and who is acting within the scope of his or her duties at the time of possession.
5. A prosecutor appointed by a county prosecuting attorney, who is authorized to carry

a deadly weapon or dangerous ordnance in the performance of his or her duties, who possesses or has under his or her control a deadly weapon or dangerous ordnance as a requirement of his or her duties, and who is acting within the scope of his or her duties at the time of possession or control.

C. This courthouse does not provide the service of securing handguns, except to authorized law enforcement personnel.

## **CHAPTER 3**

### **FILING PROCEDURES**

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#### **RULE 3.01**

#### **FILES AND FILING PROCEDURE**

##### **A. FORM OF FILINGS, UNLESS DIRECTED OTHERWISE BY A JUDGE**

1. In addition to the requirements of Civ.R. 10, all papers filed with the clerk as pleadings, motions, applications, judgments and orders shall be on 8.5 by 11 inch white paper, typewritten, or printed in a neat and legible manner, securely fastened together, and page numbered if consisting of more than a single sheet.
2. Each paper filed by each party shall designate on the first page thereof the parties, the case number, the name of the judge, the identification of the filing, the name, address, Supreme Court of Ohio registration number, telephone number and fax number, if any, of the counsel filing the paper, or, if there is no counsel, then the party filing the paper.
3. All papers shall have a blank space of at least 2.5 inches at the top of the first page for file marks by the clerk. If such a space is not provided, the clerk shall recopy the first page of the filing so that it has a 2.5 inch top margin and charge \$5.00 to the filing party.
4. All pleadings, motions, or other papers of a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney shall sign the pleading, motion, or other paper. The clerk shall reject any unsigned filing.

**B. JURY DEMAND**

If a jury demand, pursuant to Civ.R. 38, is endorsed upon a pleading, the caption of the pleading shall state, "Jury demand endorsed hereon." Failure to comply with Civ.R. 38 shall result in the case being tried to the court and failure to include this statement on the caption shall be a waiver of jury trial, regardless of a demand for jury in the body of the pleading.

**C. CASE DESIGNATION FORM**

At the time a complaint is filed in a civil case or a domestic relations case, the plaintiff or plaintiff's counsel shall provide the court with the classification of case as required by the Supreme Court of Ohio in addition to information on any previously filed cases, whether pending or terminated, which may be related to the case being filed. The case designation form is included in Appendix A. If a party fails to file the case designation form pursuant to this rule, the clerk may reject the filing and return the pleadings to the submitting party.

"A related civil case" is a prior or pending case that involves one or more of the same parties and which arises out of the same acts, incident, occurrence or transaction.

**D. NUMBER OF COPIES TO BE FILED**

Upon the filing of a complaint or any other pleading or motion for which the service of summons by the clerk of courts is required, sufficient copies shall be filed so that one copy thereof may be provided to each party and one additional copy of a pleading, motion or other filing shall be provided for the judge.

In all cases of aggravated murder where the indictment contains a specification permitting the imposition of the death penalty, all filings with the clerk of courts shall contain one original and two copies.

**E. FILE SHALL REMAIN IN CLERK'S OFFICE**

All papers filed with the clerk in any action or proceeding shall remain in the clerk's office except when required by the court. No case file shall be removed from the clerk's office by any party or any attorney.

**F. AMENDING A PLEADING OR MOTION**

Pleadings and motions may be amended at such time and in a manner provided by Civ.R. 15. However, no pleading or motion shall be amended by interlineation or obliteration, except upon leave of court.

**G. FILING VIDEO DEPOSITIONS**

The filing of video deposition shall conform to Sup.R. 13 and Local Rule 4.12. In addition, a typed certified copy of the transcript and a list of objections shall be filed with the video deposition.

**H. SIGNATURE LINE**

All magistrate's decisions and all orders of the magistrates and judges shall have the name of the respective magistrate or judge printed or typed below their respective signature line.

## **RULE 3.02**

### **ELECTRONIC FILING AND FACSIMILE FILING**

The provisions of this local rule are adopted under Civ.R. 5(E), Crim.R. 12(B), and App.R. 13(A). All documents must abide by Sup.R. 44-47.

Pleadings and other papers may be filed with the clerk of courts by facsimile transmission to 419-354-9241 and by electronic transmission to clerkofcourts@co.wood.oh.us. All electronically filed documents must be submitted in either Adobe Portable Document Format (.pdf) or Microsoft Word 97-2003 format (.doc).

#### **A. APPLICABILITY**

1. These rules apply to civil, criminal, appellate, and domestic relations proceedings in the Wood County Court of Common Pleas.
2. The following documents will not be accepted for electronic or fax filing:
  - a. Original complaint and accompanying paperwork for a new domestic or civil case action\*;
  - b. Cognovit promissory notes;
  - c. Post decree motion\*;
  - d. Answer with cross complaint requiring service;
  - e. Debtor's exam;
  - f. Writ of possession;
  - g. Garnishment;
  - h. Order in Aid;
  - i. Service by publication or praecipe for order of sale;
  - j. Lien filings or releases;

- k. Registration of a notary;
- l. Evidentiary materials attached to motions that are not on 8.5” by 11” paper;
- m. Making, filing, or releasing of a certificate of judgment;
- n. Request for execution by the Sheriff;
- o. Filing of an appeals action (can be received by facsimile or electronically if it is in forma pauperis)\*;
- p. Filing of a motion/application for sealing or expungement of a criminal record;
- q. Any document required to be certified or authenticated;
- r. Any document in whole or part under seal;
- s. Written pleas of not guilty;
- t. Written pleas of not guilty by reason of insanity;
- u. Any pleadings for filing that require a deposit for costs for witness fee; and
- v. Any document that requires the clerk’s office to provide service.

\* The clerk’s office will accept electronic or facsimile transmission of the indicated items if payment is submitted before filing through the Wood County Clerk of Courts’ website.

In order to preserve the confidentiality of all filings, documents, and reports, any document that may contain information covered by the Health Insurance Portability and Accountability Act, will not be permitted to be filed with the clerk of courts by electronic or facsimile filing.

## **B. ORIGINAL FILING**

- 1. A document filed electronically or by fax shall be accepted as the effective original filing. The person making an electronic or fax filing need not file any

source document with the clerk of court, but must, however, maintain in his or her records and have available for production on request by the court, the source document filed electronically or by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the electronic or facsimile cover sheet used for the subject filing.

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

## **C. DEFINITIONS**

As used in these rules, unless the context requires otherwise:

1. “Electronic filing” (e-filing) refers to the process of transmitting a source document electronically via the public Internet to the clerk’s office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.
2. “Electronic mail” (e-mail) refers to the transmission and distribution of messages, information, documents, etc., from one computer terminal to another.
3. A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electronic signals, transmits, and reconstructs the signals to print a duplicate of the source document at the receiving end.
4. A “facsimile machine” means a machine that can send and receive a facsimile transmission.
5. “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

**D. COVER PAGE**

1. Any electronic or facsimile copy filed pursuant to this rule shall conform to the requirements of Civ.R. 10 and 11.
2. When submitting a document electronically, DO NOT include a cover page as the first page of the document. The first page of the electronic document will be file stamped. If a cover page is necessary, include the cover page as the last page of the document.
3. When filing by facsimile, the filing shall include a cover page which contains the following information:
  - a. The name of the court;
  - b. The caption of the case;
  - c. The case number;
  - d. The assigned judge;
  - e. The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
  - f. The date of transmission;
  - g. The transmitting fax number;

- h. An indication of the number of pages included in the transmission, including the cover page;
- i. If a judge or case number has not been assigned, state that fact on the cover page;
- j. The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
- k. If applicable, a statement explaining how costs are being submitted.

A sample cover page is available in Appendix B.

- 4. If a document is sent by fax to the clerk of courts without the cover page information listed above, the clerk may, in his or her discretion:
  - a. Enter the document in the case docket and file the document; or
  - b. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the clerk of courts.
- 5. The clerk of courts is not required to send any form of notice to the sending party of a failed electronic or fax filing. However, if practicable, the clerk of courts may inform the sending party of a failed electronic or fax filing.

#### **E. SIGNATURE**

- 1. A party who wishes to file a signed source document by fax or electronically shall either:

- a. Fax or e-file a copy of the signed source document; or
  - b. Fax or e-file a copy of the document without the signatures with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.
2. A party who files a signed document by fax or electronically represents that the physically signed source document is in his or her possession or control.
3. The signature “/s/ [name]” on a fax filed or e-filed document is deemed to constitute a signature for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Criminal Procedure, Rules of Civil Procedure, and any other law.

#### **F. EXHIBITS**

1. Each exhibit to an electronically or facsimile produced document that cannot be accurately transmitted via electronic or facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, no later than five court days following the filing of the electronic or facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document or exhibit.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendant’s Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. A sample exhibit cover sheet is included in Appendix B.

**G. TIME OF FILING**

1. Subject to the provisions of these rules, all documents sent by electronic or facsimile transmission and received by the clerk shall be filed upon approval by the clerk of courts. If an electronic or facsimile copy is received by the clerk after 4:30 P.M. on a regular business day or anytime on a weekend or holiday, the electronic or facsimile copy may be filed on the next regular business day by the clerk.
2. Electronic filings may not be sent directly to the court employees' e-mail addresses, but may only be transmitted directly through the clerk of court's e-mail address.
3. Fax filings may not be sent directly to the court for filing, but may only be transmitted directly through the facsimile equipment operated by the clerk of courts.
4. The clerk of court may, but need not, acknowledge receipt of an electronic or facsimile transmission.
5. The risks of transmitting a document electronically or by fax to the clerk of courts shall be borne entirely by the sending party. Anyone using electronic or facsimile filing is urged to verify receipt of such filing by the clerk of court through whatever technological means are available.
6. The time of receipt of any document is the date and time imprinted on the document by the facsimile machine receiving the transmission. The clerk of courts' e-mail and fax machine are available 24 hours per day 7 days per week.
7. If the attorney requires a file-stamped copy of an e-filed or fax-filed document, he or she can access the online docket through the clerk of courts' attorney portal at <http://pub.clerkofcourt.co.wood.oh.us/eservices/home.page?prtlCd=ATTORNEY>.

If the attorney has not accessed the portal previously, he or she must contact the clerk of courts to set up an account.

#### **H. FEES AND COSTS**

1. The filing of pleadings, court orders or other papers subsequent to the original complaint not requiring a security deposit pursuant to Local Rule 3.03, may be filed with the clerk by electronic or telephonic facsimile transmission. No document may be filed electronically or by facsimile that requires a filing fee shall be accepted by the clerk for filing until court cost and fees have been paid. Court cost and fees may be paid to the clerk by check, cash, money order, or credit or debit card. Documents tendered to the clerk without payment of court cost and fees or that do not conform to applicable rules will not be filed.
2. No additional fee shall be assessed for incoming electronic or facsimile filings.

#### **I. LENGTH AND SIZE OF DOCUMENT**

Electronic filings shall not exceed 25 MB in size. Facsimile filings shall not exceed 25 pages in length. The filer shall not transmit service copies by facsimile. If the filing will exceed the allowed length or size, the filer must call the clerk's office at 419-354-9280 for direction.

#### **J. EFFECTIVE DATE**

The provisions of the electronic and facsimile filing rule shall be effective August 8, 2014, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

## **RULE 3.03**

### **COSTS AND SECURITY FOR COSTS**

A. No motion to proceed in forma pauperis shall be granted by the court unless there is attached thereto a statement by the attorney for the party executing such affidavit that he or she has not accepted and will not accept any attorney fees in said cause until the costs are paid or secured to be paid.

B. Unless a motion to proceed in forma pauperis is filed and accepted by the court or the court waives deposit for costs or costs, the following amounts shall be deposited with the clerk of courts:

1. \$200 - Civil suits, excluding foreclosure actions and Domestic Relations actions (includes a special projects fee of \$50.00 per R.C. 2303.201(E)(1)).
2. \$300 - Divorces and Legal Separations  
\$200 - Dissolutions
  - a. However, the court may determine at the first hearing the party most able to make the deposit; and upon order of the court, that party shall deposit an amount determined by the court; and if the court so orders, the clerk shall refund the original deposit to the extent the combined deposit exceeds that required.
  - b. Failure by the party to deposit the amount ordered may result in the party being sanctioned including the striking of any pleading or the case proceeding as in default.
3. \$110 - Reopened Domestic Relations cases.
4. \$40 - Consent Judgment Entries for Domestic Relations cases. No consent entry will be accepted unless accompanied by a deposit.

5. \$40 - Filing of notice pursuant to provisions of Final Judgment or Statute.
6. \$75 - Qualified Domestic Relations Order for Domestic Relations cases. No order will be accepted unless accompanied by a deposit.
7. \$400 - Real Estate Foreclosure actions (includes a special projects fee of \$50.00 per R.C. 2303.201(E)(1)). An additional deposit of \$725 is required when the Praecipe for Order of Sale is filed.
8. \$100 - Motion to vacate, revive, or modify judgment. Proceedings in aid of execution deposit must include estimated fees for appraisers and related costs.
9. \$20 - Service of Summons or execution on each non-resident defendant when service by foreign sheriff is required.
10. \$500 - Additional for any civil or domestic relations case requiring service by publication.
11. \$180 - Notice of Appeal from tribunals, commissions or administrative agencies (includes a special projects fee of \$50.00 per R.C. 2303.201(E)(1)).
12. \$100 - Counterclaim, cross-complaint or third-party complaint.
13. \$50 - Judge or jury view, per view. The deposit must be paid 30 days before trial or the judge or jury view is waived.
14. \$300 - Jury deposit. The deposit must be paid 30 days before trial or jury trial is waived.
15. \$175 - Expungement of criminal conviction.

16. \$75 - Petition for Certificate of Qualification for Employment.

17. If a party is due a refund of deposit in any case, before making said refund, the clerk of courts may apply said refund to any court costs then owed by said party.

C. Unless a poverty affidavit is filed and accepted by the court, the following amounts shall be paid to the clerk of courts:

1. \$150 - Writ of possession or execution.

2. \$35 - Judgment lien.

3. \$50 - Foreign Judgment

4. \$5 - Release of judgment lien.

5. \$40 - Release of tax lien.

6. \$.06 - Copy fee per page.

7. Facsimile documents

a. \$2 – Usage fee of \$2, plus \$1 per page, payable to the clerk of courts for transmitting from the clerk's electronic facsimile machine.

b. The costs associated with facsimile transmissions shall be billed immediately to the party either transmitting or requesting receipt of facsimile copies.

- c. If the attorney requires a file-stamped copy to be returned to him or her and has not provided a copy for this purpose or if the attorney has not provided a copy for the judge's file, the charge for making copies will be \$.06 per page. (See Local Rule 3.01(D)).
- 8. \$5 - for recopying the first page of a document so that the required top margin is preserved. (See Local Rule 3.01(A)(3)).

Unless otherwise ordered by the court, payments received by the clerk of courts in a case where more than one financial obligation exists shall be applied in the following order:

- 1. To any order of restitution;
- 2. To court costs;
- 3. To any order to reimburse Wood County for costs of appointed counsel, incarceration, community control sanction, or any other financial sanction; and
- 4. To any fines

D. If a check or other negotiable instrument for deposit for costs is dishonored for any reason, the filing may be dismissed by the court after 10 days' notice is given to the filer for failure to pay the required security for costs.

E. If at any time the deposit for costs becomes insufficient in any case, the clerk shall require of the appropriate parties an additional deposit in an amount sufficient to secure the reasonably anticipated additional costs.

F. When a judgment entry orders payment of costs by a party who has a deposit with the clerk, the costs shall be deducted from that party's deposit, if sufficient, and any balance shall be returned to the depositor. If, however, the deposit is insufficient or the party has no deposit, then

the amount still due shall be billed to that party. If there is a failure to pay within 60 days from the clerk's cost statement by the party so ordered, the clerk shall deduct the costs from any deposit held in that case.

G. If notice of voluntary dismissal is filed by a plaintiff or an appellant, the dismissal shall be at the cost of the dismissing party, unless otherwise ordered.

H. When an entry terminating a pending matter does not specify who is to pay the court costs, the clerk shall:

1. In civil proceedings initiated by the Wood County Child Support Enforcement Agency, assess the costs to the Wood County Child Support Enforcement Agency IV-D contract.
2. In all other civil proceedings, deduct the costs equally from any deposits held and refund the remainder. If the deposits are insufficient to satisfy the court costs, the clerk shall then assess the excess costs to the parties equally unless otherwise ordered. If there are no deposits, the clerk shall assess the costs to the plaintiff/movant/initiator.

I. The commission charged by the clerk of courts pursuant to R.C. 2303.20(V) shall be paid by the party paying or depositing money at the time of payment or deposit with the clerk unless otherwise ordered by the court.

J. At the termination of any case, the clerk shall not bill any party for costs less than \$5.00. The clerk shall not refund any balance remaining from a deposit that is \$5.00 or less, unless a written request for the refund is made within 14 days after the termination of the case.

K. Arrangements for the payment of the costs of transcripts shall be made with the court reporter at the time the transcript is ordered.

## **RULE 3.04**

### **ELECTRONIC RETURN RECEIPTS**

The clerk of courts is authorized to use electronic return receipts from the United States Postal Service for certified mail service. Electronic proof of service for certified or express mail sent by the court shall be deemed in compliance with the service requirements of the Civil Rules. The use of electronic return receipts is not mandatory.

## **CHAPTER 4**

### **CIVIL CASE ADMINISTRATION**

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#### **RULE 4.01**

#### **CASE MANAGEMENT**

##### **A. CASE TERMINATION SCHEDULE**

While there may be exceptions due to the peculiarities of a given case, it is the intent of the court that cases of the following classification be terminated within the time frame set forth from the date of filing:

Habeas Corpus .....	60 days
Forcible Entry and Detainer .....	120 days
Foreclosure .....	150 days
Administrative Appeals .....	180 days
Injunction.....	180 days
Declaratory Judgment .....	210 days
Other Civil .....	240 days
Worker's Compensation .....	240 days
Personal Injury .....	360 days
Product Liability.....	360 days
Professional Torts.....	360 days
Other Torts.....	360 days
Complex Litigation .....	720 days

##### **B. INCOMPLETE SERVICE**

1. If service is not completed or service by publication is not commenced on all parties within 60 days after filing of the complaint, counsel for plaintiff will be directed to complete service or the matter may be dismissed against unserved defendants.

2. If 30 days after this notice is served service has not been obtained nor effort made to attempt service, then, unless the court determines for good cause otherwise, the action may be dismissed with regard to unserved defendants.

**C. SCHEDULING ORDER**

Within 70 days after filing of complaint, an order including but not limited to a scheduling order will be prepared and filed by the court setting the trial date, pretrial dates, timing of discovery, filing of motions, timing of alternative resolution procedures, and preparation of the joint pretrial statement.

**D. JOINT PRETRIAL STATEMENT**

1. The pretrial order may provide for the filing of a joint pretrial statement. If a joint pretrial statement is required, then it shall be as follows:
  - a. Counsel shall prepare a joint pretrial statement which shall be delivered by the initiating party's counsel to the court no later than one week prior to final pretrial conference.
  - b. The joint pretrial statement shall not be filed with the clerk.
2. The joint pretrial statement shall contain the following:
  - a. A concise statement of the general claims and defenses of the parties;
  - b. Those facts established by admissions in the pleadings, admissions by discovery and stipulations by counsel;
  - c. The contested issues of fact;

- d. The contested issues of law, together with counsels' respective positions with regard to the applicable law, with citations of authority for counsel's position;
- e. The names and addresses of all witnesses, together with a brief statement of the subject matter and general import of each witness's expected testimony;
- f. The names, addresses and qualifications of the expert witnesses expected to testify, together with a brief statement of each expert witness's expected testimony;
- g. A list of exhibits each counsel intends to offer into evidence marked as follows:
  - i. Joint exhibits with Roman numerals;
  - ii. Plaintiff's exhibits with Arabic numerals;
  - iii. Defendant's exhibits with letters;
  - iv. Third-party exhibits identified as such.
- h. Motions in limine not already filed;
- i. An itemization of all special damages being requested;
- j. Each counsel's expected time of trial needed to present its side of the case;
- k. The status of settlement negotiations including most recent specific demands and offers;

- l. Requested jury instructions (other than boilerplate);
  - m. Certification that copies of all exhibits to be introduced have been provided to opposing counsel.
3. The deadline for filing of the joint pretrial statement is firm and may be extended only by leave of court for good cause shown.
  4. Failure to submit the joint pretrial statement in a timely manner may result in the imposition of appropriate sanctions, including exclusion of testimony or exhibits, denial of claims, directed verdicts, dismissal of the case or contempt of court.
  5. The court recognizes that preparation of the joint pretrial statement will require considerable time and cooperation between counsel. To ensure completion, the first named plaintiff shall initiate a joint pretrial draft two weeks prior to the due date. If such plaintiff has been dismissed or fails to initiate, the first named defendant shall initiate. Discussion and preliminary drafting should begin several weeks before the due date. Filing of an incomplete joint pretrial statement supplemented with later amendments thereto will not be considered compliance with this rule.

#### **E. DISMISSAL UPON SETTLEMENT**

Upon report of settlement of case, the court may at any time thereafter file an entry of dismissal and may assess costs, or may instruct counsel to prepare and present a termination entry for approval within 28 days.

#### **F. CONTINUANCES**

All applications for the continuance of any scheduled event must be in writing, and if the event to be continued is a trial, the application must be signed by counsel and his or her client.

1. No event will be continued without contemporaneously reassigning a fixed date.

2. All applications for continuances shall be submitted to the court at least 14 days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the court.
3. All applications shall set forth the reason for the request, the time and date of the current assignment, and a new date within 60 days which has been approved by the court and opposing counsel, in the event the court grants the application for continuance.
4. If the reason is another case scheduled on the same date in another court, the application shall include the name of the court and assigned judge (with phone number), case caption, the date and time of the conflicting case and the date that the conflicting case was assigned for trial.

**G. JURY VIEW**

Except as provided by law, and unless otherwise ordered, a jury view shall be requested at least 30 days before trial in accordance with Local Rule 3.03(B)(13).

**H. REFERRAL TO MANDATORY MEDIATION**

The court may order any case to mediation if it determines that the just and fair disposition of the case may be served.

## **RULE 4.02**

### **ASSIGNMENT OF CIVIL CASES TO JUDGES**

A. The clerk shall use a system of random assignment of all civil and domestic relations cases whereby the cases shall be distributed equally among the judges over a fixed number of cases.

B. All civil and domestic relations cases shall be assigned by lot pursuant to Local Rule 4.02(A), unless there is a prior related case. A related civil case is a prior or pending case that involves one or more of the same parties and which arises out of the same acts, incident, occurrence or transaction. If there is or has been a related case, the clerk shall assign the case to the courtroom that handled or is handling the related case or that may have considered a pre-case filing matter in the case to be assigned. A related case to a domestic relations or domestic violence filing includes any prior or pending domestic violence or domestic relations case in which the petitioner to the new filing is or was a party.

C. If a case that has been assigned by random assignment is transferred for good cause by the administrative judge after the original assignment of the case, the receiving and administrative judge shall transfer the next case assigned to the receiving judge, in the same civil or domestic relations classification, to the transferring judge.

D. If there is a motion to consolidate cases due to commonality of issues and/or parties, the court may consolidate the cases into the first filed case. Any filings thereafter filed bearing the caption of a case which has been consolidated into an earlier case shall be filed by the clerk in the earlier case. Upon the consolidation of cases, the clerk shall also consolidate any deposits and costs.

E. All matters, orders or judgments shall be considered by the assigned judge unless that judge is unavailable and prompt consideration is required, in which case, another common pleas judge may consider and rule on the matter. Orders may be submitted for signature to another judge if the assigned judge is not available or as otherwise authorized by a filed judgment entry.

## **RULE 4.03**

### **REVIEW AND DISMISSAL OF CIVIL CASES**

- A. Each judge shall quarterly review or cause to be reviewed all cases assigned to the respective court.
  
- B. Cases which have been on the docket for six months without any proceedings or activity taken therein shall be dismissed for lack of prosecution after notice to counsel of record or parties, unless good cause is shown to the contrary.

## **RULE 4.04**

### **MOTIONS**

- A. Each motion must be submitted by separate pleading with representations of fact to support the motion and a memorandum of law containing citations to authority in support of the motion.
- B. If the motion is one to continue a matter, to vacate a hearing or trial, or a similar motion where citations are not necessary, the memorandum must contain representations of fact verified by the attorney or an affidavit in support of the motion. (See also Local Rule 4.01(F)).
- C. All motions must be accompanied by a separate proposed order.
- D. The following motions may be considered ex parte:
  - 1. Confirmation of sale (granted immediately if approved by all parties; otherwise, granted five days after sale);
  - 2. Amend a pleading;
  - 3. File a third party complaint;
  - 4. Withdraw as attorney of record as set forth in Local Rule 4.13;
  - 5. Enlarge time to move or plead;
  - 6. Vacate a trial or hearing date;
  - 7. Substitute parties;
  - 8. Compel discovery;

9. Reconsider;
10. Dismiss by stipulation;
11. Temporary restraining order (for domestic relation cases, see Local Rule 6.04);
12. To intervene;
13. For leave to answer or otherwise plead;
14. Motion in limine;
15. Motions for admission pro hac vice;
16. Any other motion, for good cause shown.

E. For all motions not specified in (D) above, opposing counsel shall serve any desired response within 14 days after service of the initiating filing unless otherwise ordered.

F. Motions for summary judgment shall be deemed submitted 28 days after the motion is filed. Unless required by other rule or requested by counsel, all other motions shall be considered submitted upon the written motion, affidavits, and memoranda. If counsel requests a hearing, it must be endorsed upon the motion and included in the caption.

G. Any motion to file an amended pleading shall have a copy of the proposed amended pleading attached thereto.

## **RULE 4.05**

### **ORDERS AND JUDGMENTS**

A. The court shall transmit, or direct the clerk of courts to transmit, copies of judgment entries or other orders to all counsel and unrepresented parties and represented parties if so ordered.

B. Copies of a judgment entry, or an order prepared by counsel, shall be in sufficient quantity so the clerk of courts may distribute one to each trial counsel and unrepresented party.

1. Judgment entries and orders of dismissal by compromise prepared by counsel shall be approved by all counsel of record and submitted to the court within 28 days after notice to the court of settlement or as otherwise agreed by the court.
2. Failure to submit the appropriate judgment entry or order by counsel may result in the court preparing and filing a dismissal or taking other appropriate action.
3. Any counsel who has been assigned the preparation of an entry or order shall provide a copy of the submitting cover letter to the court.
4. If counsel to whom the entry or order has been sent does not object, then he/she shall sign the entry and return it to the preparing counsel. If counsel does not agree with the submitted entry or order, he/she shall prepare and submit to the original preparing counsel an entry with proposed modification and a copy of the responding cover letter to the court.
5. If no response is made to original preparing counsel within 14 days, preparing counsel shall submit the entry or order to the court with the following certification:

“I HEREBY CERTIFY THAT THE FOREGOING ENTRY OR ORDER WAS  
(MAILED, DELIVERED, OR FAXED) TO \_\_\_\_\_, COUNSEL FOR

PLAINTIFF/DEFENDANT, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AND HAS NOT BEEN RETURNED, REVISED NOR OBJECTED TO.”

6. If counsel cannot agree on an entry or order within 28 days of original submission, then copies of both the original and response order or entry drafts shall be submitted to the court and the court may make its own entry.

C. The court shall include the vehicle identification number (VIN) in every order directing the issuance of title to a motor vehicle.

D. All final appealable orders will be delivered to counsel and unrepresented parties and represented parties if so ordered by the clerk by regular U.S. mail within three days of journalization. If counsel desires the clerk to provide an additional copy in his/her mailbox in the clerk’s office, counsel will submit one copy in addition to those required in Local Rule 3.01(D), noting thereon the special delivery requested.

## **RULE 4.06**

### **DAYS NOT FIXED BY LAW**

In all cases where the time for the filing and service of a notice or pleading is not otherwise fixed by law or applicable rule, a response to a pleading, motion, amended pleading, or other paper shall be filed and served on or before the 14th day after the date of service of the pleading, motion, or other paper requiring the response. Any reply to a response shall be filed and served on or before the seventh day after the date of service of the response.

## **RULE 4.07**

### **DISCOVERY**

A. Counsel shall participate in timely pretrial discovery in order to limit the issues in controversy.

B. The report and all relevant documents of an expert witness shall be provided opposing counsel at least ten days prior to the taking of the expert's deposition.

**RULE 4.08**  
**CIVIL PRETRIAL**

A. At any civil pretrial conference set by the court, counsel shall be prepared to discuss the following:

1. Pleadings
2. Jurisdiction
3. Venue
4. Pending motions
5. Itemization of expenses and special damages
6. Possibility of settlement
7. Dates for completion of discovery and trial, unless prior order has determined such
8. Simplification of issues
9. Additional deposits as security for costs, including jury fees
10. Mediation

B. At the final pretrial conference, counsel may be directed to submit to the court all written stipulations of fact and anything required by Local Rule 4.01(D) that has not been earlier submitted.

C. At the conclusion of the pretrial conference, an order will be prepared reciting the action taken and controlling the subsequent course of the action. The court may advise those parties present of the matters dealt with in the pretrial conference, on or off the record.

D. Settlement pretrial conferences shall be attended by all parties, insurance adjusters, and their attorneys. The court may order all parties, insurance adjusters, and their attorneys to be present for preliminary pretrial conferences, except scheduled telephone pretrial conferences. All counsel shall be authorized and prepared to enter into such stipulations and agreements as may be appropriate. Any additional persons necessary to enter into agreements shall be present or immediately available to the conference.

E. Failure of counsel or a party, if not represented, to appear at any scheduled pretrial conference or otherwise fail to comply with the pretrial order, may result in dismissal, default, or the imposition of sanctions as the court may decide.

## **RULE 4.09**

### **NOTICE OF HEARINGS; APPEARANCE OF COUNSEL**

- A. Unless oral notice is provided by the court at a prior proceeding, the court shall send written notice of all hearing dates to counsel and unrepresented parties, and represented parties if so ordered. Notice to counsel shall be at the address on pleadings or the mailbox in the clerk of courts' office. Notice to parties shall be mailed to the address on the pleadings or the clerk's record of return of service.
- B. When a party is dismissed, or withdrawal or substitution of counsel is ordered, that party or counsel shall be shown as dismissed on the clerk's computerized records.

## **RULE 4.10**

### **TRIAL AND HEARING RULES**

- A. Plaintiff shall occupy the table nearest the jury box; Defendant shall occupy the other table.
- B. Only one counsel for each adverse party will be permitted to speak on any interlocutory matter, or upon any question arising in the trial or proceeding, and only one counsel for each adverse party will be permitted to examine or cross-examine the same witness. Exceptions by leave of court only.
- C. All counsel and parties shall remain seated except when addressing the court, jury, or a witness. A witness shall not be approached except when examined regarding an exhibit or as otherwise permitted by the court.
- D. Only one person may speak at a time.
- E. Counsel shall provide the names and addresses of all witnesses for the court reporter in writing in advance of their testimony together with spelling of any anticipated unusual or technical terms.
- F. The party requiring special presentation equipment shall be responsible for providing the equipment for trial and the cost thereof.
- G. Except for court security or police officers present for security purposes, no personal communication equipment, i.e. pager, cellular phone, etc., shall be activated or used in the courtrooms.
- H. Counsel and parties are expected to appear timely in all matters. Late appearances may be expected to generate financial sanctions reflective of the extent of the delay and the number of those affected.

## **RULE 4.11**

### **RETENTION OF EXHIBITS AND EVIDENCE**

A. The official court reporter shall receive and hold all exhibits proffered or admitted into evidence during trial in any case. Exhibits marked or used but not offered shall remain with the court reporter for purpose of any appeal. The exhibits shall be secured until release is consented to, court ordered, or the documents and list of exhibits are filed with the clerk of courts as part of the transcript of an appeal.

B. All evidence received pursuant to section (A) shall be held until the appeal time has expired. Evidence shall then be returned to the party submitting it unless otherwise disposed of pursuant to court order. Persons receiving such evidence must sign a receipt.

C. Evidence held by a law enforcement agency shall be controlled by R.C. Chapters 149 and 2981.

D. Exhibits that were not offered as evidence shall be returned by the court reporter to the owner at the end of the trial. The owner of these exhibits shall execute a receipt for exhibits returned, but no court order shall be required.

E. After all appeal time has expired, the clerk of courts may dispose of any exhibits, depositions, or transcripts remaining in the clerk's office. The clerk, after notice to the parties or their attorneys, shall dispose of these items unless application is made for their return within 60 days of the date of the notice.

F. Exhibits in the custody of the official court reporter or the clerk of courts may be returned to the offering party six months after the expiration of the appeal process by signing a receipt which indicates the exhibits to be returned. If the exhibits are not obtained within six months of the expiration of the appeal process, after notice to the parties or their attorneys, the exhibits may

be destroyed, except exhibits from criminal cases, which will be turned over to the Wood County Prosecuting Attorney's office.

G. Records in the custody of the clerk of courts and the shorthand notes of the official court reporter may be destroyed ten years after a case is concluded, and after compliance with R.C. 149.381, except the following:

1. Murder and aggravated murder cases, which shall be maintained permanently.
2. Case files of matters that resulted in a final judgment determining title or interest in real estate, which shall be retained permanently.

## **RULE 4.12**

### **VIDEO DEPOSITIONS**

The taking and filing of video depositions shall conform to Sup.R. 13 and the following rules:

- A. Objections must be made after the question or answer. Counsel should state the basis for the objection on the record and may read citations into the record.
- B. Any party filing a video deposition that contains objections shall file the video deposition at least 10 days before trial. Within seven days of the filing of a video deposition either party may file a request for hearing on objections prior to trial. Upon the court's ruling on the objections, then the court may order an edited copy be prepared.
- C. The original and any edited version of the video shall be filed with the clerk of courts with each video clearly identified.
- D. With the court's approval, video depositions may be made available for inspection or viewing after filing and prior to use at trial. Upon court order, the officer before whom the video was made may use such video for purposes of making a copy for a party.
- E. The party filing the video deposition other than in DVD format is responsible for checking with the court to see if the necessary equipment is available.
- F. The costs of trial depositions may be taxed as costs.

## **RULE 4.13**

### **SUBSTITUTION AND WITHDRAWAL OF COUNSEL; ENTRY OF APPEARANCE**

A. Any attorney filing a complaint, answer, motion, or entry of appearance shall be regarded by the court as being the trial attorney and as having responsibility for the case until substitution of counsel or a motion to withdraw is received and approved by the court.

B. Substitution of counsel may be approved only upon entry of appearance by succeeding counsel or upon submission of the following to the court:

1. A certification from the attorney transferring the case stating:

- a. New counsel has been retained and the name of newly retained counsel;
- b. The newly retained counsel or the client has received the transferring attorney's entire file on the case, or that the client or the retained counsel has been given express written notice of where and when the entire file may be obtained; and
- c. A written notice containing all court dates and deadlines has been given to the newly retained counsel, or to the client who wishes to proceed pro se.

2. A proposed entry of substitution.

C. Counsel accepting the substitution shall, upon acceptance, file with the court a notice of substitution of counsel.

D. Generally, withdrawal of counsel may be permitted only after reasonable effort to obtain substitution has failed. Withdrawal of counsel may be approved only upon compliance with the terms set forth in Prof.Cond.R. 1.16, and upon submission of the following to the court:

1. A certification from the attorney seeking to withdraw from the case stating:
  - a. The reason for the need to withdraw;
  - b. The client has received the withdrawing attorney's entire file on the case, or that the client has been given express written notice of where and when the entire file may be obtained;
  - c. A written notice containing all court dates and deadlines has been given to the client; and
  - d. The attorney has given the client an explanation of the case and the consequences of this action, including notice to the client that if they fail to appear personally, or through counsel, at any scheduled event in their case, the court will probably enter a default judgment against the client.
2. A proposed entry.

## **RULE 4.14**

### **IMPLIED NOTICE OF ALL MATTERS IN THE CLERK'S FILE**

- A. All counsel and unrepresented parties shall be considered to have notice of all the filings in the clerk's file.
- B. This rule does not excuse a party from serving copies of filings to all appropriate parties, and the court shall consider sanctions if copies are not properly served to all parties.

## **RULE 4.15**

### **MAGISTRATES IN CIVIL CASES**

The court may by order of reference assign a magistrate to a case or motion or for a specified period of time pursuant to terms and limitations of Civ.R. 53.

## **CHAPTER 5**

### **SPECIAL RULES FOR CRIMINAL CASES**

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#### **RULE 5.01**

#### **GRAND JURY PROCEEDINGS**

A. The management and administration of all grand jury activities shall be performed by the grand jury judge. The grand jury judge shall:

1. Appoint the grand jury foreperson.
2. Charge the grand jury at the beginning of its service.
3. Rule on all matters relative to the grand jury that require an order or judgment entry.
4. Respond to inquiries by the grand jury or its foreperson.

B. The grand jury's failure to indict an accused shall be reported to the court as required by R.C. 2939.23 and Crim.R. 6. The grand jury's finding of a no bill shall be filed with the clerk of courts unless the accused requests the finding not be filed. A no bill shall be filed if the grand jury fails to indict an accused when the case was bound over to the grand jury under Crim.R. 5(B).

C. The proceedings of the Grand Jury of Wood County, Ohio, shall be recorded.

1. All recordings shall be made by a digital or other recorder approved by the grand jury judge.

2. The recorder shall be operated by and under the direct control of the grand jury foreperson, a designated member of the grand jury, or an official court reporter.
3. All statements and introductory comments of the prosecutor and the testimony of all witnesses shall be recorded.
4. The deliberations of the grand jury shall not be recorded.
5. All digital recordings shall be preserved on the county server in a password-protected folder or other secure storage device or location. Access to the recordings shall be limited to the common pleas judges and their court reporters. All recordings shall be preserved until after all rights to appeal have expired or two years, whichever is greater, unless that time is extended by order of the court. No member of the prosecutor's office shall have access to any recording except as otherwise provided in this rule.
6. Upon request of the court or the prosecutor, the court reporter shall provide the court or prosecutor access to any recording for review in conformity with Crim.R. 6(E). The court reporter shall note the time and date of the release and the name of the individual to whom it was released. Except upon direction of the court, the court's or prosecutor's access to the recording shall be revoked no later than the next working day. The court reporter shall note the time and date of the recording's return.

No copies of any recordings shall be made except by order of the court. Any recordings released to the court or the prosecuting attorney shall be listened to only by the judge, prosecuting attorney, or staff attorneys.

7. Except upon motion and after a finding of a particularized need, there shall be no disclosure of recordings or transcripts thereof to any defendant or defense counsel. If the court finds a particularized need and the defendant is not indigent,

the defendant will bear the cost of the preparation of a transcript of the grand jury proceedings. The prosecutor's copy of the transcript will be paid for from the court transcript fund and then taxed as costs of the case. If the defendant is indigent, both the original and the copy will be paid from the court transcript fund and taxed as costs.

D. Nothing in this rule shall restrict the prosecuting attorney's authority to request at any time, upon reasonable notice, the presence of a shorthand reporter pursuant to R.C. 2939.11, at the prosecuting attorney's cost.

E. Unless otherwise directed by the grand jury judge, all sessions of the grand jury will be held in the prosecutor's office conference room on the fourth floor of the county office building.

## **RULE 5.02**

### **ASSIGNMENT OF CRIMINAL CASES; PROSECUTOR'S CERTIFICATION**

A. Pursuant to Sup.R. 36(B), this court shall use the individual assignment system in the assignment of criminal cases.

B. Upon the filing of an indictment, bill of information, or bind over order, the clerk of courts shall, except as provided in (B)(1), (2), (3) and (4) of this rule, assign the criminal case by lot to a judge in the general division, who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination.

1. When a new case is brought against a criminal defendant against whom there is a pending criminal case in this court, the new case shall be assigned to the same judge to whom the pending criminal case is assigned. Pending criminal cases include:
  - a. Cases filed with the clerk of courts, but not yet tried;
  - b. Tried cases where the defendant was found guilty of at least one count for which the defendant has not been sentenced;
  - c. Cases where a defendant entered a guilty or no contest plea, but has not been sentenced;
  - d. Cases with pending motions that are not moot and over which this court has jurisdiction;
  - e. Cases where there is an active arrest warrant issued by this court.

2. When a new case is brought against a criminal defendant who is serving a sentence imposed by this court or who is on probation or community control through this court, the new case shall be assigned to the same judge who sentenced the defendant or placed the defendant on probation or community control.
3. When cases involving co-defendants are filed with the clerk of courts:
  - a. If none of the co-defendants has a pending case in this court, is serving a sentence imposed by this court, or is on probation or community control through this court, the first of these cases to be filed with the clerk of courts shall be assigned to a judge by lot and the co-defendants' cases shall be assigned to the same judge.
  - b. If co-defendants' cases are filed on the same day and more than one of the co-defendants has a pending case in this court, is serving a sentence imposed by this court, or is on probation or community control through this court, then the cases shall be assigned to the judge who was assigned to the first-filed of any pending cases or cases where a defendant is actively serving any sentence or sanction imposed by this court.
  - c. A co-defendant includes any person against whom charges have been brought in this court that are alleged to have arisen from the same act, failure to act, event, occurrence, chain of events, transaction, series of transactions, enterprise, activity, or pattern of activity as any other person against whom charges have been brought in this court, whether or not the charges against any co-defendant have been dismissed.
4. When a case that was previously dismissed is refiled, the case shall be assigned to the same judge to whom the case was previously assigned. When a case is dismissed, any subsequent cases involving co-defendants of the defendant whose

case was dismissed shall be assigned to the judge to whom the dismissed case was assigned.

5. When a case is filed against a defendant who has previously been a defendant in this court but who has no pending case in this court and is not serving a sentence imposed by this court and is not on probation or community control through this court, then the case shall be assigned by lot, unless another provision in this rule, including the provisions regarding co-defendants, requires the case to be assigned to a specific judge.

C. At the time of the filing of an indictment, bill of information, or bind over order, the prosecuting attorney shall file a certification, described below, with the clerk of courts. The term “prosecuting attorney” includes assistant prosecuting attorneys. The prosecuting attorney’s certification shall affirm that all available records have been searched and that to the best of the prosecuting attorney’s knowledge, the certification shall indicate:

1. Whether the case is being brought against a defendant against whom there is a pending criminal case in this court as defined in (B)(1). If so, the prosecuting attorney shall list each pending case number and the judge to whom the pending case is assigned.
2. Whether the case is being brought against a defendant who is serving a sentence that was imposed by this court or is on probation or community control through this court. If so, the prosecutor shall list the case number or numbers and the judge who sentenced the defendant or who placed the defendant on probation or community control.
3. Whether the case involves a co-defendant as defined in (B)(3)(c). If so, the prosecuting attorney shall list the names of all co-defendants.

4. Whether the case has previously been dismissed. If so, the prosecuting attorney shall note the judge the previous case was assigned to.
5. Whether the Office of the Wood County Prosecuting Attorney had any contact with the matter prior to January 1, 2003.

D. Whenever the administrative judge transfers a case for good cause from one judge to another, the next criminal case that is assigned by lot to the receiving judge shall be re-assigned by the administrative judge to the transferring judge.

## **RULE 5.03**

### **CRIMINAL CASE MANAGEMENT**

#### **A. NOTIFICATION OF PERSON INCARCERATED**

The sheriff shall promptly notify the prosecutor, public defender, and the assigned judge or the grand jury judge of any person held in jail:

1. Ten days after bind over from municipal court; or
2. Upon arrest.

#### **B. ARRAIGNMENT SCHEDULE**

1. Each judge shall hold regularly scheduled arraignments at least twice monthly.
2. When a case is assigned, arraignment will be set for the next regular arraignment day and continued only upon motion of the defendant or of the State for good cause shown.

#### **C. APPOINTING COUNSEL**

1. If a defendant appears without counsel at initial appearance and the court determines the defendant is indigent, then, unless defendant waives representation by counsel, counsel will be appointed for the defendant without unnecessary delay.
2. A list of counsel available for appointment shall be prepared by the court and updated on an annual basis.
3. At the time of sentencing, appointed counsel shall be prepared to submit a record of in court and out of court time dedicated to the case.

#### **D. SCHEDULING UPON PLEA**

1. Upon accepting a plea of guilty or no contest, the court will normally set sentencing within two weeks unless a presentence investigation and report is ordered, in which case sentencing will normally be set within eight weeks.
2. Upon receiving a plea of not guilty, the court will set the matter for pretrial conference, normally within three weeks. At the pretrial conference the court will set or reaffirm dates for trial, motions, completion of discovery, hearings on motions, and any further pretrial conference.

#### **E. FAILURE TO APPEAR**

If at any stage in the proceedings the defendant fails to appear as ordered, the court may issue a warrant for the arrest of the defendant. Upon issuance of a warrant, an order may be filed setting forth that defendant is unavailable for trial and removing the case from the active docket.

#### **F. CONTINUANCES**

All applications for the continuance of any scheduled event must comply with Sup.R. 41 and shall set forth the reason for the request. If the reason is another case scheduled on the same date in another court, the application shall include the name of the court and assigned judge (with phone number), case caption, and the date that the conflicting event was assigned.

#### **G. RESPONSE TO MOTIONS**

Any motion not decided ex parte by the court or not set for hearing shall be responded to within 14 days after the motion was filed, or as otherwise ordered by the court, unless the response time is otherwise fixed by Supreme Court rule or law.

#### **H. NOTIFICATION OF ARREST DATE**

The arresting law enforcement agency shall provide to the prosecutor the arrest date, and the prosecutor shall notify the court of the arrest date at or before arraignment.

**I. NOTIFICATION OF SPEEDY TRIAL DATE**

At the initial pretrial conference, the prosecutor will advise the court of all dates, periods of incarceration, and all other matters required to establish a speedy trial date. A trial date shall be set by the court upon consultation with counsel for the state and the defendant. The prosecutor shall promptly notify the court if the trial date would be beyond the limits of R.C. 2945.71.

**J. CRIMINAL CASE TIME LIMITS UPON BIND OVER**

In accordance with Sup.R. 39, when an accused has been bound over to grand jury and no final action is taken by the grand jury within 60 days after the date of the bind over, the court or the administrative judge thereof shall dismiss the charge unless for good cause shown the prosecuting attorney is granted a continuance for a definite period. Costs of such dismissal shall be assessed to the state.

**K. PLEA DOCUMENTS**

Once a defendant has agreed to enter a guilty, no contest, or *Alford* plea to a charge, the prosecutor shall deliver appropriate plea documents to defendant's counsel not later than three working days prior to the scheduled court appearance for entering the plea. Defendant shall be prepared to execute the plea documents in court at the time of the scheduled hearing.

**L. PROCEDURE FOR EX PARTE PROCEEDINGS**

The following procedure shall be used in the event a defendant desires to make an ex parte request for funding:

1. Counsel for the defendant or the defendant will file the motion under seal directly with the court. The court shall then note the date and time of the filing of the motion and keep a separate ex parte proceedings file. The court will determine at the end of the proceedings whether to enter the ex parte file into the record of this case for appellate review, either under seal or otherwise.
2. The court may set the ex parte motion for a hearing. At the hearing, the defendant and his or her counsel shall be present. The defendant, directly or through counsel,

may argue in favor of the motion and offer evidence and testimony for consideration by the court. The court's decision is under seal and will be provided to defendant and defendant's counsel only.

3. The motion, the transcript of the proceedings, evidence submitted by the defendant, and the orders of the court shall be sealed and held by the court.

## **RULE 5.04**

### **MISDEMEANOR CASES**

A. This court's primary criminal law duty is to handle felony cases. Consistent with this purpose, the court will only administer misdemeanors that are charged against a defendant concurrently with a felony charge pending in this court.

B. All indictments or bills of information charging only misdemeanors shall be transferred to or refiled in the court from which bind over to the grand jury was made or to the court of record of the jurisdiction in which venue is proper.

C. If there is a reduction from a felony to a misdemeanor, the case should proceed to be refiled by the prosecutor in the court from which bind over to the grand jury was made or to the court of record of the jurisdiction in which venue is proper, at the court's discretion.

## **RULE 5.05**

### **DISCOVERY**

- A. Discovery and bills of particulars provided to opposing counsel shall not be filed with the clerk of courts, but a copy shall be provided to the trial judge upon request.
- B. Police reports and other witness statements supplied shall not be used for cross-examination of any witness unless same is properly qualified under Crim.R. 16 and Evid.R. 613.
- C. Counsel for prosecution and defense shall sign a receipt for all discovery received.
- D. All discovery will be on a continuing basis.
- E. If at any time during the course of the proceedings it is brought to the attention of the court that the prosecutor or defense counsel has failed to comply with this rule or an order issued under this rule, the court may grant a continuance, prohibit the introduction of the material not disclosed as evidence, find a party in contempt, or enter such other order as it deems just under the circumstances.
- F. An expert witness's report shall be provided to opposing counsel at least 10 days prior to the taking of the expert's deposition.

## **RULE 5.06**

### **BAIL OR SURETY**

#### **A. BOND HEARINGS**

1. Bond hearings will be held for incarcerated defendants at the court's earliest feasible time. Upon notification to the court, an incarcerated defendant shall be brought before the court for bond hearing without unnecessary delay. If a judge has not been assigned to the defendant's case, the grand jury judge may set bond, pursuant to Local Rule 2.03.
2. At the defendant's first appearance in court, the defendant may be referred to the adult probation department for an interview and preparation of a pretrial release report. Bond is subject to review by the court upon receiving the report from the adult probation department and at any time for good cause.

#### **B. ATTORNEY PROVIDING BOND**

No attorney-at-law or other officer of this court shall be a surety on any undertaking in this court.

#### **C. REGISTRATION OF SURETY BAIL BOND AGENTS**

1. Any person wishing to file a bond in a Wood County Court of Common Pleas case must register with the clerk of courts by filing a copy of the agent's surety bail bond license, a copy of the agent's driver's license or state identification card, and a certified copy of the surety bail bond agent's appointment by power of attorney from each insurer that the surety bail bond agent represents.
2. An agent must be registered prior to filing any bond, and must renew his or her registration biennially. An agent's registration must be renewed by the first day of August of each odd-numbered year.

3. The clerk of courts shall not accept a bond from any person not registered or whose registration has expired.
4. A list of all registered surety bail bond agents is available at the clerk of courts' office and the Wood County Justice Center.

**D. BIND OVER**

When a criminal defendant is bound over to the grand jury, except in the case of property bonds, the clerk is directed to accept the bond established by the municipal court until modified by court order.

**E. BOND TERMS**

1. All bonds shall secure any costs assessed and shall carry the following conditions:
  - a. The defendant shall timely appear at all scheduled court appearances and obey all court orders and directives.
  - b. The defendant shall keep in contact with counsel, and comply with all directives of counsel.
  - c. The defendant must maintain a current address and phone number with defense counsel, the clerk of courts, and if so ordered by the court, with the adult probation department. Any change of address or phone number must be reported to the above parties by the next business day after the change.
  - d. The defendant's travel is restricted to the state of Ohio and the state of the defendant's residence.
  - e. The defendant shall not be charged with or commit any serious traffic or criminal offenses.

2. The court may provide that the defendant is not to possess any weapon or dangerous ordnance.
3. The court may require the defendant to execute an unsecured personal bond in an amount fixed by the court. The court may provide that the defendant appear in person or call the Wood County Adult Probation Department on a schedule established by the court, and the defendant must remain by a telephone at the direction of the probation department so that the probation department may call back and verify the telephone the defendant is using.

**F. PROPERTY BONDS**

1. The clerk shall not accept a property bond in lieu of cash for any bail requirement without approval from the judge setting the bond.
2. If real estate is to be accepted in lieu of cash, the following requirements, unless specifically otherwise authorized, must be met before the clerk may consider such a bond:
  - a. The unencumbered value (equity) in the property must equal two times the bond amount;
  - b. The property must be located in Wood County, Ohio;
  - c. The defendant must submit a statement of owners and lienholders or other title work of similar content; and
  - d. The defendant must submit an appraisal from the Wood County Auditor's Office that supports the stated unencumbered value.
3. If the unencumbered value is not apparent from the face of the tax appraisal and the statement of lienholders, the proponent must submit statements from the

lienholders verifying the balances due, which if subtracted from the appraised value would yield the necessary equity for the bond.

## **RULE 5.07**

### **APPOINTMENT OF PROBATION OFFICERS; POWER TO ARREST**

A. The direct responsibility to employ and supervise probation officers is with the director of adult probation. The judges of the Wood County Court of Common Pleas, General Division, shall approve all appointments by indicating approval of the candidate to the director, and upon the acceptance of employment by the candidate, administering an oath of office to the candidate. Taking the oath of office shall precede the candidate becoming an employee of the court of common pleas.

B. Upon receiving evidence of a probation violation, a probation officer has the power under the laws of this state to arrest the probationer. To assist and facilitate the safe discharge of this duty, the probation officer called upon to effect an arrest of a probationer may request that a law enforcement officer with jurisdiction at the probationer's location accompany the probation officer for the purpose of protecting the safety of the probation officer during the arrest process and facilitating the return of the probationer to jail. Such law enforcement officer shall provide the assistance requested.

## **RULE 5.08**

### **CONDITIONS OF PROBATION AND COMMUNITY CONTROL**

A. General conditions of supervision shall be adopted by the court from time to time for the adult probation department. The most recently journalized edition of these conditions shall control all probationers. A copy of the most recent general conditions of community control is included in Appendix C.

B. In addition to the general conditions of supervision, the court may establish special conditions applicable to individual offenders. A copy of the most recent special conditions of community control is included in Appendix D.

C. The conditions of supervision shall be followed by each person placed under the supervision of the Wood County Adult Probation Department. A written statement of the general and special conditions of probation shall be furnished to each person on probation or under the supervision of or in the custody of the Wood County Adult Probation Department. Each offender shall be informed in writing that a violation of any rule or condition of supervision may result in the revocation of the probation or community control sanction.

## **RULE 5.09**

### **VIOLATIONS OF CONDITIONS OF SUPERVISION**

A. When an expert is needed at a probation violation hearing to prove the results of an offender's drug test or for other purposes, the following rules will apply:

1. The court shall not permit any continuance of a scheduled probation violation hearing where an expert is to be presented in support of the action unless good cause is shown.
2. Should the court find good cause for a continuance of a probation violation hearing, the expert called to testify shall be sworn and give his/her testimony so that the expert shall not be required to attend the continued hearing.

B. Testimony of any witness at probation violation hearings may be presented by deposition taken pursuant to Crim.R. 15.

## **RULE 5.10**

### **INTENSIVE SUPERVISION PROGRAM**

The court has established an Intensive Supervision Program (ISP) as a part of the Wood County Adult Probation Department.

The ISP has been established with funding from the Ohio Department of Rehabilitation and Correction under R.C. 5149.30 through 5149.37 and shall comply with any statutory requirements.

All ISP participants must comply with all requirements of the program as are established by the court. A copy of the most recent ISP rules is included in Appendix E.

## **RULE 5.11**

### **REIMBURSEMENT FROM NON-INDIGENT OFFENDERS**

Upon sentencing an offender who is not indigent, the court may order the offender to reimburse Wood County for all or part of the per diem costs of incarceration, work release, community control sanctions, public defender, electronic home monitoring, and supervision by the probation department at a rate established by the court, not to exceed actual cost.

## **RULE 5.12**

### **ELECTRONIC MONITORING PROGRAM**

The Wood County Court of Common Pleas shall adopt rules governing the adult probation department's electronic monitoring program. A copy of the most recent electronic monitoring program rules is included in Appendix F.

It may be a condition of admission to the electronic monitoring program that the offender pays all or a portion of the per diem costs of home confinement.

## **RULE 5.13**

### **MAGISTRATES IN CRIMINAL CASES**

A. Notwithstanding any contrary provision in the criminal rules and subject to the limitations that the judges may establish, a magistrate may be assigned to preside over the following proceedings:

1. Arraignments conducted pursuant to Crim.R. 10.
2. Pretrial conferences.
3. Proceedings to establish bail.

B. Under no circumstance shall a magistrate make a determination of guilt or innocence, or recommend or impose a sentence.

## **CHAPTER 6**

### **SPECIAL RULES FOR DOMESTIC RELATIONS CASES**

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#### **RULE 6.01**

#### **COMMENCING THE DOMESTIC RELATIONS CASE**

##### **A. FILING DIVORCE COMPLAINTS, LEGAL SEPARATION COMPLAINTS, AND PETITIONS FOR DISSOLUTION.**

1. In addition to complying with the requirements of Local Rules 3.01 and 3.02, the caption of all domestic relations complaints and petitions shall include the full names, prior surnames, aliases, and addresses of the parties, and the attorneys' e-mail addresses. The completed personal identifier sheet included in Appendix G shall accompany the pleadings; this sheet will not be part of the public record.
2. The financial disclosure statements shall be attached to every complaint for divorce, spousal support, or legal separation, and petition for dissolution. The defendant or respondent shall file his/her disclosure statements within 28 days of service. Schedule A is included in Appendix H and Schedule B is included in Appendix I. The Uniform Ohio Domestic Relations Forms adopted by the Supreme Court of Ohio may be used in lieu of Schedules A and B. All schedules will be filed in a confidential file as required by Sup.R. 44.
3. Petitions for dissolution of marriage will only be accepted by the clerk of courts if at least one of the petitioners has been a resident of Wood County for at least 90 days preceding the filing of the petition.
4. A waiver of attorney affidavit for an unrepresented petitioner in a dissolution shall be attached to the petition for dissolution.
5. A waiver of service of process on the parties shall be filed with a petition of

dissolution.

6. Any pleading tendered for filing that does not comply with this rule and Local Rule 3.01(A) shall not be accepted for filing by the clerk and shall be returned immediately to the tendering party, and, if accepted for filing, may be dismissed.
7. In a case involving children, a health insurance affidavit, included in Appendix J, and a UCCJEA affidavit, included in Appendix K, must be attached to the pleadings. The parties to the action shall complete the parenting seminar within 30 days of the filing of the complaint or petition and prior to the final hearing. The children of the marriage shall attend the Changing Families program prior to the final hearing. An application for benefits under Title IV-D of the Social Security Act shall be received by the Wood County Child Support Enforcement Agency prior to the issuance of any child support order.
8. Upon the filing of an action for divorce or legal separation, a mutual temporary restraining order shall be issued as set forth in Appendix L. The clerk shall include a copy of the temporary restraining order with the summons and petition served on defendant and shall mail a copy of the temporary restraining order to the plaintiff by ordinary mail.
9. The case designation form in Appendix A must be provided with the pleadings.
10. Notice of hearings shall be sent to attorneys by e-mail.

**B. REPRESENTING THE DEFENDANT OR RESPONDENT**

An attorney shall file an entry of appearance immediately after being retained by a party so that the court can provide all notices to the attorney and the opposing party can serve any subsequent pleadings upon the attorney.

**C. MANDATORY DISCLOSURE**

Within 40 days of the filing of an answer, each party shall disclose to the other all of the following:

1. The identity of all pensions, profit sharing, and retirement benefits including IRAs and the most recent summary.
2. All COBRA benefits to which the other party may be entitled.
3. Copies of all real estate deeds and vehicle titles and any appraisals.
4. Copies of the last three years income tax returns.
5. Documentary proof of current income from all sources.
6. Copies of the most recent statements on all bank accounts, life insurance policies, mortgages, credit card accounts and other debts.
7. The identity of any safety deposit box.

Failure to comply with this rule may result in sanction under Civ.R. 37, including contempt citation, dismissal of claims, and restrictions on the submission of evidence.

## **RULE 6.02**

### **SERVICE BY POSTING IN INDIGENT CASES**

Notices posted pursuant to Civ.R. 4.4(A)(2) for service by publication for a plaintiff who is proceeding in forma pauperis will be posted in the Wood County Courthouse; Wood County Office Building; lobby of the United States Post Office in the Federal Building, Bowling Green, Ohio; and in the lobby of the United States Post Office in Perrysburg, Ohio. Alternatively, the posting may be made on the Wood County Clerk of Courts' website for six successive weeks.

Before service by publication can be made, an affidavit pursuant to Civ.R. 4.4 shall be filed and shall include the defendant's last known address and efforts made to contact the defendant.

## **RULE 6.03**

### **HEARINGS**

#### **A. MOTIONS FOR TEMPORARY RELIEF**

1. The hearing on a motion for temporary relief shall be scheduled within 14 days after service.
2. One continuance of seven days may be granted to each party for good cause shown. No further continuances shall be granted.
3. If the opposing party does not appear at the scheduled hearing and the court finds that the moving party made a good faith attempt to give notice of the hearing as required by this rule, then, whether there has been actual notice, the court may proceed with the hearing, taking evidence under oath, or by affidavit, and may grant temporary relief as provided by Civ.R. 75(N)(1).
  - a. The testimony under oath shall have the same effect as the filing of affidavits required by Civ.R. 75(N)(2).
  - b. The opposing party may then file counter affidavits and a motion requesting an oral hearing to modify such temporary orders as provided by Civ.R. 75(N)(2).

#### **B. MOTIONS FOR ATTORNEY FEES**

1. How made
  - a. A request for attorney fees and expenses to prosecute an action shall be included in the body of the motion or other pleading that gives rise to the request for fees.
  - b. A request for attorney fees and expenses to the opposing party shall be by motion filed at least fourteen (14) days prior to the hearing.

- c. No oral motion for fees shall be entertained unless good cause is shown why the provisions of this rule could not be complied with.
- 2. At the time of the hearing on the motion that gives rise to the request for fees, the party seeking such fees shall present:
  - a. An itemized statement describing the services rendered, the time for such services, and the requested hourly rate for in-court time and out-of-court time;
  - b. Testimony as to whether the case was complicated by any or all of the following:
    - i. New or difficult issues of law;
    - ii. Difficulty in ascertaining or valuing the parties' assets;
    - iii. Problems with completing discovery;
    - iv. Any other factor necessitating extra time being spent on the case.
  - c. Testimony regarding the attorney's years in practice and experience in domestic relations cases;
  - d. Evidence of the parties' respective income and expenses, if not otherwise disclosed during the proceedings; and
  - e. Evidence of the other party's attorney fees.

3. Absent evidence outlined above, \$600 shall be considered a reasonable amount, unless otherwise determined by the court.
4. Expert testimony is not required to prove reasonableness of attorney fees.

**C. PRETRIAL CONFERENCE**

1. The court, on its own motion or at the request of a party, may order an initial pretrial conference not later than 45 days from service of summons on any case.
2. The purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy and, in the event settlement is not possible, to expedite trial of the action. At the time of the pretrial conference, counsel shall be prepared to:
  - a. Narrow the legal issues in controversy;
  - b. Admit to facts not in dispute;
  - c. Stipulate to the authenticity of documents and other exhibits to be introduced at trial;
  - d. Exchange medical reports, psychological reports, and hospital records;
  - e. Exchange reports of expert witnesses expected to be called at trial and any reports or appraisals;
  - f. Give the names of all witnesses they intend to call and state the general nature of their testimony;
  - g. Discuss the possibility of mediation; and
  - h. Confirm that parties have attended the parenting seminar.

3. The parties and counsel shall be present at the pretrial unless a written motion to excuse attendance has been filed and granted prior to the pretrial conference. Parties may participate fully in the pretrial conference.
4. Failure of the parties or counsel to appear, cooperate, or to be prepared to negotiate may result in sanctions.
5. Following the pretrial conference the court may issue a pretrial order requiring the defendant and plaintiff to file information with the court or to perform actions.
6. The court may require counsel, by written order, to submit a joint pretrial statement to the court not later than 10 days prior to the scheduled final hearing.

#### **D. MOTIONS FOR CONTINUANCE**

Once a case is assigned for a hearing or trial, it may be continued only by leave granted by the court for good cause shown and upon written request 14 days in advance. Consent of counsel or the parties does not constitute good cause.

No motion for continuance shall be considered unless the moving party states that opposing counsel consents to the continuance or the reason that no consent has been received. Parties must also consent to the request to continue. The reason for the continuance and the number of previous continuances must be stated.

#### **E. IN CAMERA INTERVIEWS**

All interviews with children shall be conducted in camera in accordance with R.C. 3109.04. The court may permit counsel and the guardian ad litem to be present.

The transcript of the interview shall be sealed and preserved for appellate review and neither party shall be permitted to obtain a copy.

**F. PSYCHOLOGICAL EVALUATIONS**

1. A motion for psychological evaluation shall be made as soon as possible, but no later than 60 days after the action is filed.
2. If a motion for a psychological evaluation is made, the court will allocate the costs of the evaluation at the time of appointing an evaluator.
3. If either party fails to pay his/her share of the costs, he/she may be found in contempt and be subject to sanctions, including the dismissal of the motion for allocation of parental rights.
4. The psychologist's report shall be made available to the attorneys and the guardian ad litem at the court. It is not to be copied or released to the parties without court approval.

**G. TRIALS**

1. Two weeks prior to the final hearing or motion hearing, each party or counsel shall notify the opposing party of the name of any witness expected to testify.
2. Exhibits for the hearing shall be exchanged at least one week prior to the hearing pursuant to Local Rule 6.18.

## **RULE 6.04**

### **TEMPORARY RESTRAINING ORDERS**

#### **A. RESTRAINING ORDERS**

The person to be restrained must be a party to the action. The court places a temporary restraining order into effect immediately upon the filing of a complaint for divorce or legal separation.

#### **B. POST DECREE RESTRAINING ORDERS**

Post decree restraining orders may be granted for good cause shown only if a motion is pending and the assets or activities to be restrained are directly related to the pending motion.

#### **C. DISSOLVING ORDER**

A party against whom an ex parte restraining order has been granted may file a motion, supported by an affidavit, requesting that such order be dissolved. A motion to dissolve an ex parte restraining order shall be set for hearing as if it were a motion for temporary relief under the Local Rules and in compliance with Civ.R. 53 and 75.

## **RULE 6.05**

### **MOTIONS FOR TEMPORARY ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND TEMPORARY SUPPORT**

#### **A. COHABITATION OF THE PARTIES**

In cases where the parties continue to reside together at the time of a hearing on a motion for temporary allocation of parental rights and responsibilities or temporary support, the matter shall be treated as a motion to determine and fix the payment of specific ongoing expenses and no temporary allocation of parental rights and responsibilities or support order shall generally issue so long as the parties continue to reside together.

#### **B. TEMPORARY SUPPORT ORDERS**

1. All persons seeking child support shall apply to the Wood County Child Support Enforcement Agency for Title IV-D case services not later than the date of the hearing. No support order shall issue until the application has been received by the Wood County Child Support Enforcement Agency.
2. A temporary support order shall generally be a magistrate's order pursuant to Civ.R. 53.
3. Either party may file a motion to modify a temporary support order based on a substantial change in circumstances of either party or the child since the date of the prior order.
4. All consent temporary support orders shall be approved by the magistrate before the hearing is terminated.

## **RULE 6.06**

### **MOTION FOR EXCLUSIVE USE OF PREMISES**

#### **A. CONTENTS OF MOTION**

A motion for the exclusive use of the marital premises shall specifically state the factual basis for the motion and shall be supported by an affidavit of the moving party supporting such facts.

#### **B. DISPOSITION**

A motion for the exclusive use of the marital premises generally is not granted except in cases involving domestic violence per Local Rule 6.07.

## **RULE 6.07**

### **DOMESTIC VIOLENCE AND STALKING ACTIONS**

An action for a civil protection order under either the civil domestic violence statute, R.C. 3113.31, or the civil stalking protection order statute, R.C. 2903.214, shall be initiated by filing a petition with the clerk of courts, who shall assign such case a separate domestic violence or stalking number. If the petitioner and respondent are parties to a pending or prior domestic relations action or other domestic violence stalking action, the case shall be assigned to the courtroom assigned any such pending or prior matter, as outlined in Local Rule 4.02.

Unless otherwise directed by the judge or magistrate, a civil protection ex parte hearing shall be heard by a magistrate the same day as the petition is filed, so long as the petition is filed by 3:00 p.m.

Any NCIC form resulting from a civil protection order contains confidential information and is not part of the public record.

## **RULE 6.08**

### **REOPENING THE DOMESTIC RELATIONS CASE**

A. All motions to modify a prior order, either contested or by consent of all parties, must state:

1. The date of the prior order;
2. The exact language of the prior order sought to be modified;
3. Complete and accurate statement of the reasons or basis for change;
4. The specific modification requested;
5. The name and addresses of the plaintiff and defendant;
6. The name, addresses and dates of birth of the children involved;
7. Any pertinent financial information, including Schedule C, included as Appendix M, which is the court's prescribed financial disclosure schedule for modification;
8. If the parties have previously agreed to a shared parenting plan, a statement that they have participated in mediation but were unable to reach an agreement.

B. Failure to comply with this rule may be sufficient grounds to deny a motion for filing, or if filed, for the motion to be dismissed.

C. All such contested motions shall be served according to Civ.R. 4 and Civ.R. 75.

D. The court may require the parties to attend the parenting seminar in motions regarding minor children.

## **RULE 6.09**

### **MOTION FOR EMERGENCY ORDER**

- A. All emergency orders shall comply with Local Rule 6.08, and shall be accompanied by an affidavit.
- B. Upon initial screening, if the court finds that immediate intervention is necessary, the court may issue an emergency order and will set the matter for a hearing as expeditiously as possible, with notice to go to the parties.
- C. If the court finds that no emergency exists, the matter will proceed according to the local rules.

## **RULE 6.10**

### **MOTION TO SHOW CAUSE WHY A PARTY SHOULD NOT BE HELD IN CONTEMPT OF A PRIOR COURT ORDER**

A. Any motion to show cause shall:

1. Comply with Local Rule 6.08;
2. State the facts constituting non-compliance; and
3. Be supported by affidavit.

B. Motions to show cause pertaining to non-payment of child or spousal support shall also state:

1. The date of the last order of support;
2. The amount of said order;
3. The total elapsed time from the date of the order to the date of filing of the motion;
4. The amount which should have been paid and the amount which was actually paid during the period;
5. The amount of arrearage supported by an attached CSEA record; and
6. For support orders after July 1, 1992, the amount of interest being requested and the calculations relied upon to support the claim.

C. For purposes of computing arrearage, the effective date of any order for support shall be the date the order was journalized unless the order specifically designates some other effective

date. At the hearing, the movant shall be prepared to update the arrearage computation to the date of hearing.

D. A show cause motion for unpaid medical bills shall contain:

1. The explanation of medical bills from Appendix N completed and attached to the motion;
2. An affidavit alleging, as applicable:
  - a. Movant has sent copies of the medical bills to the ex-spouse and the dates sent.
  - b. Movant has sent copies of the bills to the ex-spouse and the dates sent and dates returned;
  - c. Movant has sent bills to ex-spouse and ex-spouse has not paid or acknowledged receipt of the bills;
  - d. Movant has sent copies of the bills to the ex-spouse and the ex-spouse has refused payment; or
  - e. Any other pertinent information.
3. Do not file copies of the medical bills with the motion. File the affidavit and completed explanation of medical bills.
4. Attorneys or moving parties shall send a copy of all bills, proof of insurance paid, and proof of the movant's payment to opposing counsel or the self-represented party in advance, and provide a copy for the court at the hearing.

5. The moving party must be able to identify bills, dates of service, purpose for treatment, total bill, amounts paid by insurance, amount paid by movant, and amount sought from the opposing party.
6. All motions to compel the payment of medical bills shall be filed within 24 months of the initial billing to the moving party.

## **RULE 6.11**

### **FINAL JUDGMENT ENTRIES AND OTHER ENTRIES INVOLVING SUPPORT**

A. When the final judgment entry is submitted to the court, there shall be an original plus four copies. The final entry shall be submitted at the time of the final hearing or, if necessary, within 14 days of the final hearing.

B. The party required to draft a final judgment entry involving a final divorce, dissolution of marriage, legal separation, child support, spousal support, domestic violence, or modification of support shall include the following information in the entry/decreed:

1. A specific date on which support shall commence.
2. The amount of support, including administrative fee, which is to be calculated on a monthly basis, with a copy of the child support worksheet attached.
  - a. Any deviations from the statutory child support schedules must be supported by written findings of fact supporting the conclusion that the amount arrived at from the worksheets would be unjust or inappropriate and would not be in the best interest of the child as required by statute.
  - b. Any order which provides for future automatic adjustments shall be affected by the submission of an appropriate order at the time of change.
3. The name; current residence address; mailing address, if different; and birth dates of the obligor, obligee, and any children. The social security numbers of parties shall not be included on any filing unless otherwise directed by statute.
4. The total amount of arrearage, if any, determined by the court and the payment thereon as determined by the court.

5. The standard additional order language that the court may specify from time to time by attaching the court's additional orders, included as Appendix O.
  6. The required language addressing health care insurance coverage for any minor children of the parties in compliance with the statute, and in a form prescribed by the court.
  7. A provision assigning the tax dependency exemption.
- C. All paragraphs dealing with child or spousal support shall be underlined or carry a descriptive heading.
- D. If the parties have not entered into a shared parenting agreement, then the reason that the shared parenting agreement is not in the best interest of the children.
- E. The local or long distance parenting time schedules in Appendix P and Appendix Q, if referenced in the final decree, shall be attached to the final entry.
- F. The separation agreement approved by the court and incorporated into the decree of dissolution shall be attached to the final decree of dissolution.
- G. If there is to be a separate QDRO/DOPO, language shall be included in the separation agreement or the judgment entry outlining the recipient's rights in the retirement benefits and stating who is responsible to prepare and pay the cost of the QDRO/DOPO.
- H. The manner of payment of spousal support shall be set forth.
- I. All entries shall conform to Local Rule 4.05 and shall contain the certification in Local Rule 4.05(B)(5) if the attorney who prepared the entry has not received a response from the opposing attorney or unrepresented party.

**RULE 6.12**  
**GUARDIANS AD LITEM**

A. The court may appoint a guardian ad litem for minor children as it deems appropriate.

B. A guardian ad litem shall be a person particularly experienced or trained in dealing with children and their interests and concerns and who is qualified under Sup.R. 48. The court may choose a Court Appointed Special Advocate to act as guardian ad litem in appropriate circumstances. Any attorney who is appointed as a guardian ad litem shall also serve as attorney for the children.

C. If a guardian ad litem is requested by either party in a contested matter before the court, the court will order either party or both to deposit funds for the guardian ad litem as specified in the entry prior to the commencement of the guardian ad litem's investigation. The court may require additional deposits as needed. If payment is not made as ordered, the non-paying party may be subject to sanctions, including dismissal of his/her motion for allocation of parental rights.

D. The request for a guardian ad litem may be made with the filing of any motion or complaint and shall be made within 45 days of service of the complaint or motion, together with a proposal as to payment of the deposit. The motion shall suggest how the deposit shall be allocated. If a guardian ad litem is requested by an indigent party who has filed a proper poverty affidavit, the guardian ad litem fee may be assessed as court costs at the court's discretion. The court will not entertain a motion for a guardian ad litem after a trial date has been set without good cause shown.

E. In order to ensure the compensation for the services of the guardian ad litem, the court considers the guardian ad litem fees as child support non-dischargeable in bankruptcy against the party or parties in the action for the amount due at the time of the final adjudication.

F. The guardian shall render a written report by the date designated by the court. Failure to timely file the written report may result in the disqualification of the guardian or the withholding of all or partial payment for services. The written report shall be filed with the clerk in the confidential file required by Sup.R. 44. It shall become an exhibit if the case proceeds to trial.

G. The guardian ad litem's services shall be terminated upon the conclusion of the final hearing of the proceedings or upon motion of the parties.

H. The office manager shall assure that the guardians meet the requirements of Sup.R. 48 and shall coordinate the application and appointment files as well as all record-keeping requirements.

I. The court will consider a written motion to remove a guardian and may conduct a hearing to determine if he or she has breached the duties and responsibilities of a guardian ad litem.

J. A party may submit any written comments or concerns regarding the performance of a guardian to the office manager. The office manager shall provide a copy to the guardian. The court will then review the matter and notify the complainant of the disposition. The court will maintain these records with the file for the guardian ad litem.

K. An attorney for the child will be appointed if there is a conflict between the child's wishes and the recommendation of the guardian or when the court finds that it is necessary to protect the interests of the child. Neither party shall attempt to obtain legal counsel for the minor child.

## **RULE 6.13**

### **MAGISTRATES IN DOMESTIC RELATIONS CASES**

A. A magistrate may be assigned to hear all divorce, dissolution, legal separation, annulment, domestic violence, stalking, and CPO cases.

B. The magistrate may require counsel to prepare the judgment entry. The judgment entry shall reflect any decision of the magistrate. The counsel who was directed to prepare the judgment entry shall comply with Local Rule 4.05 and submit the entry to opposing counsel within 14 days after the filing of any decision. Within seven days after receiving the entry, opposing counsel shall:

1. Approve it and submit it signed to the court; or
2. Reject it and send it to the court unsigned with an explanation as to why it was rejected with a copy sent to preparing counsel.

Failure to provide a judgment entry in a timely fashion may result in dismissal.

C. At the time of the hearing with the magistrate, the parties may waive the time period to file objections to the decision or order of the magistrate and consent to its immediate adoption by the court. This shall be in writing and signed as an acknowledgment by the parties.

D. Parties may object to the magistrate's decision or order pursuant to Civ.R. 53(D)(3). Said objections shall be filed within the time limits established in Civ.R. 53, and may be supplemented within 14 days of the filing of a transcript. The parties shall make arrangements for the transcript directly with the court reporter.

## **RULE 6.14**

### **TRANSCRIPTS FOR DOMESTIC RELATIONS CASES**

A. If objections to the magistrate's decision are based in whole or in part on the factual findings of the magistrate, then the objections must be supported by a transcript or parts thereof.

B. A request for an extension of time to supplement the objections must be filed within the original 14 day period for filing objections to the magistrate's decision. Such motion shall include the name of the court reporter responsible for preparing the transcript, a request for a transcript, and an approximate date by which the transcript will be available.

C. Since preparation of a transcript may cause delay in the final disposition of a case, the judge, in granting an extension of time, may make such temporary orders as are deemed necessary and just. This includes requiring the party requesting the extension to post bond to cover any damages the opposing party may suffer because of the delay or ordering compliance with the magistrate's decision pending disposition of the objections.

D. A deposit by the objecting party shall be submitted to the court reporter within 10 days of the filing of the request for transcript. The deposit amount will be an estimate of charges determined by the court reporter and upon completion of the transcript, if the estimate is not correct, a refund or additional charge will be made. If there is an additional charge, the party requesting the transcript will be notified by the court reporter, and shall submit the balance of the transcript charges within three days of notification. A transcript of the proceedings will not be prepared or filed by the court reporter in the absence of the advance deposit fee and any balance due. Failure to comply with these rules is a basis for dismissal of the objection.

E. If an objection by a party is to a factual finding of the magistrate, the objection must make specific reference to any pages in the transcript that support the objection.

## **RULE 6.15**

### **MEDIATION**

#### **A. SCOPE**

The court may, at any time, refer any case to mediation in accordance with these rules.

#### **B. CASE SELECTION**

1. The court, on its own motion, on a party's request, or by agreement of the parties may refer disputed issues to mediation in whole or in part. Promptly after receiving referral, the court mediator shall send all parties a mediation notice, which shall, at a minimum, indicate the date, time, and place of the mediation, and the contact information of the mediator. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
2. The court mediator will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral deemed inappropriate.
3. Specific appointments of a mediator may be made by the court after taking into consideration the qualifications, skills, expertise, and caseload of the mediator, in addition to the type, complexity, and requirements of the case.

#### **C. PROCEDURES**

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court mediator, mediation will be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to

further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable, for the resolution of the issues in part or in their entirety.

1. The court shall use procedures for all cases that will:
  - a. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
  - b. Screen for domestic violence both before and during mediation.
  - c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
  - d. Prohibit the use of mediation in any of the following:
    - i. As an alternative to the prosecution or adjudication of domestic violence;
    - ii. In determining whether to grant, modify or terminate a protection order;
    - iii. In determining the terms and conditions of a protection order; and
    - iv. In determining the penalty for violation of a protection order.

Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.

2. Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children, or delinquency or status offense cases shall abide by all provisions set forth in (C)(1) of this rule. Mediation may then proceed when violence or fear of violence is alleged, suspected, or present only if the mediator has specialized training set forth in section (D) of this rule, and all of the following conditions are satisfied:
  - a. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
  - b. The parties have the capacity to mediate without fear of coercion or control.
  - c. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
  - d. Procedures are in place for the court mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
  - e. Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.
3. Party and nonparty participation
  - a. Parties who are ordered into mediation shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time.

- b. A judge, magistrate, or court mediator may require the attendance of the parties' attorneys at the mediation sessions if the court mediator deems it necessary and appropriate.
- c. If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the court mediator as well as the assigned judge or magistrate.
- d. If the opposing parties to any case are related by blood, adoption, or marriage; have resided in a common residence, or have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the court mediator and have duty to participate in any screening required by the court.
- e. By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

4. Confidentiality and privilege

All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act (R.C. Chapter 2710), R.C. 3109.052, the Ohio Rules of Evidence, and any other pertinent judicial rules.

5. Mediator conflicts of interest

In accordance with R.C. 2710.08(A) and (B), the court mediator assigned by the court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the court mediator's impartiality as soon as such conflicts become known to the court mediator. If counsel or a mediation party requests that the court mediator withdraw because of the facts so disclosed, the assigned court mediator should withdraw and request that the assigned judge or magistrate appoint another court mediator.

6. Termination

If the court mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated.

7. Stay of proceedings

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

8. Continuances

It is the policy of this court to determine matters in a timely manner. Continuances of scheduled mediations shall be granted only for good cause shown.

9. Mediator's report

At the conclusion of the mediation and in compliance with R.C. 2710.06, the court mediator shall prepare and file a mediation report.

## **D. QUALIFICATIONS**

To be a court approved mediator the following qualifications apply:

### **1. General qualifications and training**

A mediator employed by the court or to whom the court makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall satisfy all of the following:

- a. Possess a bachelor's degree or equivalent education or experience as is satisfactory to the court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the court.
- b. Complete at least 12 hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the court.
- c. After completing the above training, complete at least 40 hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.

### **2. Specific qualifications and training for domestic abuse cases**

A mediator employed by the court or to whom the court makes referrals for mediation of any case involving domestic abuse shall complete at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Supreme Court of Ohio's Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who has completed the specialized training.

**E. FEES AND COSTS**

All costs shall be determined by the court, if applicable. The court may require appropriate deposits to cover the costs prior to mediation.

**F. SANCTIONS**

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

## **RULE 6.16**

### **CONCILIATION**

Upon motion by either party, the court will refer the matter to the appropriate conciliation judge for conciliation proceedings in accordance with Local Rule 2.02 and R.C. Chapter 3117. All matters shall be stayed during the conciliation process.

## **RULE 6.17**

### **PARENTING COORDINATORS**

#### **A. APPOINTMENT**

1. The court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:
  - a. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
  - b. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
  - c. The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court;
  - d. The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court;
  - e. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make

adjustments in their parenting time schedule without assistance, even when minor in nature;

f. Any other factor as determined by the court.

2. The court may appoint a parenting coordinator who has the following qualifications:

a. A master's degree or higher, a law degree, or education and experience satisfactory to the court;

b. At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the court; and

c. Training that has been approved by the Dispute Resolution Section of the Supreme Court, in the following order:

i. At least 12 hours of basic mediation training;

ii. At least 40 hours of specialized family or divorce mediation training;

iii. At least 14 hours of specialized training in domestic abuse and dispute resolution; and

iv. At least 12 hours of specialized training in parenting coordination.

3. In addition to the qualifications under section (D)(2) of this rule, the court may appoint a parenting coordinator to an abuse, neglect, or dependency case provided the parenting coordinator meets both of the following qualifications:
  - a. Significant experience working with family disputes;
  - b. At least 32 hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.
4. To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children approved by the Dispute Resolution Section of the Supreme Court.
5. The appointment order shall set forth the following:
  - a. The name of the parenting coordinator and any contact information the court may choose to include;
  - b. The specific powers and duties of the parenting coordinator;
  - c. The term of the appointment;
  - d. The scope of confidentiality;
  - e. The parties' responsibility for fees and expenses for services rendered by the parenting coordinator; and
  - f. Parenting coordination terms and conditions.
6. A parenting coordinator who meets the qualifications in section (D)(2) and, if applicable, (D)(3) shall be selected using one of the following methods:

- a. Use of a court employee;
  - b. Random selection from the court's roster of parenting coordinators;
  - c. Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator; or
  - d. Selection by the parties of a parenting coordinator from the court's roster, pending approval by the court.
7. The court shall not appoint a parenting coordinator who does not have the qualifications in section (D)(2) and, if applicable, section (D)(3) of this rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this conflict.
8. With written consent of the parties, the court may appoint a mediator to serve as the parenting coordinator with the same family.
9. Upon motion of a party, for good cause shown, or sua sponte, the court may terminate or modify the parenting coordinator appointment.

## **B. PROCEDURES**

1. Screening and disclosure for domestic abuse and domestic violence
- a. All cases shall be screened for domestic abuse and domestic violence by office personnel before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process. All parties and counsel shall immediately advise the staff of any

domestic violence convictions and/or allegations known to them or that become known to them during the parenting coordination process.

- b. When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall:
  - i. Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  - ii. Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
  - iii. Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

2. Attendance and participation

- a. Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
- b. A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and/or any other individuals designated by the parties.

3. Referrals to support services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses/education and other support services for all parties, including, but not

limited to, victims and suspected victims of domestic abuse and domestic violence.

4. Parenting coordination agreements, reports, and decisions

- a. Parties shall sign and abide by agreements reached during a parenting coordination session which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- b. Upon request by the court, the parenting coordinator shall prepare a written report including, but not limited to, the following:
  - i. Dates of parenting coordination sessions;
  - ii. Whether the parenting coordination sessions occurred or was terminated;
  - iii. Requests to reschedule a parenting coordination session including the name of the requestor and the whether the request was approved;
  - iv. Whether an agreement was reached on some, all or none of the issues;
  - v. Who was in attendance at each session; and
  - vi. The date and time of a future parenting coordination sessions.
- c. The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves their disputes. If the parties are unable to reach an agreement, the parenting coordinator shall issue a

written decision that is effective immediately and remains effective unless ordered otherwise by the court. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the court and include all of the following:

- i. Case caption, including the case number;
  - ii. Date of the decision;
  - iii. Facts;
  - iv. Reasons supporting the decision;
  - v. The manner in which the decision was provided to the parties; and
  - vi. Any other necessary information.
- d. A party may file written objections to a parenting coordinator's decision with the court and serve all other parties to the action within 14 days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the court and serve all other parties to the action not later than 10 days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the court. A judge or magistrate shall issue a ruling on the objections within 30 days from the date of the last objection filed.
5. Parenting coordinator evaluations and complaints
- a. A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the court, prior to the first parenting coordination session and at the end of the term of the appointment.

- b. The court shall complete a review of the parenting coordinators on the court's roster in January of each year.
- c. A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the judge or magistrate who made the appointment, and include all of the following:
  - i. Case caption, including the case number;
  - ii. The name of the parenting coordinator;
  - iii. The name and contact information for the person making the complaint;
  - iv. The nature of any alleged misconduct or violation; and
  - v. The dates of the alleged misconduct or violation occurred.
- d. The judge or magistrate shall provide a copy of the complaint to the parenting coordinator;
- e. The parenting coordinator has 14 days from the date of the receipt of the complaint to respond in writing to the judge or magistrate.
- f. The judge or magistrate shall conduct an investigation into the allegations and shall issue a response within 30 days from the date the complaint was received.

6. Fees

A parenting coordinator shall be paid at the hourly rate set forth in the order, unless otherwise ordered by the court. All fees shall be determined by the court and included in the appointment order. Fees shall be waived for indigent parties.

**C. MODEL STANDARDS**

The court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the Guidelines for Parenting Coordination and this local rule, this local rule shall control.

**D. COURT REPORTING REQUIREMENTS**

On or before February 1st of each year, the court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

1. A copy of this local rule;
2. A copy of the current roster of parenting coordinators;
3. A copy of each new or updated resume received by the court from a parenting coordinator during the previous year;
4. A copy of each list of continuing education training received by the court from each parenting coordinator.

**E. SANCTIONS**

The court may impose sanctions for any violation of this rule which may include, but are not limited to, attorney fees and other costs, contempt, or other appropriate sanctions at the discretion of the court.

## **RULE 6.18**

### **SHARED PARENTING**

If the parties are filing for shared parenting pursuant to R.C. 3109.04(G), then the shared parenting plan submitted shall be filed as directed by the statute and shall include all relevant provisions per R.C. 3109.04(G).

While recognizing that it may not always be appropriate or in the best interest of children, in order to support parental rights and responsibilities, the court generally favors shared parenting. All parties with minor children shall be advised of their right to request shared parenting. If shared parenting is not submitted, recommended, or incorporated in the court's order, a statement shall be submitted to the court setting forth the specific facts and circumstances relating to the absence of shared parenting.

## **RULE 6.19**

### **STANDARD PARENTING TIME SCHEDULES**

The court from time to time will publish its local parenting time schedule and long distance parenting time schedule. If a schedule is referenced in an order, it must be attached to the order. The parenting time schedules are included in Appendix P and Appendix Q.

## **RULE 6.20**

### **EXHIBITS IN DOMESTIC RELATIONS CASES**

- A. Counsel shall mark exhibits and an index page prior to any hearing and provide a copy to the opposing attorney or party at least one week prior to the hearing.
- B. All exhibits shall have personal identifying information redacted, except to allow identification of a specific account or exhibit.
- C. Counsel may use the court's equipment to present exhibits in a digital format. A copy of the electronic media and hard copies shall be presented to the court.
- D. The court will hold and destroy exhibits pursuant to Sup.R. 26. Counsel or the party shall notify the court if he or she would like the exhibits returned upon the completion of the case and the expiration of all appeal time limits.
- E. All remaining exhibits, court reporter notes, and electronic recordings held beyond the above time limits may be destroyed after a five year time period, unless otherwise ordered by the court.

## **RULE 6.21**

### **QUALIFIED DOMESTIC RELATIONS ORDER/DIVISION OF PROPERTY ORDER**

A. This rule applies to all qualified domestic relations orders (“QDRO”) and division of property orders (“DOPO”) filed with this court.

B. Preparation

1. Unless otherwise agreed, counsel for the alternate payee entitled to the pension or retirement plan shall prepare the QDRO/DOPO for submission to the court.
2. Whenever the parties agree to divide a pension or retirement program by a QDRO/DOPO, they, or their counsel, shall sign and approve the original QDRO/DOPO submitted to the court, and shall sign and approve any subsequent QDRO/DOPO submitted to the court, unless waived by the court.
3. If the court ordered a division of a pension or retirement program, the court may assign the responsibility to submit the QDRO/DOPO to the court to either party.
4. The QDRO/DOPO shall be prepared as soon as possible for submission to the court.

C. Assumptions

1. Unless otherwise agreed, a QDRO/DOPO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:
  - a. The QDRO/DOPO will be a separate interest QDRO/DOPO, meaning the alternate payee’s benefits shall be independent of those of the participant.

- b. The division of benefits shall be based on the language of the case of *Hoyt v. Hoyt*, 53 Ohio St.3d 177, 559 N.E.2d 1292 (1990) and its progeny.
  - c. The benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits assigned to the alternate payee shall include all early retirement subsidies and should the alternate payee commence receipt of benefits prior to participant's retirement the alternate payee's benefits will be recalculated to reflect the subsidy.
  - d. The alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity.
  - e. The date of the division of the benefits will be the date of the final hearing of the case.
2. Unless otherwise agreed, a QDRO/DOPO for a defined contribution plan shall contain the following provisions or be governed by the following assumptions:
- a. The date of the division of benefits will be the date of the final hearing of the case.
  - b. The alternate payee's share of the benefits shall be credited with investment earnings and/or losses from the date of division until distribution.
  - c. The QDRO/DOPO will allow an immediate lump sum distribution of the alternate payee's benefits.

- d. Any loans from the plan shall be charged to the participant's benefits and will remain the obligation of the participant.
- e. The alternate payee's share of the benefits will not reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

D. Mandatory language

In all cases in which a QDRO/DOPO is to be issued, the final judgment entry shall contain the following language:

- 1. "The court retains jurisdiction with respect to the Qualified Domestic Relations Order/Division of Property Order to the extent required to maintain its qualified status and the original intent of the parties. The court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the re-characterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions or order."
- 2. "The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order/Division of Property Order, or that may diminish or extinguish the rights and entitlements of the participant."

## **CHAPTER 7**

### **MISCELLANEOUS PROCEDURES**

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#### **RULE 7.01**

#### **NOTARY PUBLIC**

- A. Any Wood County resident who is 18 years of age or older may obtain an application for notary public by contacting the Court Administration Office.
- B. The court shall conduct an examination of each applicant's qualifications, approve or disapprove each application, investigate complaints against notaries public in Wood County, and promulgate rules in accordance with the provisions of R.C. Chapter 147.
- C. Any person commissioned as a notary public may seek renewal of his or her commission without examination so long as the commission has not expired, or, if expired, has not been expired for more than six months.
- D. An applicant who does not successfully complete the examination may immediately apply for re-examination. After a second unsuccessful examination, an applicant must wait until 60 days after the date of the first examination to file an application for re-examination.

## **RULE 7.02**

### **DEFAULT JUDGMENT**

A default judgment against an individual may not be granted except upon the receipt of the following:

- A. A motion for default judgment conforming to Civ.R. 55.
- B. An affidavit confirming that the defendant is not a minor or incompetent person, and the moving party complied with the Servicemembers Civil Relief Act, 50 U.S.C. 3901 et seq. The affidavit requirements may be satisfied if the same information is contained in a verified pleading.
- C. Any additional information or evidence required by the court to enable the court to enter judgment.

## **RULE 7.03**

### **COGNOVIT NOTE**

A. No judgment on a warrant to confess judgment shall be granted until the answering and confessing attorney has informed the court in writing that:

1. The warrant of attorney to confess judgment and the instrument to which it pertains appear in all respects on their face to be valid and in compliance with R.C. 2323.13;
2. He or she has personally reviewed the documents on which the complaint, answer, and confession of judgment are based, and is satisfied that there are no matters reflected in these documents or of which the attorney is aware that give rise to any defense on behalf of the defendant;
3. He or she has reviewed all records of payments and all calculations and finds the amount prayed for to be accurate; and
4. He or she is not associated in the practice of law with the attorney who filed the complaint.

B. Counsel shall provide the court with the notice required by R.C. 2323.13(C) and a properly addressed, prepaid certified mail envelope, return receipt requested.

## **RULE 7.04**

### **GUARDIANS AD LITEM**

Except as provided in Local Rule 6.12, no person other than an attorney at law admitted to practice in the State of Ohio shall be appointed guardian ad litem in this court.

## **RULE 7.05**

### **ATTORNEY FEES**

- A. Attorney fees relative to all matters shall be governed by Prof.Cond.R. 1.5.
- B. In any case where attorney fees are to be awarded, counsel shall provide to the court an itemized statement showing the hours worked and a detailed accounting of expenses.
- C. An indigent's counsel in a criminal case shall be paid at the rate adopted by the Wood County Commissioners.
- D. Attorneys requesting fees in a partition action are not required to provide an itemized statement as set forth in (B) above if the amounts fall within the following guidelines:
  - 1. The total requested fees are no more than:
    - a. 8% of the first \$5,000 of the sale price;
    - b. 3% of the next \$10,000; and
    - c. 2% of the balance
  - 2. The minimum fee shall be \$500.
  - 3. The fees are distributed pursuant to R.C. 5307.25.
  - 4. No other fees are requested unless extraordinary circumstances exist. Other fees may be permitted by leave of court only under extraordinary circumstances.

## **RULE 7.06**

### **FORECLOSURE, QUIET TITLE, PARTITION, AND JUDICIAL SALE**

#### **A. PROPERTY DESCRIPTION APPROVAL FORM AND JUDICIAL REPORTS.**

1. In cases to quiet title, for partition, and for the marshalling and foreclosure of liens on real property, counsel for plaintiff shall file with the clerk at the time of the filing of the original complaint or petition a property description approval form as contained in Appendix R, and an original legal description stamped “reviewed” by the Wood County Engineer’s Office.
2. With the exception of in rem tax foreclosure actions brought by the prosecuting attorney under R.C. 5721.18(C), counsel for plaintiff must file with the clerk at the time of the filing of the original complaint or petition a statement of owners and lienholders, or a preliminary judicial report, including the names of the owners of the property and a reference to the volume and page and date of recording of the next preceding recorded instrument by or through which the owners claim title. Any preliminary judicial report shall be prepared and extended by a responsible title company not more than 30 days prior to the filing of the complaint.
3. After all defendants have been served with the complaint, counsel for the plaintiff shall obtain and file an updated title report establishing that all lienholders have been made parties and served with the complaint.

#### **B. APPRAISER’S FEES AND ACCESS**

1. Each appraiser shall be paid for real estate appraisals a standard fee of \$75 for each parcel offered for sale.
2. Each appraiser shall be paid for personal property appraisals at the rate of \$25 for the first hour of time spent on inspection of the property and preparation of the

final appraisal, and \$15 for each additional hour of time necessary to competently complete the appraisal.

3. Appraisers shall be granted access to real property for the purpose of appraising the premises to be sold at sheriff's sale. If a landowner or occupier of the premises to be sold does not permit the appraiser to enter the premises, the sheriff may aid the appraiser in gaining access without further order of the court.
4. The clerk of courts shall use a portion of the deposit amount to pay each appraiser at the time he or she submits an invoice for his or her services. The clerk of courts shall not wait until the conclusion of a case to pay an appraiser who submits his or her invoice prior to the case's conclusion.

**C. ORDER OF SALE.**

No order of sale shall be approved unless counsel has warranted to the court that all lienholders who appear of record have been notified of the application for order of sale.

**D. BID AND DEPOSIT.**

1. In every sheriff's sale of real property, upon acceptance of a bid, the successful bidder shall deposit at the time of sale 5% of the amount of the appraised value of the subject property; however, no such deposit shall be less than \$1,000, with the balance due within 30 days of the date of confirmation.
2. If the property has not been appraised, the successful bidder shall deposit at the time of sale 10% of the starting bid; however, no such deposit shall be less than \$1,000 with the balance due within 30 days of the date of confirmation.
3. If the successful bidder is the first lienholder, in lieu of the above deposit requirements, the bidder may opt to deposit \$1,000 plus the amount of real estate taxes due at the time of sale, with the balance due within thirty 30 days of the date of confirmation. If this option is exercised, it is the responsibility of the bidder to

use the form provided by the Wood County Treasurer to obtain acceptable documentation evidencing the amount of real estate taxes due at the time of sale.

4. Advertisements for any judicially ordered sale shall state the above deposit requirements.

**E. SHERIFF'S RETURN OF SALE.**

The Sheriff shall make the return of sale to the court showing the name and address of the purchasers and the amount of the bid on the purchaser information form in Appendix S, as prescribed by R.C. 2329.26, .27, and .271.

**F. CONFIRMATION OF SALE.**

Counsel for plaintiff shall prepare and submit to the court an order of confirmation of sale, in accordance with Local Rule 4.05, no later than 30 days from the date of the return of the writ. Upon the filing of the confirmation of sale, counsel for plaintiff shall provide to the sheriff, within seven calendar days:

1. A time-stamped copy of the filed confirmation of sale;
2. A completed sheriff's deed;
3. A completed conveyance form.

The sheriff shall review and approve or reject the deed and conveyance form. The approved deed shall be recorded by the sheriff within 14 business days of payment of the purchase price. The sheriff shall charge a fee of \$50 for deed review and a fee of \$75 for administrative costs to process the conveyance form and to record the deed.

## **RULE 7.07**

### **PUBLICITY**

- A. No attorney or officer or employee of the court shall discuss matters with the media that might interfere with a fair trial or otherwise prejudice the administration of justice.
- B. Where deemed appropriate, the court may issue a special order governing:
  - 1. Extra-judicial statements by counsel or others;
  - 2. Spectators at trial;
  - 3. Sequestration of witnesses and jurors; and
  - 4. Any other matters the court may deem necessary.

## **RULE 7.08**

### **BROADCASTING, RECORDING, AND PHOTOGRAPHING DURING COURT SESSIONS**

A. Broadcasting, televising, recording, and photographing during court sessions shall be permitted only under the following conditions:

1. Requests for permission of media to participate under this rule shall be made in writing to the judge to whom the case was assigned no later than five days prior to the session involved. The judge involved with the particular session may waive the advance notice requirement for good cause.
2. The court shall grant the request in writing or by order consistent with Canon 1 of the Code of Judicial Conduct, Sup.R. 12, and these rules, if the judge determines that doing so would not distract the participants, impair the dignity of the proceedings, or otherwise materially interfere with the achievement of a fair trial or hearing. The written permission shall be made a part of the record in the case.
3. In the event of a continuance of the court proceeding for which media permission has been granted for a period of more than 30 days, a new media request shall be required.
4. All media representatives interested in recording courtroom proceedings shall do so through the pooling of their respective resources. Such arrangements shall be made prior to opening of the court session and without imposing on the trial judge or court personnel. In the event disputes arise over the arrangements between or among media representatives, the judge shall exclude all contesting representatives from the proceeding.
5. The judge shall specify the location in the courtroom where the operators and equipment are to be positioned. Media representatives shall be afforded a clear

view of the proceedings in the courtroom. Any equipment shall be ready for operation prior to commencement of court sessions. No persons will be permitted to bring equipment into or remove equipment from the courtroom or move about during times when court is in session.

6. No interview shall be conducted inside the courtroom during any time that court is in session.
7. Only one video camera shall be permitted in the courtroom operated by no more than one person.
8. No artificial lighting shall be used other than normal courtroom lighting.
9. Only one still photographer shall be permitted in the courtroom.
10. Only one audio system for radio broadcast shall be permitted in the courtroom.
11. Audio tape recording equipment may only be used with permission of the judge involved.
12. Media pooling equipment shall be located outside the courtroom.
13. Changes of tape or reloading audio and video equipment is not permitted inside the courtroom during proceedings.
14. No equipment shall be used inside the courtroom that produces distracting sounds as determined by the judge involved.
15. There shall be no audio pick up or broadcast of conferences conducted between attorneys and clients, co-counsel, opposing counsel, or trial judge and counsel at bench conferences.

16. There shall be no video, film, audio, or still photo of victims, or witnesses who object thereto.
17. There shall be no video, film, audio, or still photo of jurors.
18. Media is not permitted access to proceedings either in the judge's chambers or in the jury deliberation room.
19. Media is not permitted to record in any manner any document or exhibit used at the session except those audio-visual aids used during the session that are clearly perceived by the gallery at large, unless permission to do so is granted by the court.
20. Proper courtroom decorum shall be maintained by all media representatives, i.e. proper attire and demeanor.

B. The following special provisions shall apply to Courtroom #4:

1. If the conference room adjacent to the courtroom with window accessibility is available to the media, all broadcasting, televising, recording and photography shall be done from that room and media representatives need not pool their respective resources unless the conference room is not large enough or the sound outlets adequate to provide access to all media requesting access. If pooling is then required, those media representatives requesting access later in time shall be required to pool their resources.
2. No interviewing, broadcasting, televising, recording or photography shall be conducted anywhere within the court or public areas on the fourth floor of the County Office Building at any time prior to, during, or after court sessions without prior permission of court personnel. When space is available for these purposes

within the court facilities, the court will attempt to make it available for such purposes.

## **RULE 7.09**

### **FOREIGN JUDGMENTS**

A. When a foreign judgment is presented to the clerk of courts for the purpose of a proceeding in aid of execution, the clerk shall assign a case number and assign a judge as in all other civil cases.

B. The proponent submitting the foreign judgment must provide two judgment entries with original certifications of authenticity from the foreign jurisdiction and one copy for the judge's file. One judgment entry shall remain with the case file and the other shall be provided to the sheriff along with the praecipe for a writ of execution.

## **RULE 7.10**

### **OUT-OF-STATE SUBPOENAS TO BE SERVED IN WOOD COUNTY**

A. When a request is presented from an out-of-state litigant to have subpoenas served upon Wood County residents, the clerk shall assign a case number to such action and assign such action to a judge.

B. The clerk of court shall secure a deposit for costs before processing and serving the subpoenas as requested by the out-of-state litigant.

## **RULE 7.11**

### **MEDIATION IN CIVIL CASES (NON-DOMESTIC RELATIONS)**

#### **A. SCOPE**

The court may, at any time, refer any case to mediation in accordance with these rules.

#### **B. CASE SELECTION**

1. The court, on its own motion, on a party's request, or by agreement of the parties may refer disputed issues to mediation in whole or in part. Promptly after receiving referral, the court mediator shall send all parties a mediation notice that shall, at a minimum, indicate the date, time, place of the mediation, and the contact information of the court mediator. All parties and counsel shall advise the assigned judge of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
2. The court mediator will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral deemed inappropriate.

#### **C. PROCEDURES**

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court mediator, mediation will be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

1. The court shall use procedures for all cases that will:

- a. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
- b. Screen for domestic violence both before and during mediation.
- c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
- d. Prohibit the use of mediation in any of the following:
  - i. As an alternative to the prosecution or adjudication of domestic violence;
  - ii. In determining whether to grant, modify or terminate a protection order;
  - iii. In determining the terms and conditions of a protection order; and
  - iv. In determining the penalty for violation of a protection order.

2. Party participation

All parties and their counsel shall attend scheduled mediation sessions unless excused by the court mediator.

3. Mediator conflicts of interest

In accordance with R.C. 2710.08(A) and (B), the court mediator assigned by the court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the court mediator's impartiality as soon as such conflicts become

known to the court mediator. If counsel or a mediation party requests that the court mediator withdraw because of the facts so disclosed, the assigned court mediator should withdraw and request that the assigned judge appoint another court mediator.

4. Termination

If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated.

5. Stay of proceedings

All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery or the court's consideration of pending motions, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge assigned to the case.

6. Continuances

It is the policy of this court to determine matters in a timely manner. Continuances of scheduled mediations shall be granted only for good cause shown.

7. Mediator's report

At the conclusion of the mediation and in compliance with R.C. 2710.06, the court mediator shall prepare and file a mediation report.

**D. FEES AND COSTS**

All costs shall be determined by the court, if applicable. The court may require appropriate deposits to cover the costs prior to mediation.

**E. SANCTIONS**

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

## **RULE 7.12**

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

A. This rule defines 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 R.C. 2953.25 and Ohio Adm.Code 5120-15-01.

B. To request a CQE, the petitioner must first complete the electronic petition for certificate of qualification for employment online through the Ohio Department of Rehabilitation and Correction ("ODRC") website. After the ODRC reviews the electronic petition and approves it for filing, the petitioner may file the petition with the Wood County Clerk of Courts. Filing in this court is initiated using the cover sheet in Appendix T. The petition must include the assigned ODRC electronic petition identification number on the cover sheet and a printed copy of the fully completed electronic petition as submitted to the ODRC.

C. Before any action is required to be taken on the petition, the petitioner must pay a deposit in the amount established by Local Rule 3.03.

D. 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 R.C. 2953.25, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.

E. 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 judge. For good cause shown, and with the approval of the administrative judge, a petition may be transferred to another judge of this court who agrees to such transfer due to the originally assigned judge's familiarity with the petitioner gained through past civil or criminal proceedings.

F. The court shall obtain a criminal history for the petitioner, either through the probation department's investigation ordered in support of the petition or otherwise.

G. The court shall attempt to determine all other courts in the state in which the petitioner has been convicted of or pleaded guilty to an offense through review of the petitioner's criminal history or other investigation. Following such determination, the court shall notify the clerk of courts, who shall send a notice to court regarding petition for certificate of qualification for employment and a response to request form to each court so identified. Such notice shall be sent via ordinary U.S. mail or by electronic means, as the clerk deems appropriate.

H. The clerk of courts shall also send a notice to prosecutor regarding petition for certificate of qualification for employment and response to request form to the prosecuting attorney of the county in which the petition was filed. Such notice shall be sent via ordinary U.S. mail or by electronic means, as the clerk deems appropriate.

I. The judge or magistrate may order any report, investigation, or disclosure by the petitioner that it believes is necessary to reach a decision.

J. Following completion of its investigation, the probation department shall deliver to the assigned judge an information packet, consisting of a copy of the petition, the petitioner's criminal history, and other information obtained by the probation department in accordance with R.C. 2953.25 and Ohio Adm.Code 5120-15-01. The packet submitted to the judge is not a public record and shall not be made part of the clerk's file.

K. Once all information requested has been received, the judge shall decide whether to grant or deny the petition within 60 days, unless petitioner requests and is granted an extension of time. The decision to grant or deny a petition may be referred to a magistrate, and then sent to the judge for a final judgment entry and order. All notice and objection periods regarding a magistrate's decision apply as set forth in the civil rules.

L. The clerk shall notify the petitioner and the ODRC of the court's decision by uploading the judgment entry electronically through the court's ODRC electronic user account. If the petition is denied, the clerk shall provide written notice to the petitioner of the court's denial. The notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed.

M. Requests for information regarding an individual who has been convicted of or pleaded guilty to an offense in this court and has filed a CQE petition in another county shall be directed to the clerk, who shall forward such requests to the probation department and the judge of this court on whose docket petitioner's most recent conviction appears. Where multiple judges of this court have heard cases with a specific petitioner, only the judge having the most recent case number is obligated to respond. To assist with timely response to other courts, unless the judge deems it unnecessary, the probation department shall summarize for the responding judge past convictions of petitioner in this court and any significant facts readily observed from past presentence investigation reports, community-based correctional facility screenings, or reports of compliance or noncompliance with the terms of probation. Each judge retains the ability to agree, disagree, or provide no comment regarding CQE requests from another Ohio court.

## **RULE 7.13**

### **COURT RECORDS MANAGEMENT AND RETENTION**

The Wood County Court of Common Pleas does hereby adopt the standards for the maintenance, preservation, and destruction of records as provided in Sup.R. 26 through 26.05 as its records retention schedule. In addition, and pursuant to Sup.R. 26(G), the court establishes the following retention schedule for the adult probation department's records:

<b>RECORD TITLE AND DESCRIPTION</b>	<b>RETENTION PERIOD</b>
Case Files	
Presentence Investigations	Permanent
Pretrial Files	10 years after last contact
Probation Case Files	10 years after probation terminated
Electronic Monitoring Program	10 years
Intensive Supervision Probation	10 years
Master Index to Cases	Permanent
Probation Records (Lists probationer's name, case number, date probation was terminated, and reason for termination)	Permanent
Work Release Files	10 years

## **CHAPTER 8**

### **JURY USE AND MANAGEMENT**

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#### **RULE 8.01**

##### **ADMINISTRATION OF THE JURY MANAGEMENT RULES**

The implementation and oversight of these rules shall be the responsibility of the administrative judge. Oversight shall include, but not be limited to:

- A. A periodic review of the jury source list for its appropriateness and sufficiency to meet the demands of the courts and the ends of justice, and
- B. A periodic review of the procedures used in selecting, notifying and using jurors to assure that jurors are being used efficiently and without unnecessary inconvenience.

## **RULE 8.02**

### **GOALS OF THE JURY MANAGEMENT RULES**

These rules are intended to ensure that:

- A. Qualified Wood County residents meet their obligation to serve as jurors when summoned.
- B. Persons are not excluded from prospective jury service because of improper or illegal discriminatory practices including, but not limited to, those matters related to race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that forms the basis of a cognizable group of citizens.
- C. Every reasonable accommodation is made to secure the comfort and peace of mind of the jurors, including, but not limited to, the following:
  - 1. Prospective jurors shall be informed of their duties and responsibilities prior to a call to service.
  - 2. Jurors shall be summoned as necessary for the administration of justice.
  - 3. The court will provide special accommodations for prospective jurors with disabilities.

## **RULE 8.03**

### **PROCEDURES FOR OBTAINING ANNUAL JURY LIST**

- A. The annual jury source list and annual jury list shall be obtained in accordance with the procedures outlined in R.C. Chapter 2313. The jury commissioners shall not include information from the Registrar of Motor Vehicles in the annual jury source list.
- B. The court's jury year shall run from January through December.
- C. The jury commissioners shall maintain all records relating to or compiled from the annual jury source list and annual jury list for two years, after which the records may be destroyed.

## **RULE 8.04**

### **PROCEDURES FOR SUMMONING JURORS**

- A. All jurors shall be notified and summoned in accordance with the procedures outlined in R.C. Chapter 2313.
- B. Appropriate management techniques shall be used to adjust the number of individuals summoned for jury duty and the number assigned to jury panels.
- C. Prospective jurors shall be summoned for duty for a period of one month. Grand jurors shall be summoned for a period of four months.
- D. Questionnaires completed by prospective jurors and returned to the jury commissioners may be provided to counsel prior to trial. The questionnaires shall not be duplicated by counsel and shall be returned to the court upon completion of jury selection.
- E. Departures from random selection procedures may occur only when by reason of challenges or other causes not enough jurors to make up a jury panel are present. Upon order of the court, the sheriff or jury commissioners shall immediately summon as many persons having the qualifications of a juror as, in the opinion of the court, are necessary. The summoned jurors shall appear at a time fixed by the court.
- F. Persons summoned for jury service shall be paid a reasonable fee, as set by the Wood County Board of County Commissioners, for each one-half or full day.
- G. Following each jury trial and period of grand jury service, the court shall notify the jury commissioners of those who have served on a trial jury or grand jury.

## **RULE 8.05**

### **EXCUSES AND DEFERRALS FROM JURY SERVICE**

- A. The only excuses from jury service are those set forth in R.C. Chapter 2313.
- B. Postponement of a prospective juror's appearance for jury service shall be in accordance with R.C. Chapter 2313.

## **RULE 8.06**

### **VOIR DIRE**

- A. To reduce the time required for voir dire, returned jury questionnaires will be available to counsel of record or pro se litigants prior to the day of jury selection. All prospective jurors should be questioned and all challenges should be disposed of by the judge.
- B. The trial judge may give the jurors preliminary instructions before the voir dire examination.
- C. The trial judge shall conduct a preliminary voir dire examination and then counsel shall be permitted to question the panel for a reasonable period of time set by the judge. To ensure that the privacy of prospective jurors is reasonably protected, voir dire regarding personal or sensitive matters may be conducted in camera.
- D. Voir dire examination shall be limited to matters relevant to determine whether a particular juror could be fair and impartial. Counsel shall not be permitted to inquire of the jurors as to any legal issue, ask jurors argumentative or hypothetical questions, or elicit assurances other than being attentive, unbiased, or impartial.

## **RULE 8.07**

### **SATISFACTION OF JURY SERVICE OBLIGATION**

Pursuant to R.C. Chapter 2313, a person who is summoned as a juror and who has actually served as a juror for two consecutive calendar weeks is discharged of all jury service obligations, except that the person shall not be discharged until the close of a trial in which the person may be serving when the person's jury term expires. A juror who is discharged as prescribed above is thereafter prohibited from jury service in any court of the state until the second jury year after the day of the person's last service.

## **RULE 8.08**

### **PROSPECTIVE JUROR PRIVACY**

- A. To preserve the privacy and confidentiality of prospective jurors, when deemed advisable by the judge, lists of potential jurors submitted to counsel may be identified only by number, and other identifying data may be withheld and sealed. Counsel shall make no copies of juror questionnaires and shall return the questionnaires to the court upon completion of jury selection.
- B. The court may order that identifying data of prospective jurors and information contained on juror questionnaires provided counsel shall not be disclosed by counsel to litigants or defendants, or others not directly associated with counsel's professional office.
- C. This rule shall apply to both potential grand and petit jurors.