



*COMMON PLEAS COURT  
OF WARREN COUNTY, OHIO*

*GENERAL DIVISION*

**2024  
ORDER  
ESTABLISHING  
RULES OF PRACTICE**

*JUDGE DONALD E. ODA II*

*JUDGE ROBERT W. PEELER*

*JUDGE TIMOTHY N. TEPE*

# WARREN COUNTY COMMON PLEAS COURT GENERAL DIVISION Local Rules

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# **1 SCOPE AND AUTHORITY**

## **1.01 AUTHORITY**

These Rules are adopted as the Local Rules of Court governing practice and procedure in the General Division of the Warren County Common Pleas Court (hereinafter referred to as “the Court”). They are adopted pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rule 5 of the Rules of Superintendence for Courts of Ohio, Rule 83 of the Ohio Rules of Civil Procedure, and Rule 57(A) of the Ohio Rules of Criminal Procedure.

## **1.02 SCOPE**

- (A) These Rules shall apply in all proceedings in the Court unless inconsistent with rules promulgated by the Supreme Court of Ohio, Ohio law, or an order of the trial judge specific to the case. These Rules are not to be interpreted in any way that conflicts with the various Ohio rules of court. Should any conflict exist, the Ohio rules shall govern.
- (B) These Rules are intended to be supplemental to and used in conjunction with:
  - (1) The Ohio Rules of Civil Procedure;
  - (2) The Ohio Rules of Criminal Procedure; and
  - (3) The Ohio Rules of Superintendence.
- (C) These Rules contain references to statutes and to rules of court which, from time to time, may be amended or renumbered. If a reference is made in these Rules to legal authority that is revised after the effective date of these Rules, the revised legal authority shall be observed thereafter by all parties using these rules.

## **1.03 CITATION**

These Rules shall be known as the “Warren County Common Pleas Local Rules, General Division” and shall be cited as “W.C.C.P. Local Rule XX” or “Local Rule XX.”

## **1.04 EFFECTIVE DATE**

- (A) These Rules are effective as of January 1, 2024 and govern all proceedings subsequent to that date.
- (B) All former rules of this Court are superseded as of the effective date of the adoption of these Rules.
- (C) Amendments and additions to these Rules may be made from time to time upon the majority vote of all the judges in office of the General Division of this Court. The Court shall afford reasonable notice and opportunity for comment. A new local rule, or any substantive change to an existing rule, shall be effective immediately and shall be immediately filed with the Clerk of the Supreme Court of Ohio, pursuant to the Civil Rules.

## **2 ADMINISTRATION**

### **2.01 COURTHOUSE BUILDING**

For the purposes of these rules, “the Courthouse” shall include the facilities located at 500 Justice Drive and 520 Justice Drive, Lebanon, Ohio 45036, as well as the adjacent sidewalks, parking lots, and surrounding area, including the Clerk of Courts and Adult Probation, but excluding the Board of Elections, Prosecutor’s Office, Telecom and Emergency Services.

### **2.02 HOURS OF OPERATION**

- (A) The office of the Court shall be open for the transaction of business Monday through Friday, 8:00 AM to 4:30 PM unless otherwise ordered by the trial judge presiding at the session.
- (B) In the case of a county, state, or national emergency, the Court’s office hours may be modified by special order of the Court. Such modifications shall be made available on the Court’s website.
- (C) Holidays. No session shall be held on a day that, by law or proclamation of the President of the United States or the Governor of Ohio, is designated a national or state holiday.

### **2.03 PRESIDING JUDGE**

The presiding judge of the Court shall be selected under the terms and conditions set forth in Sup.R. 3(A) and shall be such powers and duties as set forth in Sup.R. 3(B).

### **2.04 ADMINISTRATIVE JUDGE**

The administrative judge of the Court shall have the general superintendence of the business of the Court in accordance with Sup.R. 4(A). The administrative judge of the Court shall be the presiding officer of the General Division of the Common Pleas Court and shall have full responsibility for and control over administration of the Court and shall be the spokesperson for the Court on all policy matters.

### **2.05 COURT ADMINISTRATOR**

The Court shall appoint as required a qualified court administrator who will function as the chief non-judicial officer of the Court. In addition to providing general supervision of the Court’s case flow, probation, jury, budgetary, and personnel systems, the court administrator shall implement the administrative policy decisions of the Court and perform such other duties as may be assigned by the judges of the Court.

### **2.06 MAGISTRATES**

#### **(A) APPOINTMENT**

Magistrates shall be appointed by the Court and serve as full-time employees of the Court as provided for in Civ.R. 53 and Crim.R. 19.

(B) DUTIES

A magistrate may hear any trial or hearing that is referred to him or her by the assigned trial judge, including:

- (1) Any issue or issues as to which no jury trial right attaches, or as to which the jury right has been waived;
- (2) Trials or hearings as to any issue submitted by consent of the parties;
- (3) Jury trials where the parties have given unanimous written consent pursuant to Civ.R. 53(C)(1)(c).

(C) GENERAL ORDER OF REFERENCE

In order to effectively and expeditiously administer the duties of this Court, the magistrates of the Warren County Common Pleas Court, General Division, are given a general order or reference to address any and all pretrial and post-trial motions, hearings, trials, and other related matters in any case before this Court as authorized in Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure, and any other applicable statute or rule of court. A specific order of reference is not necessary for a magistrate to issue an order or decision, or to otherwise preside over a case in this court. Any proceedings before a magistrate shall be in accordance with the Ohio Rules of Civil and Criminal Procedure, any applicable statutes, and the rules of this Court as if before the Court.

(D) TRIAL PROCEDURE

Trials and hearings before the magistrate will be conducted in accordance with the standards set forth in these Rules and the Ohio Rules of Civil and Criminal Procedure.

(E) MAGISTRATE'S ORDER OR DECISION

The magistrate will issue his or her order or decision after the trial or hearing in accordance with Civ.R. 53, but may require briefs, proposed findings of fact and conclusions of law, or other memoranda be submitted by counsel prior to the issuance of the order or decision.

(F) MOTIONS TO SET ASIDE A MAGISTRATE'S ORDER OR OBJECTIONS TO A MAGISTRATE'S DECISION

- (1) A motion to set aside a magistrate's order or objections to a magistrate's decision, along with memoranda in support thereof, shall be timely filed by any party in accordance with Civ.R. 53. Memoranda contra objections may be filed by any party within 14 days of the filing of the original motion/objection. Requests for findings of facts and conclusions of law will stay the time for the filing of objections.



- (2) No oral hearing will be held except on motion filed by a party and granted by the Court. Any motion must provide specific grounds for the necessity of an oral hearing and must be accompanied by a proposed order granting same. The Court may, upon its own notice, set the matter for oral hearing without a motion from either party.
- (3) If a party intends to object to a magistrate's decision pursuant to Civ.R. 53 on the basis that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, that party shall provide a transcript of all evidence relevant to such findings or conclusions. See Local Rule 4.03 regarding Transcripts.

## **2.07 COURT SECURITY**

### **(A) SECURITY PLAN**

- (1) The Court shall adopt a Security Policy and Procedures Manual (“Security Manual”) to ensure consistent, appropriate, and adequate security procedures are maintained throughout the Courthouse.
- (2) The Security Manual shall include a physical security plan, routine security operations, a high-risk trial plan, and emergency procedures for multiple situations (ex., fire, bomb threats, hostage situations, disasters, etc.).
- (3) A copy of the Security Manual shall be made available to all persons assigned to the Court to ensure understanding and compliance with its guidance.
- (4) The Security Manual shall be reviewed by the judges of the General Division and the court administrator periodically and not less than annually.

### **(B) WEAPONS IN COURTHOUSE**

- (1) Except as set forth in R.C. § 2923.123(C), all persons are hereby prohibited from conveying or attempting to convey a deadly weapon or dangerous ordnance into, or from possession, or having under one’s control, a deadly weapon or dangerous ordnance in, the courthouse as defined under Local Rule 2.01.
- (2) *Exceptions.* This prohibition does not apply to any of the following:
  - (a) A sitting Warren County Common Pleas Court judge;
  - (b) A peace officer, probation officer, or an officer of a law enforcement agency of this or another state, a political subdivision of this or another state, or the United States, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual’s control a deadly weapon or dangerous ordnance as a requirement of that individual’s duties, and who is in the Courthouse solely in the performance of his or her duties;

- (c) A person who, with prior consent of the Court, conveys, attempts to convey, possesses, or has under that person's control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding; or
  - (d) A bailiff of the court who is authorized to carry a firearm.
- (3) A "weapon" includes any instrument, device, or thing capable of inflicting injury or death and designed or specifically adapted for use as a weapon, such as a firearm, knife, explosive device, incendiary device, or ordnance.
- (4) Employees or visitors to the courthouse with questions regarding whether an item is prohibited should contact the court administrator before bringing the item or items onto the Courthouse grounds.

## **2.08 APPLICATION OF RULES TO UNREPRESENTED PARTIES**

These Rules shall apply equally to all parties, whether represented by counsel or unrepresented parties. Parties without counsel are expected to know and follow these Rules. Exception to these Rules will not be made because a party is unrepresented. Wherever these Rules refer to "attorney(s)" or "counsel," they shall also apply to unrepresented parties, whether or not specifically stated as such.

# **3 RECORDS AND FILINGS**

## **3.01 JOURNAL**

The clerk shall indicate on the journal of the Court the name of the judge to whom each case is assigned, and the nature or purpose of all filings as indicated in the caption of the case. An entry terminating an action shall be identified on the journal as a judgment or dismissal entry.

## **3.02 ORIGINAL RECORDS**

The clerk of court shall file and preserve all papers delivered for that purpose. Original papers, transcripts, or depositions shall not be taken from the clerk's office except by officers of the Court. The clerk shall, upon request, furnish extra copies of pleadings or other papers upon the payment of the usual fee or other cost if no fee is fixed by law.

## **3.03 PLEADINGS AND OTHER FILINGS**

### **(A) ASSIGNMENT**

Assignment of a case shall be made at the time the case is initiated by the Court. All matters pertaining to an action shall be heard by the judge to whom the case is assigned.

(B) FORM OF PLEADINGS

- (1) All original papers submitted for filing in an action shall be on 8 1/2 by 11-inch, white bond paper printed on a single side without backing or cover. Each page shall include a one-inch margin.
- (2) The case caption shall identify the nature or purpose of the filing, the case number of the action, and the name of the judge to whom the case has been assigned.
- (3) *Re-filed Case.* If the pleading being filed is a re-file of a previously dismissed lawsuit in this Court, the case caption shall identify the case is a re-file and indicate the name of the judge to which the original case was assigned. The clerk of court shall assign to the newly filed case the original case judge or his/her predecessor.
- (4) If an original paper is submitted by an attorney, it shall contain in legible or printed form the name, Ohio Supreme Court attorney registration number, mailing address, email address, and telephone number of that attorney. It shall identify the party the attorney represents. If that attorney will not serve as trial counsel, the original paper shall also identify the trial counsel.
- (5) No pleading, motion or other filing may contain more than one case number. The clerk of courts shall have the option to reject any filing that contains more than one case number.

**3.04 PROTECTION OF PERSONAL AND PRIVATE INFORMATION**

- (A) The following information is deemed personal and private and may not be included in a public record:
  - (1) Social Security Numbers;
    - (a) The last 4 digits of a social security number may be listed, e.g., “XXX-XX-1234”;
  - (2) Full financial account number(s);
    - (a) The last 4 digits of an account number may be listed, e.g., “XXXX-XX-1234”;
  - (3) Driver’s License Numbers; and
  - (4) Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.
- (B) It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the clerk of court’s office. The responsibility of the filing party and counsel to remove personal and private information extends to, and includes, exhibits and addenda attached to filings, such as preliminary and final judicial reports, state tax liens that use social security

numbers as case numbers, medical records, and personal information such as may be found under R.C. Chapter 2907.

- (C) The clerk of courts has no responsibility for the removal of any personal and private information filed in a public document in the Warren County Clerk of Court's Office.
- (D) Any personal and private information contained in documents filed prior to the implementation of this Rule is considered public. Any personal and private information in records or transcripts transmitted to this Court from another court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in the public record of this Court may petition the Court for the removal of personal and private information and, if the request is granted, the personal and private information will be redacted.
- (E) All public documents filed with the clerk of court's office may be placed on the clerk of court's website for viewing.

### **3.05 "DEAD LIST" DISMISSALS**

During the first week of the months of February, June, and October, the clerk shall prepare a list of all cases in which there have been no filings or hearings during the preceding six (6) months. After the list of dormant cases has been approved by the Court, the clerk will furnish notice, by ordinary mail, to every attorney of record or unrepresented party in each dormant case. The notice shall advise the attorney or unrepresented party that the case will be dismissed without prejudice as of the last day of the current month unless good cause be shown why it should not be dismissed. This rule shall not apply to cases that are presently scheduled for trial.

### **3.06 FILINGS UNDER SEAL**

- (A) Counsel requesting the sealing of a document or case shall file a motion and proposed entry with the judge assigned to the case. The motion shall contain the following:
  - (1) The specific case number and caption of the document(s) or case that is the subject of the request to be sealed; and
  - (2) A statement of the specific reason for the request.
- (B) If the motion is granted by the assigned judge, the filing of the documents or case will be exempt from e-Filing. The party filing under seal shall provide the clerk of courts with the document(s) to be filed, along with a copy of the entry permitting the document(s) or case to be filed under seal, and the clerk shall then do all of the following:
  - (1) Seal the document(s) or case in a non-transparent envelope(s) with tape;
  - (2) Attach a copy of the entry sealing the document(s) or case to the outside of the envelope;

- (3) Return the sealed document(s) to the case file, or the case to the appropriate location in the clerk's office;
  - (4) Cause the document(s) or case to be removed from view on the clerk of court's website; and
  - (5) Refuse to permit any viewing of the document(s) or case file without further order of the Court.
- (C) A sealed document(s) or case may only be viewed:
- (1) By the judge assigned to the case and his/her staff;
  - (2) By an appellate judge who is reviewing the case on appeal; or
  - (3) By filing a motion and proposed entry with the assigned trial judge. If the judge grants the motion, the signed entry must be filed in the clerk of court's office. The clerk will then physically unseal the document(s) or case and make such available for viewing and restore the view of the document(s) or case file to the website.
  - (4) When a motion and entry are filed to allow a party to view a sealed document(s) or case, and the same entry orders the clerk to reseat the document(s) or case file immediately after viewing, the clerk shall follow the same procedure as outlined above, except that the clerk shall not make the document(s) or case available for view on the website. The person granted temporary access to the document(s) or case shall not divulge the contents to others.

### **3.07 ELECTRONIC SIGNATURES**

The Court hereby adopts the following policy for electronic signatures.

- (A) *Case Management System.* This process authenticates an electronic signature by the signer utilizing the Court's case, management system to generate or receive the electronic record. The electronic record may be created from within the Court's case management system (court user) or from an application outside of the Court (non-court user). The signer must have a username and secure password unique to the sender, a secure register is maintained by the Court. Non-court users who do not have a unique username will not be permitted to use an electronic signature. This process may be used for the following application:
- (1) Judges, Acting Judges and/or Magistrates.
  - (2) Clerks, probation officers and other court employees.
  - (3) Attorneys, parties and/or litigants who are not physically present at the Court.
- (B) *Signatures Pad.* This process authenticates an electronic signature with a signature pad which associates a digital representation of a physical signature of the person signing the record with an electronic record. To authenticate the

electronic signature on the electronic record the signature is to be created or affixed in the presence of a court officer or clerk other than the signer, who shall input the record into the Court's case management system. This process may be used for the following applications:

- (1) Attorneys, parties and/or litigants who are physically present at the Court.
  - (2) Judges, Acting Judges and/or Magistrates who are physically present at the Court where it is not feasible to utilize an electronic signature through the case management system process.
- (C) *Secure Data Transfer*. This process authenticates an electronic signature by complying with specific secure data transfer protocols (e.g., FTP, web services, etc.) with an established, contractual relationship with the Court or Clerk, a trusted authority, such as a financial institution or government agency (i.e., BMV, BCI, Ohio Courts Network, other courts, local law enforcement agencies, etc.). This process may only be used in connection with the secure data protocol.
- (D) *Commercial Software*. This process authenticates an electronic signature by utilizing an off-the-shelf third-party software vendor (i.e., Microsoft, Adobe, etc.) which associates the electronic signature with the electronic record in such a manner that any subsequent alteration to the electronic signature is detectable. This process may only be used in connection with administrative, personnel or interdepartmental county business. All records employing this process for electronic signature must be transmitted and stored on the county server for further inspection, authentication, audit and/or quality control measures.
- (E) "Electronic" and "Electronic Signature" have the same meaning as used in R.C. § 1306.01.
- (F) A document containing an electronic signature pursuant to this Rule shall be effective for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence and Ohio Revised Code.

### **3.08 SERVICE OF DOCUMENTS BY THE COURT**

- (A) The preferred method for service of documents by the Court shall be by email. Unrepresented parties shall be served by regular mail, unless an email address has been provided to the Court.
- (B) Any attorney who does not wish to receive documents by email shall file a "Request for Mail Service" in each case in which he or she does not wish to receive electronic documents. A copy of this request shall be delivered to the assignment commissioner of the assigned trial judge for that case.

### **3.09 RECORDS RETENTION**

- (A) NECESSITY
- (1) The purpose of this Rule is to establish a system for court records management and retention, to provide the minimum standards for the production,

maintenance, preservation and destruction of records within the Court and to authorize alternative electronic methods and techniques for record preservation in accordance with the Ohio Rules of Superintendence.

- (2) The adoption of this Rule is consistent with the Sup.R. 26, and the adoption thereof by the Warren County Records Commission.

(B) RETENTION

Any records not specifically listed herein or in Sup.R. 26 will be retained according to the General Retention Schedule of Warren County and any other records retention schedules for court records put forth by the Warren County Records Commission.

(C) RETENTION SCHEDULE FOR EXHIBITS IN CRIMINAL CASES

- (1) All exhibits in criminal cases shall be retained pursuant to Ohio Supreme Court guidelines set forth in Rules 26 through 26.05 of the Ohio Rules of Superintendence for the maintenance, preservation, and destruction of records.
- (2) If a defendant is acquitted or there is a hung jury, the exhibits shall be immediately returned to the parties unless the Court orders otherwise.
- (3) If a defendant is convicted, the exhibits shall be retained by the court reporter of the assigned trial judge and in the custody of the Court.
- (4) Exhibits in cases where the maximum possible sentence is lifelong incarceration or the death penalty shall be permanently retained in the custody of the Court. The court reporter shall note on the Inventory that the exhibits pertain to "life imprisonment and/or death penalty."
- (5) Exhibits containing biological material or biological evidence as defined by R.C. § 2933.82 shall be retained until the defendant is no longer incarcerated, under a community control sanction, on probation, on parole, under judicial release, under supervised release, under post-release control, subject to sex offender registration and/or notification, or involved in civil litigation in connection with the offense. The court reporter shall note on the Inventory that the exhibits contain biological material or biological evidence.
  - (a) Exhibits defined as "biological evidence" shall be retained in an amount and manner sufficient to develop a DNA profile from the biological material contained in or included on the evidence.
- (6) Except as provided in the preceding paragraphs, exhibits shall be retained in felony cases for a period of five (5) years after the date of the judgment entry of conviction if no appeal is taken, or the judgment entry of the appellate court/Supreme Court if an appeal is taken.
- (7) Except as provided in the preceding paragraphs, exhibits shall be retained in misdemeanor cases for a period one (1) year after the date of the judgment

entry of conviction if no appeal is taken, or the judgment entry of the appellate court/Supreme Court if an appeal is taken.

(D) RETENTION SCHEDULE FOR EXHIBITS IN CIVIL CASES

- (1) All exhibits in civil cases shall be retained pursuant to Ohio Supreme Court guidelines set forth in Rules 26 through 26.05 of the Ohio Rules of Superintendence for the maintenance, preservation, and destruction of records.
- (2) Exhibits in matters determining title or interest in real estate shall be permanently retained in the custody of the Court. The court reporter shall note on the Inventory that the exhibits pertain to an “interest in real estate.”
- (3) All other exhibits shall be retained for a period of three (3) years after the date of the judgment entry if no appeal is taken, or the judgment entry of the appellate court/Supreme Court if an appeal is taken.

(E) DISPOSITION OF EXHIBITS

- (1) Following the expiration of the time periods set forth for the retention of exhibits, the Court may order their disposition or destruction.
- (2) Written notice shall be provided to the parties that the Court intends to dispose of the exhibits, including depositions and/or transcripts. The notice shall advise the parties the right to either object to the disposal of the exhibits or request to retrieve them within 60 days.
- (3) If either party files an objection to the disposal of the exhibits or a request to retrieve them, the Court shall order disposition or permit their retrieval as the interests of justice require.
- (4) If neither party files an objection to the disposal of the exhibits or a request to retrieve them within 60 days, the Court may order their destruction. Tangible exhibits in criminal cases may be photographed and turned over to the prosecutor’s office or sheriff for destruction.

(F) SUBSTITUTION OF PHOTOGRAPHS FOR EXHIBITS

Following a trial or hearing, except in criminal cases where the maximum possible sentence is lifelong incarceration or death, the Court may order the photographing of physical evidence, including but not limited to drugs, weapons, money or other tangible items. The Court shall set a date and time for the photographing of the evidence and thereafter, the photographs shall be substituted as evidence in the matter. The original evidence shall be returned to the party proffering the evidence or to other such person or entity as the Court, in the interest of justice, shall order.



### **3.10 ADMINISTRATIVE / CEREMONIAL ENTRIES**

(A) ADMINISTRATIVE ORDERS

Administrative Orders of the Court concerning procedure, appointments to boards and financial matters shall be filed in Case No. 22MS000381. These filings do not include oaths of appointment, matters concerning the grand jury, destruction or property, etc. These filings shall be maintained in the Miscellaneous Filings for that particular year.

(B) CEREMONIAL ENTRIES

Entries concerning special sessions of the Court to honor deceased members of the Warren County Bar Association shall be filed in Case No. 16MS000231.

## **4 GENERAL**

### **4.01 SPECIAL PROJECTS AND COMPUTERIZATION FEES**

(A) NECESSITY

Under the authority of R.C. § 2303.201(E)(1), the Court finds that, for its efficient operation, additional funds are necessary to acquire and pay for special projects. Special projects fees shall be used for purposes including, but not limited to, the hiring and training of court staff, staff attorneys/magistrates, facility renovations, and the acquisition of equipment for the Court and its departments.

(B) GENERAL SPECIAL PROJECT FEE

The General Special Project Fee shall be Thirty-Five Dollars (\$35.00) to be assessed on every civil action or proceeding, or judgment by confession, except foreclosure cases. Fees collected by the Clerk of Courts under this Rule shall be paid to the County Treasurer for deposit into a General Division Special Projects Fund established through the County Auditor.

(C) FORECLOSURE SPECIAL PROJECT FEE

The Foreclosure Special Project Fee shall be Seventy-Five Dollars (\$75.00) to be assessed on every civil foreclosure action. Fees collected by the Clerk of Courts under this Rule shall be paid to the County Treasurer for deposit into a General Division Special Projects Fund established through the County Auditor.

(D) COURT COMPUTERIZATION

Under the authority of R.C. § 2303.201(A), the Court finds that for the efficient operation of the Court, additional funds are required to maintain the computerization of the Court. The Clerk is hereby authorized and directed to charge an additional fee of Six Dollars (\$6.00) on the filing of each action or appeal under R.C. § 2303.20(A), (Q), and (U). All moneys collected under Rule for this

purpose shall be paid to the Treasurer of Warren County to be disbursed upon an order of the Court for the costs of such computerization and maintenance.

(E) CLERK COMPUTERIZATION

Under the authority of R.C. § 2303.201(B), the Court finds that for the efficient operation of the Court, additional funds are required to make technological advances and/or maintain the computerization of the Clerk of Courts. The Clerk is hereby authorized and directed to charge an additional fee of:

- (1) Twenty Dollars (\$20.00) on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under R.C. § 2303.20(A), (P), (Q), (T), and (U).
- (2) Three Dollars (\$3.00) for the services described in R.C. § 2303.20(B), (C), (D) and (F).
- (3) Two Dollars (\$2.00) for the services described in R.C. § 2303.2 (H), and (L).

**4.02 INTERPRETATION, TRANSLATION, AND SPECIAL ACCOMMODATIONS**

(A) ADOPTION

The Court incorporates by reference Sup.R. 88 and adopts this Rule concerning interpretation and translation of court proceedings.

(B) DEFINITIONS

The Court adopts the definitions set forth in Sup.R. 80.

(C) FOREIGN LANGUAGE INTERPRETER

Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the Court shall appoint a foreign language interpreter in a case or court function when the Court determines, either in its discretion or at the request of a party or witness, that a party or witness is limited English proficient or non-English speaking and the services of the interpreter are necessary for the meaningful participation of the party or witness.

(D) SIGN LANGUAGE INTERPRETER

Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the Court shall appoint a sign language interpreter in a case or court function when:

- (1) A party, witness, or juror who is deaf, hard of hearing, or deaf blind requests a sign language interpreter, giving primary consideration to the method of interpretation chosen by the party, witness, or juror; or

- (2) The Court determines a party, witness, or juror is deaf, hard of hearing, or deaf blind, and determines the services of an interpreter are necessary for the meaningful participation of the party, witness, or juror.

(E) SPECIAL ACCOMMODATIONS

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing assistive technology or other accommodations without additional cost.

#### **4.03 TRANSCRIPTS**

- (A) The following procedure shall be followed in the preparation of official transcripts of proceedings in the General Division of the Common Pleas Court.

(B) RECORDINGS OF PROCEEDINGS

- (1) Pursuant to R.C. § 2301.20 and the Ohio Rules of Superintendence, all civil and criminal actions in this Court shall be recorded by stenographic means, phonographic means, photographic means, audio electronic recording devices, or video recording systems.
- (2) The administrative judge may order the use of any method of recording authorized by this Rule.

(C) DEFINITIONS

- (1) “Transcription” is the process of converting stenographic or audio electronic recordings into a printed format.
- (2) “Transcript” is the product of the transcription.
- (3) “Official Court Reporters” are individuals employed by the Court and appointed by the administrative judge pursuant to R.C. § 2301.18 to take accurate notes of or electronically record the proceedings of the Court as well as to maintain such records.

(D) COURT AUDIO AND/OR VIDEO RECORDINGS

- (1) Each courtroom shall be equipped with audio and/or video recording equipment to record the proceedings.
- (2) The audio and/or video recordings shall be stored electronically.
- (3) Digital copies of audio and/or video recordings of court proceedings shall be made available upon written request to the bailiff. The trial judge may limit

access to the recordings, after reasonable notice and an opportunity to be heard, for reasons of privacy, security or in the interests of justice.

- (4) Digital recordings shall be free of charge, less the sum for any device utilized to make the recording (i.e., flash drive, compact disc, etc.).
- (5) The audio/video recording is not the official record of the Court.

(E) REQUEST FOR TRANSCRIPT

- (1) Requests for a transcript shall be made to the court reporter assigned to the trial judge presiding over the case for which a transcript is desired.
- (2) The transcript prepared in accordance with these rules is the official record of the Court.

(F) COST OF TRANSCRIPTION

- (1) Costs for transcripts and copies shall be as follows:
  - (a) The compensation of court reporters for making written transcripts shall be \$4.50 per page.
  - (b) If more than one transcript of the same testimony or proceeding is ordered, the court reporter shall provide an electronic copy of the transcript free of charge.
  - (c) Photocopies of transcripts can be obtained by the parties pursuant to the fee for photocopies outlined in Appendix A.
  - (d) The compensation shall be paid by the party for whose benefit a transcript is made. The compensation for transcripts requested by the prosecuting attorney or an indigent defendant in a criminal case or by the trial judge in either civil or criminal cases, and for copies of decisions and charges furnished by direction of the Court shall be paid from the county treasury and taxed and collected as costs.
  - (e) When ordered by either party in a criminal case or when ordered by the Court, the costs of transcripts shall be taxed as costs in the case. If, upon final judgment, the costs or any part of the costs are adjudged against a defendant in a criminal case, the defendant shall be allowed credit of the amount paid for the transcript the defendant ordered. If the costs are finally adjudged against the state, the defendant shall have the defendant's deposit refunded.
  - (f) If the testimony of witnesses is taken before the grand jury by court reporters, they shall receive for the transcripts the same compensation and be paid in the same manner as provided in this Rule.
- (2) The original of all transcripts shall be filed with the Clerk of Courts.

- (3) Transcripts for appellate purposes shall be prepared in accordance with the Appellate Rules and the scheduling order issued by the Twelfth District Court of Appeals.

(G) **FILING OF TRANSCRIPTS**

- (1) Transcripts filed with the Clerk of Courts shall be as follows:
  - (a) The transcript shall be provided to the Clerk of Courts in electronic format.
  - (b) The Clerk of Courts shall file the first page and docket the transcript.
  - (c) The Clerk of Courts shall store the full electronic version in the Case Management System in a manner that makes it accessible by judicial staff only.

**4.04 ELECTRONIC TRANSMISSION FILING (E-FILING)**

(A) **IMPLEMENTATION**

The Clerk of Courts currently accepts filings for civil, criminal and appellate cases by electronic transmission

(B) **E-FILING GENERALLY**

- (1) All attorneys are encouraged to use the court's e-Filing system.
  - (a) Unrepresented parties may utilize the e-Filing system. The Clerk of Courts will provide secure public access terminals from which unrepresented filers will be permitted to use the Court's e-Filing system and electronically file documents.
  - (b) Unrepresented filers who do not utilize the e-Filing system must file all documents by mail, commercial carrier service, or personal delivery to the Clerk's Office. The clerk must accept the paper document filing, docket the document, and scan the document before the end of the next business day or as soon as practicable, and retain the original for placement in the case file.
- (2) All criminal filings, except those listed below, may be e-Filed using the Court's e-Filing Portal:
  - (a) Documents to be filed under seal.

(C) **OFFICIAL RECORD**

The Court and clerk will issue, journalize, and serve notices, orders, and other documents electronically. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the E-

Filing Portal, the electronic version constitutes the official court record. Electronically filed papers have the same force and effect as those filed by traditional means.

(D) DEFINITIONS OF TERMS

- (1) *Clerk Review*. A review of electronically filed documents by the Clerk of Courts. The clerk will review the data and documents electronically submitted to ensure the document is signed by the filer, follows all court formatting rules, is accompanied by the required payment, does not require a judge's signature, and that the document matches what the filer states he or she is filing.
- (2) *Court Electronic Record*. Any document received in electronic form, recorded in the case management system, and stored in the Court's document management system. This includes notices and orders created by the court as well as pleadings, other documents, and attachments created by the parties. It does not include physical exhibits that cannot be scanned into electronic form. These documents will be considered and maintained as court records as set forth in the Ohio Rules of Superintendence.
- (3) *Electronic Filing (E-Filing)*. The electronic transmission, acceptance, and processing of a filing. E-Filing does not include facsimile or email.
- (4) *Electronic Signature*. A symbol that is adopted by a party with the intent to sign the electronic record.
- (5) *E-Filing Portal*. A system that manages the receipt, process, storage, and retrieval of electronically filed data and documents associated with a case and performs actions on the data or documents.
- (6) *Registered User*. A person who has read, filled out, and submitted an Attorney Access Form to the Clerk's Office and been provided a username and password to access court cases on the Court's public access website ("Benchmark").

(E) REGISTRATION

- (1) To register for e-Filing, an attorney must complete the Attorney Access Form, which can be found on the Clerk of Court's website and submit the completed form to the Clerk's Office via hard copy or email.
- (2) The attorney will then receive a username and temporary password to sign on to the Court's public access website called Benchmark.
- (3) For a complete step-by-step guideline of how to e-File documents via the Benchmark system, please see Appendix B.

(F) E-FILED DOCUMENTS

- (1) *Format*. All e-Filed documents must be formatted in accordance with these Rules.

- (a) An e-Filed document may not contain internal or external links to other documents or references to the court's E-Filing Portal.
- (2) *PDF*. All documents submitted for e-Filing shall be filed in Portable Document Format (PDF).
- (a) Documents submitted via the e-File Portal should not also be emailed or provided via hard copy to the Court or the Clerk of Courts.
- (3) *Size Of Filing*
- (a) The Clerk of Courts may establish parameters for the size of the filings.
- (4) *Titles Of Filings*
- (a) All filed documents must conform with one of the "Document Type" options listed in the e-Filing Portal.
  - (b) Any filing requesting an act by the Court should be designated as a "motion and proposed order/entry," not "motion."
  - (c) Some "motions" have specific headings that should be used when filing the following documents.
  - (d) The title given by the e-Filer to the PDF document must match the title in the caption of the filed document. The document will be filed based upon the name of the PDF document.
- (5) *One Document Per Filing*
- (a) Only one captioned document may be filed per e-Filing. This provision does not preclude the inclusion of attachments to a motion, brief, or other filed document in the same e-Filing.
    - i. For example, an e-Filer should file a "notice of filing deposition transcript" as one e-filed document, and the actual deposition transcript as a second e-filed document. Both of these documents have captions, and each needs its own docket entry.
    - ii. In contrast, a "suggestion of death" with an accompanying death certificate as an exhibit may be filed as one e-Filing. The death certificate does not have its own caption and does not need to be a separate docket entry.
  - (b) If two captioned documents are included in the same e-Filing, the docket entry assigned to the filing will determine which document is filed. The document not named in the docket entry will not be considered filed.

- i. For example, if a user files both a notice of filing deposition transcript and the actual deposition transcript as one e-filed document, and the filing is called a “notice of filing deposition transcript,” only the notice will be considered filed. The deposition transcript itself will not be considered filed.

(G) SIGNATURES

- (1) *Attorney and Filing Party Signature.* E-filed documents that require an attorney’s or filing party’s signature must be signed by hand or as follows:

/s/Attorney Name  
Attorney Name, Registration Number  
Attorney for [Party]  
Law Firm Address  
Telephone Number  
Email Address

or

/s/Party Signature  
Party’s Name  
Address  
Telephone Number  
Email Address

- (2) *Effect Of Signature On E-Filing Pleading.* The representation of a signature on an e-Filed document has the same effect as an original signature for purpose of signature requirements imposed by all applicable Ohio Rules of Procedure.
- (3) *Third-Party Signatures.* A document containing the signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted only as a hand-signed, scanned-in PDF document.
- (4) *Judge or Magistrate Signatures.* Electronic documents may be signed by a judge or magistrate via a digitized image of his or her signature. All documents signed in this manner will have the same effect as if the judge or magistrate had affixed his or her signature to a paper copy of the document and it had been entered on the journal in a conventional manner.

(H) PROPOSED ORDERS/ENTRIES

- (1) Proposed orders and entries (or other documents requiring a judicial officer’s signature) must be included in the PDF with the motion for which the party seeks an order or entry.
- (2) The document should be identified in the e-Filing Portal as a “motion and proposed order/entry” rather than simply a “motion.”



(I) FILING DATE AND TIME OF E-FILED DOCUMENTS

- (1) Documents may be submitted to the clerk for e-Filing 24 hours per day, 7 days per week.
- (2) Upon receipt of a document submitted for e-Filing, the E-Filing Portal will issue a confirmation that the submission has been received.
- (3) The clerk will perform a clerk review of the submission during normal business hours and will either accept or reject the submission.
- (4) E-Filed Document Accepted
  - (a) If a document submitted for e-Filing is accepted by the clerk, the document will be entered into the Court's case management system and will receive an electronic timestamp indicating the date and time of the e-Filing.
  - (b) The electronic timestamp, and the effective date and time of filing, will correspond to the date and time the e-Filing was submitted to the E-Filing Portal.
  - (c) The clerk will notify the e-filer by email of the successful submission.
- (5) E-Filed Document Rejected
  - (a) Reasons for rejection of an e-Filed document include, but are not limited to, incorrect case docketing codes; the use of incorrect electronic file forms; failure to pay correct filing fees, including those for a requested jury demand; submitting multiple documents in one uploaded file; incomplete or inaccurate party information; and incorrect case numbers.
  - (b) If the clerk rejects a submitted document, the document will not become part of the official court record. The clerk will notify the e-Filer by email if the e-Filer's submission has been rejected and the reason why.
  - (c) A rejected document will be considered filed upon submission, consistent with Local Rule 4.04(I)(4) provided any deficiencies are corrected in a timely manner, not to exceed two (2) business days.
    - i. Should the e-Filer fail to correct deficiencies within two (2) business days, the clerk shall notify the assigned judge or magistrate, who shall take any action deemed appropriate, which may include, but not be limited to, striking documents, dismissing actions, or issuing corrective orders.
  - (d) Corrective Orders
    - i. Upon motion of a party, or upon its own initiative, the Court shall have discretion to issue orders necessary to correct and

cure any deficiencies and to make modifications to its records consistent with this Rule.

- ii. The Court may deny a motion requesting a corrective order to any party who acts in bad faith or otherwise manipulates the e-Filing system to gain unfair advantage or circumvent legal deadlines.

(J) FILING ERRORS

(1) Filings Amended After Submission

- (a) An e-Filer who wishes to make corrections or additions to a previously filed document may file a revised document if no response has been made to the original filing by any party.
- (b) The revised document must be filed within the time permitted for the filing of the original document.
- (c) The revised document must be so identified and must reference the date of the filing of the document being revised in its title.
  - i. For example, a document submitted in place of a motion to dismiss that was filed on June 1, 2021 should be titled, "Revised Motion to Dismiss (original filed on June 1, 2021)."
- (d) The revised document properly filed under this rule will supersede the original and the original will be considered withdrawn. The Court will not consider the original.
- (e) The time for filing a response to a revised document properly filed under this rule begins to run from the date the revised document is filed.

(2) Documents Filed in Error

- (a) Prior to acceptance for filing, the clerk may reject a document from the E-Filing Portal upon timely request by the e-Filer. The request for rejection must contain either the case number or the e-File Confirmation Number of the e-Filing sought to be rejected.
- (b) After the clerk accepts an e-Filing, the e-Filed document cannot be withdrawn, deleted, or altered. After acceptance, only a judge or magistrate can strike an e-Filing in the event it has been filed in error.
- (c) When the clerk strikes a document upon the order of a judge or magistrate, the clerk must annotate the docket to show that it has been stricken and the reason therefore.

(3) Formatting Errors

- (a) If, despite the clerk's review, a document accepted for filing does not substantially comply with this Court's formatting rules, the Court may, either *sua sponte* or on the motion of any party, strike the improperly formatted document.
- (b) If the improperly formatted document is stricken, it will be treated as if it were not filed. If the deadline has expired for filing the document in question, the filer must seek leave of court to re-file it.

(K) SYSTEM ERRORS

(1) Technical Malfunctions with the E-Filing Portal. The clerk must notify the Court and the public of any malfunction with the E-Filing Portal greater than one hour. When the clerk deems the E-Filing Portal subject to a technical malfunction, the following provisions must apply:

- (a) *Anticipated Outage.* If the system outage is planned or anticipated ahead of time, the clerk must post a message on the clerk's website and on the E-Filing Portal alerting filers of a possible system outage. This message is an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message.
- (b) *Unexpected Outage.* If the system outage is unexpected, the clerk must post a message on the clerk's website and on the E-Filing Portal. This message is an official acknowledgement of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message.
- (c) *Motion to Deem Filed as of Date Electronically Submitted.* Filers who are unable to electronically submit their filings due to a system outage, and who then submit their filings no later than the next business day after an official acknowledgement of the system outage, may file a properly supported motion for an order permitting the document to be deemed filed as of the date it was electronically submitted.
- (d) *Order to Deem Filed as of Date Electronically Submitted.* If the Court determines from the motion described in Part (3) of this Section that a system failure prevented a filer from e-Filing a document, the Court must enter an order deeming the document filed as of the date of the attempted electronic submission.

(2) Missed Deadline as a Result of E-Filers Technical Failure.

- (a) *Non-jurisdictional Deadlines.* A party who misses a non-jurisdictional deadline because of technical problems with the filer's equipment, software, or internet access may move the Court to file a document *instante* no later than the next business day following the resolution of the party's technical problems.

- i. The motion must be accompanied by a signed declaration explaining the failure to meet the deadline.
  - ii. The judge or magistrate assigned to the case may grant or deny such motion in his or her discretion.
- (b) Jurisdictional Deadlines.
  - i. Technical failures, whether the fault of the E-Filing Portal or otherwise, cannot extend jurisdictional deadlines (such as statutes of limitation or deadlines for appeal).
  - ii. When the E-Filing Portal is subject to a technical failure, filers may file documents in paper format or via the Clerk's Email Filing process to comply with jurisdictional and non-jurisdictional deadlines.

#### **4.05 FILING BY EMAIL**

##### (A) IMPLEMENTATION

Effective May 1, 2019, the Clerk of Courts shall accept documents delivered to the Clerk's Office by electronic mail (email). For criminal cases as of September 7, 2021, e-Filing under Local Rule 4 is preferred.

(B) The Clerk of Courts is only required to accept documents delivered by email for filing from licensed, Ohio attorneys who have already entered an appearance in the case.

(C) Procedure for delivering documents to the Clerk of Courts via email:

- (1) *Signature*. The document must be signed via a digitally scanned signature, printing and physically signing the document, or by keying in /s/ followed by the filer's name on the signature line above the required attorney information.
- (2) *Conversion to Pdf*. The document must be converted to a Portable Document Format (PDF) for filing. The Clerk of Courts may reject any document delivered for filing that is not in a PDF format.
- (3) *E-Mailing*. The document shall be delivered to one of the following email addresses:

For civil cases: [civilfilings@co.warren.oh.us](mailto:civilfilings@co.warren.oh.us)

For criminal cases: [criminalfilings@co.warren.oh.us](mailto:criminalfilings@co.warren.oh.us)

For appellate cases: [appealsfilings@co.warren.oh.us](mailto:appealsfilings@co.warren.oh.us)

- (4) *Hard Copies*. No paper hardcopies shall be delivered to the Clerk of Courts for documents delivered via email.

- (5) *Exhibits*. Exhibits are to be appended to the document they support and filed together as one document.
  - (6) *Proposed Entries*. A Proposed Entry or Order must be a separate PDF document included in the same email but not within the same document as the pleading, motion, and/or memoranda.
  - (7) *Document Size*. The Clerk of Courts may reject any document delivered for filing that is larger than 20 MB in size.
  - (8) *Timeline*. The Clerk of Courts will process the document by the end of the next business day following receipt.
  - (9) *Document Rejection*. The Clerk of Courts will notify the sender via email if a document has been rejected and the reason for the rejection.
  - (10) A document will not be considered filed until it is reviewed, approved, and filed into the correct case file by the Clerk of Courts.
  - (11) Anyone delivering documents for filing by email is urged to verify receipt and filing through the Clerk of Court's website.
- (D) Items Precluded From Being Delivered for Filing Via Email
- (1) Original complaints, answers, and any document requiring a filing fee may not be delivered to the Clerk of Courts for filing via email.
  - (2) No documents seeking to be filed under seal may be delivered for filing under this rule.
- (E) Once the document is filed, the Clerk of Courts shall make electronic distribution of the filed document to all parties in the case.

#### **4.06 TECHNOLOGY PLAN**

- (A) In accordance with Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan which will include:
- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court; and
  - (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the "Americans with Disabilities Act."
- (B) The plan will be posted on the Court's website at [co.warren.oh.us](http://co.warren.oh.us).

## **5 COURTHOUSE DECORUM**

### **5.01 BEHAVIOR AND CONTEMPT**

- (A) It is the duty of every person in the courthouse to act with proper decorum and respect at all times.
- (B) The use of insulting, vulgar, profane, or threatening language in the presence of the court or a court employee is strictly prohibited.
- (C) The Court reserves the right to hold those in violation of this Rule in contempt of court.

### **5.02 ELECTRONIC DEVICES**

- (A) All electronic devices, including cell phones, tablets, smart watches, portable computers, and pagers, must be turned off or placed in “silent” mode while in the courthouse.
- (B) No cell phone calls may be initiated or received while in the courtrooms while court is in session.
- (C) Devices that become a distraction during court proceedings shall be confiscated.

### **5.03 PROPER ATTIRE**

- (A) All individuals appearing at the courthouse, including court employees, attorneys, parties, jurors, media, and the general public must be properly attired.
- (B) The Court adopts the following dress code:
  - (1) No shorts
  - (2) No miniskirts
  - (3) No spaghetti straps, tank tops, halter tops, or strapless tops or dresses
  - (4) No tops or dresses exposing any portion of the breast
  - (5) No skintight pants or skirts
  - (6) No baggy pants
  - (7) No see-through clothing
  - (8) No pajama pants
  - (9) No sexually suggestive clothing
  - (10) No clothing with references to illegal drugs, alcohol use, weapons, or sex

(C) HEAD COVERINGS

- (1) Head coverings must be removed within the courthouse except those worn for religious reasons.
- (2) The Court reserves the right to question any individual in the courthouse regarding the specific religious reason alleged.

**5.04 TIMELINESS**

- (A) All individuals scheduled to appear before the court, including parties, attorneys, and witnesses, shall arrive and be prepared to act on their case at the scheduled time.
- (B) If extraordinary circumstances require counsel or a party to be late, he or she shall notify the court and provide an anticipated time of arrival.
- (C) Repeated lateness to court appearances may result in a finding of contempt.
- (D) Failure to appear for a hearing shall result in sanctions.

**5.05 EX PARTE COMMUNICATIONS**

- (A) Neither counsel nor parties shall initiate or institute any discussion on a pending case with the trial judge unless all counsel and unrepresented parties are present, or have been notified of the discussion to take place and given an opportunity to participate.

**5.06 BROADCASTING, PHOTOGRAPHING, AND RECORDING**

- (A) To ensure transparency, accessibility and public trust in the legal system, the Court permits the broadcasting, photographing and recording of court proceedings.
  - (1) This Rule is to be read in conjunction with Sup.R. 11 and 12.
  - (2) The trial judge has the discretion to limit, control or prevent broadcasting, photographing and/or recording, after reasonable notice and opportunity to be heard, in the interests of justice, privacy and security.

(B) BROADCAST AND/OR RECORDING IN THE COURTROOM

- (1) No video, photographic or audio recording device, including cell phones when used for this purpose, may be used inside the courtroom without prior approval.
  - (a) Requests for permission to broadcast, photograph, or otherwise record proceedings in the courthouse or a specific courtroom shall be made in writing to the court administrator. Such applications shall be made as far in advance as is reasonably possible but in no event not later than 30 minutes prior to the court session to be recorded. The assigned trial judge may waive the advance notice provision for good cause.

- (b) The written application shall include the applicant's news media affiliation, if any, the recording equipment proposed to be used (i.e., video camera, still camera, audio recording device), and any special requirements, such as microphone hook-ups or electrical conduits requested.
  - (c) If the application is approved, the trial judge will assign positions in the courtroom to the applicant and its representatives and technicians. Equipment operators are not be permitted to move about the courtroom or to enter or leave the courtroom during active court proceedings.
- (2) There shall be no broadcasting, photographing and/or recording of activities in the courtroom that take place during the recesses of a hearing, or during the half-hour before or after the hearing.
  - (3) Broadcasting, photographing and/or recording video of jurors and potential jurors is prohibited.
  - (4) Audio equipment shall be controlled so that it will not pick up conferences or conversations between counsel and client, conferences at the bench, or discussions between counsel and the official court reporter as in the case of a proffer.
  - (5) No equipment may be used that causes distracting sound or light. The use of artificial lighting and flash photography is prohibited.
  - (6) Equipment used in the broadcasting, photographing and/or recording of proceedings, such as microphones and television cameras, must be positioned prior to the commencement of the hearing, and must remain in position until the entire proceeding is concluded.
  - (7) Attorneys shall inform a victim or witness that they may object to being broadcast, photographed and/or recorded.
    - (a) If a witness objects, the trial judge may make a ruling prohibiting the broadcasting, photographing and/or recording of the testimony of a victim or witness after giving interested parties the opportunity to be heard.
    - (b) If the Court orders that a particular witness or other person in the courtroom is not to be broadcast, photographed or recorded, it will be the responsibility of each individual to inform assistants of the trial judge's instructions. Failure to comply with the Court's order may result in revocation of the right to broadcast, photograph and/or record in the courtroom and a finding of contempt.
    - (c) Objections to recording of the testimony of a victim or witness does not apply to the Court's own recording system utilized pursuant to Rule 4.03(D).



(C) MEDIA ROOM

- (1) Individuals wishing to broadcast, photograph and/or record court proceedings, including via the use of a cell phone when used for this purpose, may do so from the media room without prior approval of the Court.
- (2) Photographing or video recording jurors and potential jurors is prohibited.
- (3) Broadcasting, photographing and/or recording of a victim, witness or other individual who has objected is prohibited, except as permitted by the trial judge pursuant to this rule.
- (4) Audio equipment shall be controlled so that it will not pick up conferences or conversations between counsel and client, conferences at the bench, or discussions between counsel and the official court reporter as in the case of a proffer.
- (5) No equipment may be used in the media room that causes distracting sound or light.
- (6) The trial judge shall have the right to limit access to or use of the media room as needed for good cause shown.

(D) LIVE STREAM OF PROCEEDINGS

- (1) The Court may make use of available technology to live stream court proceedings to the internet.
- (2) The trial judge shall implement reasonable measures to protect the interests of the litigants, witnesses, victims, minors, undercover law enforcement officers or other individuals as needed.

- (E) The Court may further regulate the conduct of any broadcasting or recording activity to avoid distracting the participants and to guarantee a fair trial.

## **6 TRIAL PRACTICE**

### **6.01 CONDUCT AT TRIAL**

- (A) Unless otherwise indicated by the assigned trial judge, counsel shall be present and available to the court at 8:30 AM on the morning of each trial day.
- (B) Counsel shall have witnesses available during trial so that the case runs smoothly and without delay. Any anticipated delay in the appearance of a witness or the calling of any witness out of turn will be discussed in advance with the trial judge and opposing counsel.
- (C) Attorneys in proceedings before the Court shall refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, citizenship, disability, age, sexual orientation, marital status, veteran's status, or

socioeconomic status against parties, witnesses, counsel, or others. This prohibition does not preclude legitimate advocacy when race, gender, religion, national origin, citizenship, disability, age, sexual orientation, marital status, veteran's status, socioeconomic status, or other similar factors are at issue in the proceeding.

- (D) All statements and communication by counsel shall be made from counsel table or the lectern. Except when making objections, counsel shall rise when addressing the Court or jury unless otherwise permitted by the trial judge. While the court is in session, counsel shall not approach the bench or the witness on the stand unless upon request and permitted to do so by the judge.
- (E) Arguments of counsel shall be addressed to the Court and, at the proper time, to the jury. Arguments between counsel are not permitted. Arguments on rulings or objections shall be at the discretion of the trial judge.
- (F) If any party has more than one counsel, only one counsel per party may examine or cross-examine a witness. Although any counsel of record for a party may make objections at trial, only one counsel may argue any single objection.
- (G) Counsel shall make him or herself available while the jury is deliberating and shall notify the judge or bailiff where counsel can be reached if not in the courtroom.

## **6.02 EXHIBITS**

### **(A) DEFINITION**

For purposes of this Rule, “exhibit” means any document or tangible item submitted at any hearing or trial before a judge or magistrate of this Court.

### **(B) INVENTORY**

- (1) Exhibits offered as evidence shall be taken into the custody of the court reporter. All exhibits shall be marked with an appropriate exhibit sticker, using numbers for plaintiffs and letters for defendants.
- (2) The court reporter shall complete an Itemized Evidence Inventory (“Inventory”) for each party, which shall contain the following information:
  - (a) Case caption;
  - (b) Case number;
  - (c) Name of judge or magistrate;
  - (d) Name of court reporter;
  - (e) Name of all counsel or unrepresented parties;
  - (f) Each exhibit number or letter;

- (g) A brief description of each exhibit;
- (h) Whether the exhibit was identified;
- (i) Whether the exhibit was admitted; and
- (j) An annotation indicating whether the exhibit was photographed and returned.

(3) Exhibits identified, but not admitted, shall remain in the custody of the court reporter and placed in a separate envelope from exhibits admitted.

(4) Exhibits withdrawn will be returned to the proffering party.

**(C) EVIDENCE ROOM**

The court reporter shall place all exhibits and Inventory lists, sealed, in a court evidence envelope and shall store the exhibits in one of the Court's designated evidence rooms. The court reporter shall be responsible for retaining physical custody of exhibits in all cases, with the following exception of bulky or oversized exhibits, which shall be handled as set forth below in subsection (D).

(1) Persons requesting exhibits from the evidence room must file a motion and obtain an order. The court reporter, or other person designated by the judge, shall make the evidence available within a reasonable period of time.

**(D) BULKY OR OVERSIZED EXHIBITS**

(1) Exhibits that are bulky or oversized shall be photographed by the court reporter and returned to the attorney who proffered the exhibit and/or arresting agency. All photographed exhibits must clearly show the exhibit number.

(2) The attorney proffering and/or agency retaining custody of exhibits that have been photographed and returned shall be responsible for retention and/or destruction as provided by these Rules, the Ohio Rules of Superintendence, and the Ohio Revised Code.

**6.03 EXPERT WITNESS REPORTS**

(A) A party may not call an expert witness to testify unless a written report has been procured from the expert and forwarded to opposing counsel prior to the time of trial.

(B) It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to ensure that each report adequately sets forth the expert's opinion.

(C) Unless good cause is shown, all reports must be supplied to opposing counsel as set forth in the scheduling order, but no later than thirty (30) days prior to trial.

- (D) The report of an expert must reflect his or her opinions as to each issue about which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.
- (E) If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise, together with his or her qualifications, and a detailed summary of his or her testimony. The Court shall have the power to nonetheless exclude testimony of the expert if good cause is not determined for the absence of a report.

#### **6.04 DEPOSITION TRANSCRIPTS**

- (A) For every deposition to be used at trial, a transcript must first be filed with the Clerk of Courts. The transcript shall be submitted to the Clerk of Courts in electronic format, who shall docket and file the transcript pursuant to Local Rule 4.03(G).
- (B) If an audio/video version of a deposition transcript is to be presented during trial or hearing, the attorney presenting the audio/video version of the deposition transcript shall submit the audio/video version of the deposition to the court reporter of the assigned trial judge five (5) working days prior to the trial or hearing unless otherwise ordered by the Court.
  - (1) The Court will not accept or permit the audio/video version of the deposition transcript to be presented during trial or hearing unless a written transcript of the deposition accompanies the submission.
  - (2) The audio/video version of the deposition transcript shall include an attached written certification from the officer who took the audio/video deposition. The certification shall state that the witness was fully sworn or affirmed by the officer and that the audio/video version of the deposition is a true record of the testimony given by the witness. The officer's log of the deposition shall be included with the certification.
  - (3) The audio/video version of the deposition shall be marked as an exhibit of the party who presented the deposition and shall be retained as evidence in the trial or hearing.

#### **6.05 VIEW OF THE SCENE**

- (A) All requests for a view of the scene shall be made in writing and filed at least 14 days prior to trial, with notice to the opposing party. The failure to file such notice may, within the discretion of the court, result in denial of the request.
  - (1) In civil cases, the request shall be accompanied by an appropriate cost deposit according to the attached schedule.
  - (2) In criminal cases, the request need not be accompanied by a cost deposit.

- (B) When permission is granted for the jury to visit the scene, the Court shall arrange transportation of the jury, the bailiff, the trial judge, and one attorney for each party.
- (C) When permission is granted for the jury to visit the scene, only the bailiff may point out the places or objects as agreed to by counsel and ordered by the Court. The attorneys shall not be permitted to speak during the jury's view of the scene.

#### **6.06 CONTINUANCE OF TRIAL OR HEARING**

- (A) The Court may continue any trial date due to a conflict in the Court's trial calendar.
  - (1) Criminal cases assigned for trial shall take priority over civil cases assigned for trial on the same day.
  - (2) Unless otherwise designated by the trial judge, cases with a lower case number shall take priority over cases with a higher case number assigned for trial on the same day.
- (B) No party shall be granted a continuance of a trial or hearing except upon written motion endorsed by the moving party and his or her counsel.
  - (1) The motion for continuance shall indicate whether opposing counsel/party supports or opposes the motion.
  - (2) In civil cases, the motion shall be signed by both counsel and the party on whose behalf the continuance is sought.
  - (3) No continuance shall be granted without contemporaneously setting the matter of a new date.
  - (4) When the continuance of a trial or hearing is requested because counsel is scheduled to appear in another case assigned for trial on the same date in this or another court, the case that was set first for trial shall take priority.
    - (a) A motion to continue for the reason set forth above shall be accompanied by documentation of the conflicting trial assignment is attached thereto and the motion is filed not less than 30 days prior to trial.
  - (5) The assigned trial judge may waive any of the above requirements upon a showing of good cause.

#### **6.07 WITHDRAWAL OF COUNSEL**

- (A) An attorney seeking to withdraw as counsel in a pending criminal or civil case shall file a motion and proposed entry to the assigned trial judge or magistrate. The Motion shall contain the following:
  - (1) The date and time of any upcoming hearing or trial;

- (2) The reason(s) for the requested withdrawal;
  - (3) A statement that the client must promptly obtain new counsel unless new counsel is already retained and made an appearance in the case; and
  - (4) A statement that no continuances of pending hearings shall be granted solely for the reason of a change in counsel.
  - (5) If the client is in agreement with the withdraw, the motion shall be signed by both counsel and the client, and the court will consider the motion forthwith.
  - (6) If the client has not signed off on the proposed entry, the motion must also state that the court may sign the entry unless the client requests a hearing within seven days of the motion being served upon the client.
    - (a) To request a hearing on the motion to withdraw, the client must contact the trial judge's assignment commissioner by phone or file a written request with the clerk's office.
  - (7) The certificate of service on the motion to withdraw must include the withdrawing counsel's client as well as all opposing counsel.
- (B) Motions not containing the requirements listed above shall be set for hearing.
  - (C) Absent extraordinary circumstances, counsel will not be granted permission to withdraw less than 30 days prior to a scheduled court appearance.
  - (D) Counsel shall not be granted permission to withdraw prior to the completion of any assigned entries.
  - (E) The procedure outline above shall not be required to affect a substitution of counsel where an entry is submitted containing signatures of both the withdrawing counsel and the substituting counsel.
  - (F) This procedure shall not apply in instances where counsel has been appointed by the court in a criminal case to represent an indigent defendant. In such cases, the motion to withdraw will be heard at the soonest-available court date.

## **6.08 JURY MANAGEMENT PLAN**

- (A) ADOPTION
  - (1) In accordance with Sup.R. 5(D), the Court adopts the following rules to ensure the effective use and management of jury resources.
  - (2) Jury service is an obligation of all citizens, and the opportunity to service on a jury shall not be denied on the basis of race, national origin, gender, religion, marital status, disability, sexual orientation, socioeconomic status, veteran's status, or occupation.

(B) JURY ADMINISTRATION

The Court administers the jury system for the county through the office of a jury commissioner and shall from time to time evaluate the system for the effectiveness of summoning and qualification procedures, the inclusiveness of the jury source lists, the cost effectiveness of the jury management system, and the responsiveness of individuals to jury duty summonses.

(C) The jury commissioner is responsible for summoning persons for jury service and collecting information so that each person's eligibility for service can be determined, as well as basic information generally sought during voir dire. The jury commissioner shall establish procedures to respond to failures of summoned persons to report for jury duty.

(D) The jury commissioner, on an annual basis, draws a list of potential jurors from the list of registered voters in Warren County maintained by the Board of Elections. Persons are randomly selected from this list to be summoned for jury service.

(E) All residents of Warren County who are citizens of the United States, at least eighteen (18) years of age, able to communicate in the English language, and not ineligible due to a felony conviction are eligible for jury service.

(F) The Court shall make reasonable accommodations for those jurors having special needs due to physical impairment.

(G) Persons called for jury duty will be paid a reasonable fee for their service. Employers are not permitted by law to penalize jurors who miss work due to jury duty.

(H) EXCUSAL OF JURORS

(1) Persons otherwise eligible for jury service may be excused from service according to standards provided in R.C. § 2313.14. Eligible persons may be granted a short deferral of jury service according to standards provided in R.C. § 2313.15.

(a) A person requesting a deferral or excuse shall apply to the Court in writing no later than seven (7) days before the date he or she is scheduled to report for jury duty.

(b) The Court will rule on the application and notify the individual whether the request has been granted.

(c) Individuals summoned as potential jurors are required to be available for jury service for four (4) months but are excused from further service after the completion of two (2) trials.

(I) VOIR DIRE

(1) Voir Dire is directed at determining each potential juror's ability to examine the evidence in a fair and impartial manner.

- (2) The trial judge will begin the voir dire examination and then permit counsel to question potential jurors.
- (3) Persons may be excused from serving on a particular jury for cause or upon a peremptory challenge issued by a party to the case.
- (4) The trial judge may limit the time for voir dire examination.

(J) NOTES

Jurors may take notes during testimony and engage in limited controlled questioning at the option of the assigned trial judge after consultation with the parties. Upon the conclusion of the trial, all juror notes shall be confiscated by the bailiff for destruction.

(K) INSTRUCTIONS

Written jury instructions shall be submitted by the assigned trial judge to the jurors for use during their deliberations.

(L) DELIBERATIONS

During deliberations, jurors will be escorted and supervised by the bailiff of the assigned trial judge. Deliberations shall take place under conditions and with procedures designed to ensure impartiality and secrecy, and to enhance rational decision-making. The jury will not be required to deliberate after a reasonable hour or on the weekend unless the assigned trial judge determines that such deliberations would not impose an undue hardship upon the jurors and is required in the interest of justice. Meals shall be provided for the jury during deliberations as necessary, at the discretion of the assigned trial judge.

(M) SEQUESTRATION

A jury shall be sequestered during deliberations on both the guilt and penalty phases in a capital case and as otherwise ordered by the assigned trial judge. In a non-capital case, a jury shall be sequestered only for good cause, such as to insulate the jury from improper information or influence. The bailiff oversees all aspects of sequestration. The Court will make every reasonable effort to achieve the purposes of sequestration while minimizing the inconvenience and discomfort to jurors. In appropriate cases, the costs of sequestration may be taxed as court costs.

## **7 CIVIL ACTIONS**

### **7.01 METHODS OF ASSIGNMENT OF CIVIL CASES**

- (A) The Court shall employ the Individual Assignment System as set for in Sup.R. 36 for the assignment of all civil cases.
- (B) When a civil case is filed with the clerk it shall be assigned a case number and randomly assigned to an individual judge by a computer program designed to



provide equitable and random distribution of cases among the General Division Judges of the Common Pleas Court.

- (C) Where a case had previously been dismissed and is being refiled, the clerk of courts shall assign that case to the judge of the original case or his/her predecessor.
- (D) After the random assignment of the case, the assignment commissioner for the administrative judge shall reassign the case, if necessary, for any of the following reasons:
  - (1) The case has one or more companion cases and the cases, in the interests of justice, should be heard by the same judge. If the case is not a refile, the cases shall be assigned to the judge randomly assigned to the lowest case number.
- (E) The assignment commissioner for the administrative judge shall reassign cases based on the reassignments provided for in the previous Rules to ensure each judge has an approximately equal number of new cases.
- (F) All subsequent transfers of cases between judges must be by entry.
- (G) Assignment of cases shall be conducted in such a manner as to ensure judicial accountability for the processing of individual cases; timely processing of cases through prompt judicial control over cases and the pace of litigation; and random assignment of cases to judges through an objective and impartial system that ensures the equitable distribution of cases among the judges.

## **7.02 COSTS**

- (A) No civil action or proceeding shall be accepted by the clerk for filing unless there is deposited as security for costs the amount specified in the schedule of costs, attached hereto as Appendix A, as may be amended from time to time.
- (B) If costs are not prepaid or secured as described above, the litigant shall pay them in full before the matter will be set for trial. In the case of costs to secure a jury demand, the jury demand will be denied if the costs are not paid or waived by the Court.
- (C) Any expense associated with the taking of a deposition to preserve testimony for trial, but not to conduct discovery, may be charged as part of the costs of the case upon approval of the trial judge.
- (D) After the termination of an action, the clerk shall return any unused cost security deposit to the attorney of record or to the unrepresented litigant who deposited the costs.
- (E) When a civil case has been filed in a municipal or county court and is later transferred to the Court for jurisdictional reasons, the party whose claim requires such transfer shall, within ten (10) days of docketing of the matter in the Court, deposit security for costs with the clerk. The amount deposited shall be the same amount required had the action originally been filed in the Court. In the event the party causing the transfer fails to deposit costs as required under this Rule, the

other party may file a motion to dismiss that party's claims at any time before the commencement of trial.

- (F) In the event a case is voluntarily dismissed by a plaintiff, such party shall pay all costs required to be taxed as costs in the case at or prior to the filing of the dismissal.

### **7.03 WAIVER OF COSTS**

- (A) Pursuant to R.C. § 2323.311, costs may be waived by the Court upon the filing of a civil action or proceeding and accompanying affidavit of indigency.
  - (1) To qualify as indigent, the litigant or the litigant's attorney shall, upon the filing a civil action or proceeding, contemporaneously file an affidavit of indigency.
    - (a) A sample affidavit is below as Appendix C. A modifiable affidavit is also available through the Ohio Judicial College at  
  
<http://www.ohiojudges.org/Document.ashx?DocGuid=7bb73182-e13c-412a-be73-75b105d12d04>
    - (b) In the case of a litigant who is an inmate of a correctional facility, the Court may additionally require an affidavit from the cashier of the institution indicating the amount of money currently on deposit in the inmate's commissary fund.
- (B) Upon the filing of the civil action or proceeding and the affidavit of indigency, the clerk of court shall accept the action or proceeding for filing.
- (C) The Court shall review the affidavit of indigency and approve or deny the application to qualify as an indigent litigant.
  - (1) If the application is approved, the clerk of court shall waive the advance deposit or security and the Court shall proceed with the civil action or proceeding. An indigency finding shall excuse the indigent litigant from the obligation to prepay any subsequent fee or cost arising in the civil action or proceeding unless the Court addresses the payment or nonpayment specifically in a court order.
  - (2) If the application is denied, the clerk of courts shall retain the filing of the action or proceeding and the Court shall issue an order granting the litigant thirty (30) days to make the required advance deposit or security. Failure to do so shall result in dismissal of the civil action or proceeding.
- (D) The Court may, at any time while the action or proceeding is pending, conduct a hearing to inquire into the applicant's status as an indigent litigant.

#### **7.04 NOTICE OF APPEARANCE**

- (A) Counsel in all cases shall file a Notice of Appearance, which shall contain the following:
  - (1) Attorney's name and signature;
  - (2) Supreme Court registration number;
  - (3) Business address;
  - (4) Telephone number;
  - (5) Fax number, if any;
  - (6) Email address;
  - (7) Party or parties attorney represents; and
  - (8) Limitations on appearance, if any.
- (B) Documents subsequently submitted to the clerk for filing shall contain the same information as set forth above.
- (C) Information set forth in the initial Notice of Appearance that is subsequently changed, such as attorney or attorney's address, shall be reported immediately by the filing of a new Notice of Appearance.
- (D) In cases where a party is represented by more than one attorney, a single Notice of Appearance may be filed, but must contain the above information for each attorney on the case.

#### **7.05 CERTIFICATE OF SERVICE**

- (A) The certificate of service on all filings shall state the date and manner of service designating whether it was sent by certified mail, facsimile transmission, email, or hand delivery.
- (B) The certificate of service on all filings shall state the name, business address, and email address for service of each attorney or party to whom the filing is directed and shall be signed in accordance with the Civil Rules.
- (C) The availability of e-Filing or email filing shall not serve to eliminate any requirements to serve opposing counsel or parties with filings pursuant to the Rules of Civil Procedure.

#### **7.06 SERVICE BY PUBLICATION**

- (A) If service is to be perfected by publication pursuant to the Ohio Rules of Civil Procedure, the requesting party shall file with the Clerk of Courts an affidavit together with a legal notice. The affidavit shall aver that service of summons cannot

be made because the residency of the party to be served is unknown to the affiant, all of the efforts made on behalf of the party to ascertain the residence of the party to be served, and that the residence of the party to be served cannot be ascertained with reasonable diligence.

- (B) The Clerk of Courts will cause publication by returning the legal notice to the requesting party for transmittal to a newspaper of general circulation.

#### **7.07 FAILURE TO PROSECUTE**

- (A) Service of summons upon all party-defendants shall be checked by court staff forty-five (45) days after an action is filed.
- (B) If there is no return of service, the plaintiff will be notified. Service will be checked every twenty-eight (28) days thereafter, until all returns are filed.
- (C) If there is no return of service as to one or more defendants for a period of more than six (6) months, the case will be treated under Local Rule 3.05 and Civ.R. 4(E) as a case that may be subject to dismissal for lack of prosecution.
- (D) If service is complete upon all defendants, but no answer or other appearance has been timely made, the assignment commissioner or judicial secretary shall notify the plaintiff to move for default judgment within twenty (20) days. Plaintiff's failure to move for default judgment or to show cause why default is not appropriate may result in the dismissal of the action.

#### **7.08 EXTENSION OF TIME TO PLEAD**

- (A) Leave may be granted ex parte for an additional 30 days for filing of an answer or a reply to a counterclaim, provided that the time for filing of an answer or reply has not yet expired and no previous extension has been granted.
  - (1) When counsel or an unrepresented party obtains an ex parte extension of time to plead, he or she shall immediately notify all other counsel of record or unrepresented parties in the case.
  - (2) Where the time for answer or reply has already expired, additional time for filing such answer or reply may be obtained only as provided in Civ.R. 6.

#### **7.09 AMENDMENTS AND ALTERNATIONS**

- (A) Pleadings and motions may be amended in accordance with Civ.R. 15.
- (B) No motion, pleading, or entry may be altered by interlineation or obliteration without leave of court.

## 7.10 MOTIONS

### (A) FORMAT

- (1) All motions shall be accompanied by a memorandum in support of the motion, which shall be a brief statement of the grounds for the motion, including legal citations to authorities demonstrating the movant is or is not entitled to the relief sought; affidavit or evidentiary materials where required by law; citations to the record in support of asserted facts; and proof of service in accordance with Civ.R. 5.
- (2) All motions shall contain within their captions the name of the judge and magistrate, where applicable, to whom said case has been assigned.
- (3) All motions submitted by attorneys must be typed.
- (4) All typed motions and memoranda must include one (1) inch margins, be double-spaced, and be printed in no smaller than 12-point font.
- (5) Motions and memoranda shall be limited in length as follows:
  - (a) Original motions and memoranda in support shall be no longer than twenty (20) double-spaced pages in length, excluding attachments;
  - (b) Memoranda in opposition shall be no longer than twenty (20) double spaced pages in length; and
  - (c) Reply memoranda shall not exceed ten (10) double-spaced pages.
- (6) A party may request leave of Court to exceed the page limitations. Any filing which exceeds the page limitations shall contain a summary which is no greater than two double-spaced pages in length.
- (7) The Court may grant the filing of a supplemental memorandum, or sur-reply, upon motion and with good cause shown. A determination of the appropriate page length limitation for a supplemental memorandum shall be made by the Court at the appropriate time.

### (B) ATTACHMENTS TO MOTIONS

- (1) To ensure compliance with Civ.R. 56(C), parties are directed to file evidentiary materials with the Clerk of the Court, or to attach them to the motion or memorandum.
- (2) If evidentiary materials are attached, the motion or memorandum shall indicate in the case caption that they are attached, i.e., "Memo Contra Plaintiff's Motion for Summary Judgment, Affidavit of Joe Smith attached."
- (3) Documents not expressly authorized by Civ.R. 56(C) shall be attached to an authenticating affidavit. Failure to provide the Court with any evidentiary material as described in this Rule may result in the Court not considering that material in connection with the motion or memorandum.

- (4) All affidavits, depositions, exhibits, photographs, and other documents relied upon or referred to in a motion or memorandum shall be clearly marked as an exhibit with identifying letter or number.

(C) FILING OF MOTIONS

The original motion and memoranda shall be filed with the clerk of court plus any additional copies required for service. The availability and utilization of e-Filing or email filing shall not serve to eliminate any requirements to provide service to opposing counsel or parties.

(D) TIME PERIOD FOR RESPONSES

(1) *All Motions Other than Motions for Summary Judgment*

- (a) Any memorandum contra to a motion, other than motions for summary judgment, shall be served upon the movant's attorney or, if unrepresented, upon the unrepresented movant within fourteen (14) days from the date the motion and proof of service thereof was served. Failure to serve and file a memorandum contra within this time period may result in the Court granting the motion without further opportunity to be heard.
- (b) Any reply memorandum in support of a motion shall be served within seven (7) days after service of the memorandum contra.

(2) *Motions for Summary Judgment*

- (a) Any memorandum contra to a motion for summary judgment shall be served upon the movant's trial attorney or, if unrepresented, upon the *unrepresented* movant within twenty-eight (28) days after service of the motion. Failure to serve and file a memorandum contra within this time period may result in the Court granting the motion without further opportunity to be heard.
- (b) Any reply memorandum in support of a motion for summary judgment shall be served within seven (7) days after service of the memorandum contra.
- (c) *Extensions*

The time periods set forth in this section may be extended by the Court upon application and for good cause shown.

- (d) The Court may grant an ex parte extension of up to thirty (30) days for the filing of a memorandum contra provided that no prior extension has been granted. Any subsequent extension of time or any extension in excess of thirty (30) days may be granted only with written approval of the opposing party, or upon motion and notice to the opposing party.

(E) ORAL ARGUMENT

- (1) Unless otherwise directed by the trial judge, all motions shall be set for non-oral submission hearing.
- (2) If a party desires oral argument on a motion, the party shall designate "Oral Argument Requested" in the caption to the motion or memorandum contra. Oral argument shall only be scheduled for cause upon such written request or upon the request of the Court.

(F) MOTIONS FOR DEFAULT JUDGMENT

- (1) All motions for default judgment shall be accompanied by a proposed order granting default judgment. The motion and proposed order shall both include the date of service of summons upon each party against whom judgment is being sought or granted and shall comply with Civ.R. 55.
- (2) Unless otherwise indicated in the order granting default judgment, all court costs shall be borne and paid by the prevailing party in the judgment.

(G) SPURIOUS MOTIONS

The presentation to the Court of unnecessary motions and unwarranted opposition to motions that unduly delay the court of an action through the courts, or unduly burdens a court, may subject the filer to appropriate sanctions as authorized by law.

**7.11 CASE MANAGEMENT CONFERENCE**

- (A) All civil actions other than administrative appeals will be set for a case management conference within the earlier of ninety (90) days after any defendant has been served with the complaint or sixty (60) days after any defendant has responded to the complaint.

(B) ATTENDANCE

- (1) At least one attorney for each represented party, and all *unrepresented* parties, must attend the case management conference. Parties represented by counsel need not personally attend the case management conference but should be available for electronic communication with counsel during the conference. The assigned trial judge has discretion to hold case management conferences with all represented parties by telephonic means, but any case management conference with an *unrepresented* party must be in person.
- (2) Counsel for subrogated or non-participating parties may obtain the permission of the Court not to attend the Case Management Conference. Any party not in attendance is bound by the dates contained in the scheduling order.

(C) AUTHORIZATION

The attorneys attending a case management conference must be authorized to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference, including whether the case shall be referred to a magistrate.

(D) MATTERS FOR CONSIDERATION

At the case management conference, the Court shall consider and take appropriate action on all issues outlined in Civ.R. 16(C)(2), as amended.

(E) THE SCHEDULING ORDER

(1) The parties or their attorneys will participate in the making of the scheduling order. The scheduling order will set forth definite deadlines for the completion of all discovery, the filing of dispositive motions, the identification and disclosure of expert reports, the filing or proposed jury instructions and pretrial statements, and shall set dates for a final pretrial conference and trial.

(2) The scheduling order may also

- (a) limit the time to join other parties, amend the pleadings, complete discovery, and file motions;
- (b) modify the timing of disclosures under Civ.R. 26(A);
- (c) modify the extent of discovery;
- (d) provide for disclosure, discovery, or preservation of electronically stored information; and
- (e) direct that before moving for an order relating to discovery, the movant must request a conference with the court.

(3) A scheduling order may be modified only for good cause and with the Court's consent.

(F) CONFERENCE OF THE PARTIES

(1) Pursuant to Civ.R. 26(F), no later than 21 days before the Case Management Conference, the attorneys and unrepresented parties shall confer with one another to develop a Discovery Plan and discuss the following:

- (a) The nature and basis of their claims and defenses;
- (b) The possibility for prompt settlement or resolution of the case;
- (c) The making or arranging for disclosures required by Civ.R. 26(A)(1); and
- (d) The need, if any, to preserve discoverable information.



- (2) Failure to participate in a conference of the parties pursuant to Civ.R. 26(F) may result in sanctions up to and including dismissal of the case.

(G) DISCOVERY PLAN

- (1) Pursuant to Civ.R. 26(F)(3), fourteen (14) days after the conference of the parties, and no later than seven (7) days prior to the Case Management Conference, the parties shall file with the Clerk of Court a Discovery Plan stating the parties' view and proposals on the following:
  - (a) What changes should be made in the timing, form, or requirement for disclosures under Civ.R. 26(B), including a statement of when initial disclosures were made or will be made;
  - (b) Agreed-upon deadlines for discovery and other items that may be included in a scheduling order;
  - (c) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;
  - (d) Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;
  - (e) Disclosure and the exchange of documents obtained through public records requests;
  - (f) Any issues about claims of privilege or of protection as trial-preparation materials;
  - (g) What changes should be made in the limitations on discovery imposed under these Rules and the Ohio Rules of Civil Procedure, and what other limitations should be imposed; and
  - (h) Any other orders that the Court should issue under Civ.R. 26(C), Civ.R. 16(B), or Civ.R. 16(C), and any modifications required or to be requested under any scheduling order.
- (2) Failure to submit a Discovery Plan may result in sanctions up to and including dismissal of the case.

## **7.12 CIVIL MEDIATION**

(A) PURPOSE

- (1) To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution, the Court has established the Warren County Common Pleas Court Mediation Program ("Mediation Program").

- (2) To the extent not inconsistent with this Rule, the Court incorporates by reference R.C. Chapter 2710 “Uniform Mediation Act” (UMA) and Rule 16 of the Ohio Rules of Superintendence.

(B) DEFINITIONS

- (1) All definitions found in the “Uniform Mediation Act” (UMA) R.C. 2710.01 are adopted by the Court through this Rule including, but not limited to, the following:
  - (a) “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
  - (b) “Mediator” means an individual who conducts mediation.
  - (c) “Mediation Communication” means a statement, whether oral, in a record, verbal or non-verbal, that occurs during mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening mediation or retaining a mediator.
  - (d) “Proceeding” means either of the following:
    - i. A judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery; or
    - ii. A legislative hearing or similar process.

(C) ELIGIBILITY

- (1) Except as provided in subsection (A) and (B) below, at any time any civil action under the jurisdiction of the Court may be referred to mediation. The assigned trial judge may determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral deemed inappropriate.
- (2) Use of mediation is prohibited in any of the following:
  - (a) As an alternative to the prosecution or adjudication of domestic violence;
  - (b) In determining whether to grant, modify, or terminate a protection order;
  - (c) In determining the terms and conditions of a protection order; and
  - (d) In determining the penalty for violation of a protection order.
- (3) The following actions shall be exempted from mediation upon request of any party:

- (a) Cases in which one of the parties is mentally ill or has intellectual disabilities which make the mediation process unworkable;
- (b) In emergency circumstances requiring an immediate hearing by a jurist;  
or
- (c) Cases in which the parties have achieved an executed Agreed Judgment Entry.

(D) REFERRAL

- (1) The Court shall explore the appropriateness of mediation at the Case Management Conference.
- (2) The Court, on its own motion, or on the motion of any of the parties, may refer disputed issues to mediation in whole or in part. A “Notice of Scheduled Mediation” shall be sent to the parties which shall, at a minimum, indicate the date, time, and place and contact information of the mediation.
- (3) All parties and counsel shall advise the assigned trial 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 (2) or more persons whose attendance is required by the referral order.

(E) MEDIATOR SELECTION AND ASSIGNMENT

- (1) The following methods may be used to determine the mediator for the case:
  - (a) If the parties mutually agree to a mediator who is on the Court’s roster of approved mediators, the Court will generally assign the requested mediator unless there is a reason to do otherwise.
  - (b) If there is no agreement as to the mediator, the Court shall randomly assign a mediator to the case from the Court’s roster of approved mediators.
  - (c) Parties may mutually agree to a mediator who is not on the Court’s roster of approved mediators at their own expense.
  - (d) In special instances, the Court may appoint a mediator with particular expertise.

(F) MEDIATOR QUALIFICATIONS

- (1) To be a court-approved mediator, the following qualifications apply:
  - (a) Attorney, licensed and in active, good standing with the Ohio Supreme Court;

- (b) At least six (6) years of legal practice experience;
- (c) Professional liability insurance with appropriate coverage.

(G) LIST OF MEDIATORS

- (1) The secretary of the administrative judge shall maintain a list of qualified mediators. A copy shall be distributed to all judges and magistrates of the Court and be maintained on the Court's website.
- (2) All those interested in becoming mediators shall submit to the court administrator updated curriculum vitae (including a list of training related to the field of dispute resolution and professional or association memberships) along with proof of liability insurance.
- (3) The Court will review applications of person seeking to be added to the list of qualified mediators in accordance with the procedures adopted by the judges of the Court.

(H) DATE, TIME, AND PLACE OF MEDIATION

The mediator will be responsible for setting the date, time, and location of mediation. The courthouse may be used when available and should be requested through the court administrator.

(I) MEDIATION PROCESS

- (1) In accordance with all applicable provisions of this Rule, if a case is deemed appropriate for the Warren County Common Pleas Court Mediation Program, mediation will be scheduled. A mediator may confer by telephone, email, or separate meeting with the parties and/or their attorneys individually prior to bringing the parties together for any reason, including further screening. A mediator may schedule multiple mediation sessions if necessary and mutually agreeable for the resolution of the issues in part or in their entirety.
- (2) Before and during the mediation, the mediator is responsible for continued screening for domestic violence.
- (3) Before and during the mediation, the mediator shall make appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

(J) PARTICIPATION IN MEDIATION

- (1) If a case is referred for mediation, each party to the case or the representative of each party who has full settlement authority shall attend the mediation conferences.
- (2) A judge, magistrate, and/or mediator shall require the attendance of the decision-making parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.

- (3) 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, he or she shall promptly inform the mediator as well as the assigned judge or magistrate.
- (4) If the opposing parties to any case are (i) related by blood, adoption, or marriage; (ii) have resided in a common residence, or (iii) 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 mediator and have a duty to participate in any screening required by the Court.
- (5) 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).

(K) CONFIDENTIALITY/PRIVILEGE

All mediation communications related to or made during the mediation process are subject to and governed by the UMA, R.C. § 2710.01 to § 2710.10, and any other pertinent judicial rule(s). In furtherance of the confidentiality set forth in this rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session. If a new or different person(s) attend a subsequent session, their signatures shall be obtained prior to proceeding. A blank "Agreement to Mediate" form is available for review by any prospective participant by contacting the magistrates' assignment commissioner.

(L) CONFLICT OF INTEREST

- (1) In accordance with R.C. § 2710.08(A) and (B), the 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 conflict that may affect the mediator's impartiality as soon as such conflict becomes known to the mediator.
- (2) If counsel or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator should withdraw and request that the assigned judge or magistrate appoint another mediator from the roster of qualified mediators that is maintained by the Court.
- (3) The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest.

(M) TERMINATION

If the assigned 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 using the procedure required by the Court.

(N) STAY OF PROCEEDINGS

No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue throughout 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.

(O) CONTINUANCES

Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The judge or magistrate who referred the case may continue the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

(P) MEDIATION CASE SUMMARY

- (1) Attorneys may, at their option, or must if required on a specific case by the judge, magistrate or mediator, submit a “Mediation Case Summary” to the mediator, which shall contain the following:
  - (a) A summary of material facts;
  - (b) A summary of legal issues;
  - (c) A statement regarding the status of discovery;
  - (d) A listing of special damages and summary of injuries or damages;
  - (e) A report of settlement attempts to date, including demands and offers.

(Q) MEDIATION MEMORANDUM OF UNDERSTANDING

- (1) The assigned mediator, parties or counsel, if applicable, as agreed by the parties, shall immediately prepare a written memorandum memorializing any agreement reached by the parties.
- (2) The “Mediation Memorandum” should be signed by the parties and counsel.
- (3) A signed “Mediation Memorandum” is not privileged pursuant to R.C. § 2710.05(A)(1).
- (4) The written “Mediation Memorandum of Understanding” shall become an order of the Court after review and approval by the parties and their attorney, if applicable.

(R) MEDIATOR REPORT

- (1) At the conclusion of the mediation and in compliance with R.C. 2710.06, the Court shall be informed of the status of the mediation including all of the following:
  - (a) Whether the mediation occurred or was terminated;
  - (b) Whether a settlement was reached on some, all, or none of the issues;
  - (c) Attendance of the parties; and
  - (d) Future mediation session(s), including date and time.

(S) FEES AND COSTS

- (1) Mediation costs shall be set by the Court and reviewed periodically.
  - (a) The cost for foreclosure mediation is \$250.00.
  - (b) The cost for other civil mediation will be based on a single-session fee of \$500.00 for sessions up to six (6) hours, plus \$100.00 per hour for each additional full or partial hour of a mediation session lasting more than six (6) hours.
  - (c) The mediator, with consent of the parties, may schedule further sessions after the first six (6) hours. The mediation fees shall be taxed as court costs.
  - (d) At any time the parties or a single party may discontinue the mediation process. If a single party discontinues the mediation process on the first day, the judge or magistrate may hold that party alone responsible for the \$500.00 fee for mediation.

(T) SANCTIONS

If any individual ordered by the Court to attend mediation fails to attend without good cause, fails to pay mediation fees, or fails to abide by the Court's mediation policy, 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.

**7.13 FINAL PRETRIAL CONFERENCE**

- (A) A final pretrial conference shall be held approximately two weeks before the time scheduled for trial. The purpose of the final pretrial conference is to clarify and reduce triable issues, to control procedures, to explore pretrial stipulations, to ensure readiness, and, if possible, to dispose of the case.
- (B) Trial counsel for each party shall appear at the pretrial, fully authorized to act and negotiate on behalf the parties they represent. They shall be prepared to discuss

any matter relating to the settlement or trial of the case in depth. Parties represented by counsel are not required to attend the final pretrial conference but must be available for electronic communication with counsel during the time of the final pretrial conference. Unrepresented parties must attend the final pretrial conference.

- (C) A corporate party may appear by an officer or employee having knowledge of the subject matter of the case. A party who is insured concerning the claim may appear by a claim representative from his liability carrier. Said claim representative need not be present if he is available for immediate electronic contact.
- (D) Not less than seven days before the pretrial conference, all parties shall file with the Court and serve upon all other parties in the action a pretrial statement containing the following information:
  - (1) A statement of the nature of the action, including a detailed statement advising the Court of the factual and legal issues presented;
  - (2) A list by full name and address of all lay and expert witnesses and a summary of their expected testimony, including the date each expert's report was furnished to the other parties;
  - (3) A list of each trial exhibits the party intends to introduce and indication that exhibits have been forwarded to other parties, or will be forwarded by a date not less than two weeks before trial;
  - (4) An itemization of special damages and indication that opposing parties have been furnished with verification of the damages. Where lost wages or impairment of earning capacity are claimed, the statement shall set forth the support for the loss, i.e., testimony of the party, employer, etc.;
  - (5) A statement of the party's position on legal issues, including significant evidentiary questions, with a citation of authorities in support;
  - (6) A statement of the party's legal authority for any requested jury instructions not contained in OJI;
  - (7) A statement advising the Court of the current status of settlement discussions;
  - (8) A statement advising the Court of any other pretrial matters, or any matters specifically ordered by the assigned judge.
- (E) Upon the failure of any party either to serve and file a pretrial statement or to attend the pretrial conference after notice of such conference has been sent, the Court may impose the sanctions authorized by Civ.R. 37, may order the dismissal of an action, may grant some or all of the relief sought in the complaint, or may order the exclusion of certain evidence.
- (F) Stipulations of facts, issues, or exhibits contained in a pretrial order are binding upon the parties and may be admitted at trial without need for further proof as to the matters stipulated.



- (G) Any witness who is not listed in the pretrial statement shall not be permitted to testify at trial except as permitted by the trial judge for good cause shown.

## **7.14 JUDGMENTS, SETTLEMENTS, AND DISMISSALS**

### **(A) JUDGMENTS**

- (1) As used in this section, the term “entry” shall refer to any judgment, order, or entry.
- (2) After the Court has announced its decision on any matter requiring a written entry, counsel for the prevailing party shall prepare the appropriate entry and forward it to all opposing parties not in default or their counsel within ten (10) days. The opposing party shall sign the entry, and if he or she objects to it based on form or content, the party shall sign with the words “subject to objection” under his or her signature. The opposing party shall then prepare and sign his or her own entry and send it, along with the first entry, to the prevailing party. The prevailing party shall then submit both entries to the assigned trial judge, who will select of them or draft its own.
- (3) In the alternative to Local Rule 7.09(A)(2), the prevailing party may prepare and circulate an entry, accompanying it with a certificate that all opposing counsel and unrepresented parties have been furnished with a copy. This certificate shall notify all opposing parties that:
  - (a) The attached entry will be submitted to the Court for approval at a date and time specified in the certificate, but not sooner than fourteen (14) days following service of the certificate;
  - (b) Any parties objecting to the form or content of the entry may be heard at the specified time; and
  - (c) Failure to appear at the specified time will be seen as agreement to the filing of the attached entry.
- (4) If the event a motion for separate findings of fact and conclusions of law is filed prior to the filing of the entry, the entry will be held in abeyance until said separate findings of fact and conclusions of law have been prepared and filed.
- (5) Nothing in this Rule shall prevent the Court from preparing and filing its own entry in any given case.

### **(B) SETTLEMENT**

When a case has been settled, the parties shall promptly notify the court staff of the assigned trial judge and the matter will be set for a presentation of entry hearing. If an entry is provided prior to the date for the presentation of entry hearing, the parties need not appear. If an entry is not provided prior to the presentation of entry hearing date, and no extension has been requested prior to such date, all parties shall appear at the time and date of the presentation of entry

hearing. Failure to present an entry and failure to attend the presentation of entry hearing may result in the case being dismissed for lack of prosecution and/or sanctions, where appropriate.

(C) DISMISSALS

Any dismissal entry endorsed by all parties shall be submitted to the assigned trial judge. This may be accomplished by submitting the document to the Clerk of Courts via e-Filing, email filing, by mailing to document to the assigned trial judge, or by hand delivery.

(D) FAILURE TO PROSECUTE

(1) Service of summons upon all parties-defendant shall be checked by court staff 90 days after an action is filed.

(a) If there is no return of service, the Court shall file and serve upon the plaintiff an "Order to Complete Service."

(b) If there is no return of service as to one or more defendants for a period of more than six (6) months, the case will be treated as a case that may be subject to dismissal for lack of prosecution.

(c) If service is complete upon all defendants, but no answer or other appearance has been timely made, the Court shall notify the plaintiff to move for default judgment within 20 days. Plaintiff's failure to move for default judgment or to show cause why default is not appropriate may result in the dismissal of the action.

## **7.15 CASE MANAGEMENT OF ADMINISTRATIVE APPEALS**

(A) Upon the filing of an administrative appeal, this matter shall be assigned to a Magistrate. Once service is complete, the Court will automatically issue a briefing schedule as follows:

(1) Appellant's assignment of errors brief shall be due fourteen (14) days after the statutory transcript is filed. If the transcript has not been timely filed, appellant shall call said failure to the attention of the Court;

(2) Appellee's answer brief shall be due thirty (30) days after the filing of appellant's brief;

(3) Appellant may file a reply brief, due thirty (30) days after service of appellee's answer brief;

(4) The case shall be docketed for argument seventy-five (75) days from the filing of the transcript;

(5) If either side wishes to supplement the transcript with additional evidence, such motion must be filed within thirty (30) days of the filing of the transcript

with the Court. If said motion is sustained, a new trial date will be assigned with its length to be determined by the Court with the aid of counsel.

- (6) If no decision is filed by the Court within thirty (30) days of argument, a reminder to that effect shall be generated to the assigned judge at thirty (30)-day intervals.

## **7.16 FORECLOSURE ACTIONS**

- (A) Every action which demands a judicial sale of real estate shall be governed by this Rule.

- (B) **MANDATORY FILINGS**

- (1) Preliminary and Final Judicial Reports

- (a) The party requesting a judicial sale of real estate shall, not later than 14 days after the filing of the complaint (or other pleading requesting a judicial sale), file either a preliminary judicial report, or a commitment for an owner's fee policy of title insurance, as required by R.C. § 2329.191. The preliminary judicial report or title insurance commitment shall include a legal description of the subject property and shall indicate that the legal description has been approved as being sufficient for conveyance purposes. Pursuant to R.C. § 2329.22, the requirement to file a preliminary judicial report is inapplicable to the sale of lands by the state and therefore the requirements of R.C. § 2329.191 do not apply to proceedings in which county government seek the sale of property to enforce a lien for delinquent real property taxes.

- (b) Prior to submitting an order or judgment that orders the sale of real estate, the party who file a preliminary judicial report shall also file a final judicial report.

- (2) Legal Description of Real Estate

- (a) Every legal description of real estate subject to judicial sale shall include the parcel number.

- (b) A party requesting judicial sale of real estate shall include an engineer-approved description of the real estate in every praecipe for order of sale or request for judicial sale, including confirmation of sale and distribution orders.

- (C) **DECREE OF FORECLOSURE**

- (1) The party requesting judicial sale of real estate shall, upon making motion for judgment, submit a proposed decree of foreclosure containing the following:

- (a) Notation in the caption that the decree is a "Final Appealable Order;"

- (b) If a homeowner's personal liability has been discharged in bankruptcy, this should be explicitly stated in the decree of foreclosure, and the case caption should contain the phrase "Judgment in Rem."
  - (c) Date and method of service on every defendant in grid format;
  - (d) Priority of liens language (not required in tax foreclosure cases);
  - (e) Except in tax foreclosures cases, a signature line for each counsel of record and each unrepresented party who filed an answer to the complaint (signature authority may be obtained by counsel via fax or telephone);
  - (f) In tax foreclosure cases, a certification by the prosecuting attorney that a copy of the proposed judgment entry has been submitted by U.S. Mail, facsimile transmission, or electronic mail to each counsel of record and each party who filed an answer to the complaint with a statement that the Court may approve and file the judgment entry unless the counsel or party files written objections to the proposed judgment entry within fourteen 14 days of the submission of the proposed judgment entry to counsel and parties;
  - (g) A legal description of the real estate, including the parcel number; and
  - (h) Notice of the Right of Redemption pursuant to R.C. § 2329.33.
- (2) Every decree of foreclosure shall be submitted to each party who has answered in the action with language that he/she has 10 days to object to the signing of the entry.
- (3) Every decree of foreclosure shall have the following attachments:
- (a) A military affidavit as to each party who signed the mortgage note, or in the case of tax foreclosure cases, as to the owner of the property as reflected in the real property records of Warren County, Ohio;
  - (b) Except in tax foreclosure cases, an affidavit as to the remaining balance on the mortgage; and
  - (c) Where the foreclosure is based upon the default of a mortgage note that is no longer held by the original mortgagee, an assignment of mortgage to the current mortgagee.

(D) NOTICE OF SALE

- (1) In every action where a judicial sale of real estate is ordered by the Court, the attorney for the plaintiff, or such other party requesting the sale, shall promptly mail notice of the time, date and location of the sheriff's sale to the record owner(s) of the subject real estate and to all other interested parties not in default for failure to appear, or their counsel of record, at their respective last known addresses.

- (2) The record owner(s) of the real estate shall be noticed by mail in all cases whether or not in default for failure to appear, except when said owners were originally served with summons solely by publication.
- (3) No other parties to the proceeding in default of answer need be served with notice of sale except by publication as provided by R.C. §§2329.26 and 2329.27.
- (4) Failure to provide timely notice to interested parties shall constitute grounds for denying confirmation of the sale.
- (5) Certificate of Service
  - (a) Not less than 14 days prior to the scheduled sale date, counsel for the party requesting the sale shall file with the clerk of courts a certificate of service of notice of sale date specifying the date and manner of service and the names and addresses of all interested parties who received notice. Failure to timely file the certificate of service required by this rule shall constitute grounds for denial of the confirmation of sale.
  - (b) Failure to timely file the certificate of service required by this Rule shall constitute grounds for denial of the confirmation of sale.
- (6) *Withdrawal.* If the sale is withdrawn, or the case is dismissed, additional fees may be required.

(E) ORDER OF SALE

Upon filing a return of an Order of Sale or Writ of Execution, the Sheriff shall provide a copy of such return to the assigned trial judge.

(F) SHERIFF'S SALE

Sale of real estate ordered by the Court to satisfy judgment against a defendant shall be conducted by the Warren County Sheriff under the general direction of the Court. The Sheriff shall require bids in no less than \$100.00 increments at all sales. The Sheriff's agent, in his or her discretion, may increase the minimal increment to no more than \$500.00 after announcement during the bidding.

(G) CONFIRMATION OF SALE

- (1) Within 30 calendar days after the Sheriff's return of an order of sale or writ of execution indicating that property had been sold pursuant to such order or writ, counsel for the party requesting the sale shall submit to the Court a proposed order confirming the sale.
- (2) Distribution
  - (a) The confirmation entry shall include a distribution of sale proceeds, which shall contain the following:

- i. Amount for which the property sold;
- ii. Amount of court costs;
- iii. Amount of taxes and assessments;
- iv. Amount of judgment the decree of foreclosure awarded to the moving party (not required in tax foreclosure cases);
- v. Amount awarded to other lienholders in order of priority (not required in tax foreclosure cases); and
- vi. Amount to be held by the clerk of court's office pending further order of the Court.

(3) Preparation of Deed

- (a) The confirmation entry shall order that counsel for the party requesting the sale shall prepare and deliver to the Sheriff within 7 calendar days after filing of the confirmation entry a deed conveying title to the purchaser.
- (b) Any counsel who fails to timely file the proposed confirmation entry may be cited for contempt.

(4) Within 30 days after the Sheriff's return, the Court shall, in accordance with R.C. § 2329.31, either approve the order confirming the sale or notify counsel submitting the proposed Order of changes required before the proposed Order may be approved for filing; the revised Order including any required changes shall be returned to the Court within 7 calendar days.

(5) No sale shall be confirmed, nor dismissal entered, until full payment of all costs, including appraisal fees, publication costs and the costs (including exam fees and premiums) of both the preliminary judicial report and the final judicial report.

(H) WRIT OF POSSESSION

- (1) No writ of possession shall issue until all sale proceeds and fees have been paid.
- (2) A writ of possession may issue against any named occupant of real property if a judgment against said occupant has been obtained. The Sheriff shall return the writ unexecuted if it is determined that the occupant is other than a named party.

**7.17 RECEIVERSHIP**

- (A) When an application is made for the appointment of a receiver, a hearing on the application will be set by court order, and notice will be sent to all parties.

- (B) Unless otherwise ordered, a schedule of all creditors, secured and unsecured, shall be filed within 7 days of the filing of the application.
- (C) The Court shall consider any recommendations made by unsecured creditors, or by creditors whose security is threatened, as to the appointment of a particular receiver or its counsel.
- (D) When a receiver is appointed, the receiver shall post bond in an amount set by the Court, and the receiver shall file an inventory within 30 days of appointment.
- (E) APPLICATION FOR FEES

In any matter in which a receiver or other fiduciary appointed by the Court seeks compensation through the Court for fees, he or she shall file a written application for compensation, which shall include notice of the time and date of a hearing upon the application. A hearing will be set no less than seven (7) days from the date the application is filed. This rule shall not apply in cases in which the fees sought are less than \$1,000.00, nor in cases in which the fees have been fixed in a journal entry approved by all counsel in the case.

## **7.18 PROCESS SERVERS**

### **(A) ONE-TIME APPOINTMENT**

- (1) If a party desires personal service to be made by a special process server pursuant to Civ.R. 4.1, the party or counsel must submit a motion and proposed order appointing a special process server. The motion and order shall set forth the name, address, and telephone number of the person to be appointed as a process server and an affirmation that the person:
  - (a) Is 18 years of age or older;
  - (b) Is not a party to the action;
  - (c) Has no familial relationship to any party to the action;
  - (d) Has no felony criminal record; and
  - (e) Shall carry out his or her duties in accordance with all applicable Local Rules and all applicable Ohio Rules of Procedure.

### **(B) STANDING PROCESS SERVER**

- (1) An individual, or agent of a legal organization, may make application to be designated as a standing special process server. The applicant shall submit an affidavit and order for signature by the administrative judge (See Appendix D).

- (2) The affidavit shall set forth the name, address, and telephone number of the person to be appointed as a standing special process server and an affirmation that the person:
  - (a) Is 18 years of age or older;
  - (b) Shall not be a process server in any case in which the applicant is a party;
  - (c) Shall not be a process server in any case in which the applicant has a familial relationship to any party;
  - (d) Has no felony criminal record; and
  - (e) Shall carry out his or her duties in accordance with all applicable Local Rules and all applicable Ohio Rules of Procedure.
- (3) The accompanying order shall be captioned “In re The Appointment of [Name of Applicant] as Standing Special Process Server.
  - (a) The order shall contain those items detailed in the affidavit.
  - (b) The order shall state “the applicant has complied with the provisions of Local Rule 7 and, accordingly, [name of applicant] is hereby designated a Standing Special Process Server authorized to make service of process in all cases filed in this Court. The applicant shall serve until further order of the Court.”
- (4) The Clerk shall record such appointment on the Court’s general docket and shall retain the original applications and entries.
- (5) In any case thereafter, the Clerk of Courts shall accept a copy of the time-stamped appointing entry as satisfying the requirements of Civ.R. 4.1 for designation by the Court of a person to make service of process.

**7.19 CIVIL STALKING PROTECTION ORDERS (CSPOs)**

- (A) The magistrates of the Court shall be assigned to hear all petitions for CSPOs, including ex parte and full response hearings pursuant to Civ.R. 65.1.
- (B) All ex parte hearings shall come before the Court each business day at 10:00 AM.
- (C) CSPO COUNTERCLAIM
  - (1) If a respondent to a petition filed a petition against the same petitioner that filed the original action, the respondent’s petition shall be treated as a counterclaim and shall be docketed under the same case and assigned to the same trial judge as the original petition.
  - (2) The counterclaimant’s petition shall be afforded the same ex parte hearing rights as if it was an original action.



(D) ADDITIONAL PETITIONS OF PETITIONER

If a petitioner for a CSPO has previously filed any petition, regardless of whether against the same respondent, the new petitioner shall be assigned to the same trial judge to whom any prior petitions were assigned.

(E) MULTIPLE PETITIONERS OR RESPONDENT

If more than one petitioner files a CSPO petition against the same respondent or respondents, or if one petitioner files a CSPO petition against more than one respondent arising out of related patterns of conduct, all such cases shall be assigned to only one judge.

(F) DISMISSAL

If a judicial official denies and dismisses a petitioner for a CSPO at the ex parte hearing, the clerk of courts shall not serve a copy of the order denying and dismissing the petition upon the respondent.

**7.20 CERTIFICATE OF QUALIFICATION OF EMPLOYMENT**

(A) SCOPE

This rule defines procedural requirements for an application (also called a “Petition”) for a Certificate of Qualification for Employment (“CQE”) as set forth in R.C. § 2953.25 and Ohio Administrative Code Rule 5120-15-01, and related rules established by the Ohio Department of Rehabilitation and Corrections (“ODRC”).

(B) RESIDENCY

Residents of Warren County may seek a CQE from this Court using the procedure set forth below. Those residing in another Ohio county must file in their county of residence, even if they previously were convicted in Warren County.

(C) PROCEDURE

(1) To request a CQE, all applicants must first complete the electronic Petition available online through the ODRC at [www.drccqe.com](http://www.drccqe.com). Once the ODRC reviews the electronic Petition, the Petitioner will be assigned an Electronic Petition Number. The Petitioner is then responsible for filing a Notice of Petition (Form “A”, available upon request at the Clerk’s office) with the Warren County Common Pleas Clerk of Courts and shall provide the ODRC Electronic Petition Number and attach a printed copy of electronic Petition previously submitted through the ODRC.

(2) The Petitioner must deposit a non-refundable filing fee with the Clerk in the amount of \$80.00 at the time of filing. The fee must be paid before any action is required on the Petition. The Petitioner may submit an Affidavit of Indigency (Form “B”, available upon request at the Clerk’s office) if requesting a reduction in the filing fee.

- (3) 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 e, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.
- (4) Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a trial judge.
- (5) Unless the assigned judge deems it unnecessary because sufficient information is known to justify denial of the Petition, the Court Services Department shall investigate and summarize the criminal history of the Petitioner. In doing so, the Department may use any records of this Court. The resulting report is not a public record.
- (6) The Court Services Department shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Court Services Department shall send a notice and request for information to all courts/local prosecutors identified by the Department for each CQE Petition, and collect as part of the case file responses to such requests. This notice and request shall be sent via ordinary US mail or by electronic means, as the Court Services Department deems expedient. No fewer than fourteen (14) days shall be permitted by the Court Services Department for responsive information to be supplied.
- (7) Upon completion of its investigation, the Court Services Department shall deliver an information packet containing the Petition, the criminal history, and other information obtained to the assigned trial judge. This packet is not a public record and shall not be made part of the Clerk's file.
- (8) The judge or magistrate shall review the packet submitted by the Court Services Department, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.
- (9) The judge or magistrate may order any additional report, investigation, or disclosure by the Petitioner that it believes is necessary to reach a decision.

(D) DECISION

Once all information requested has been received the assigned trial judge shall decide whether to grant or deny the Petition within sixty (60) days, unless the 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 assigned trial judge for a final judgment entry and order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the Civil Rules.

(E) NOTICE

The Clerk shall provide a written notice to the Petitioner of the Court's decision and judgment entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and shall include language that a final appealable order has been filed. The Clerk shall also notify the ODRC of the disposition of the Petition as required under the Administrative Rules, and if granted order the ODRC to issue the CQE to Petitioner.

**7.21 CONSOLIDATION OF CIVIL CASES**

(A) Pursuant to Civ.R. 42(A), when cases involving common questions of law or fact are pending in two or more different case filings and/or before two or more different judges, a party may file a motion to consolidate the cases.

(1) The motion shall be filed in each case in which the movant seeks to consolidate.

(2) The motion to consolidate shall be ruled upon by the judge assigned to the case with the lowest case number.

(B) Consolidation Entries

(1) A proposed entry shall be prepared and submitted with the motion to consolidate. The entry shall bear the complete case captions of all cases to be consolidated. If approved by the judge with the lowest numbered case, the signed entry shall be filed in each case.

(2) Upon the filing of the consolidation entry, the clerk shall transfer all affected cases to the assigned judge with the lowest numbered case. All other cases will be closed, and no filings shall be accepted under those case numbers.

**8 CRIMINAL ACTIONS**

**8.01 METHOD OF ASSIGNMENT OF CRIMINAL CASES.**

(A) The Court shall employ the Individual Assignment System as set forth in Sup.R. 36.

(B) When a criminal case is filed with the Clerk of Courts, whether by referral from a municipal or county court or by direct indictment, each defendant shall receive a case number.

(C) The case management system shall randomly assign the case to an individual judge in a manner that provides equitable and random distribution of cases among the General Division Judges of the Court.

- (D) After the random assignment of the case, the Assignment Commissioner for the Grand Jury Judge shall reassign the case, if necessary, for any of the following reasons:
  - (1) The defendant has an additional, pending indicted case;
  - (2) The defendant has a previous indicted case;
  - (3) The defendant has co-defendants and the cases, in the interests of justice, should be heard by the same judge.
    - (a) If one of the co-defendants has a pending or previous case with a judge, all the cases shall be assigned to that judge.
    - (b) If none of the co-defendants has a pending or previous case with a judge, the cases shall all be assigned to the judge randomly assigned to the lowest case number.
  - (4) The purpose of the transfer from the randomly assigned judge shall be noted on the docket.
- (E) All subsequent transfers of cases between judges must be by entry.
- (F) Assignment of cases shall be conducted in such a manner as to ensure judicial accountability for the processing of individual cases; timely processing of cases through prompt judicial control over cases and the pace of litigation; and random assignment of cases to judges through an objective and impartial system that ensures the equitable distribution of cases among the judges.

## **8.02 ASSIGNMENT OF MURDER CASES**

- (A) Indictments for aggravated murder (R.C. § 2903.01) with or without death penalty specifications and murder (R.C. § 2903.02) shall be randomly assigned separately from criminal cases assigned pursuant to Local Rule 8.01.
- (B) When a murder case is filed with the clerk of courts, whether by referral from a municipal or county court or by direct indictment, the case shall be assigned a case number and the administrative judge shall be notified.
- (C) The administrative judge shall randomly assign the case between/among the judges of the general division, excepting however the judge who was most recently assigned a murder case pursuant to this section shall be excluded from consideration in the assignment.

## **8.03 ASSIGNMENT OF THREE-JUDGE PANEL**

- (A) In a capital murder case where a defendant waives his right to a trial by jury pursuant to Revised Code § 2945.06, the Presiding Judge for the Common Pleas Court shall assemble a three-judge panel as follows:

- (1) The assigned trial judge shall be assigned to and preside over the panel.
- (2) The remaining two judges shall be assigned, by random draw, from the pool of judges from all divisions who have completed the Capital Case Seminar offered/approved by the Ohio Judicial College pursuant to Gov. Jud. R. IV, Section 10(B)(3).
- (3) The draw shall not take place unless and until the Defendant waives his right to a trial by jury pursuant to law.
- (4) The draw shall take place in the courtroom, on the record and in the presence of the Defendant.

#### **8.04 GRAND JURY JUDGE**

- (A) One judge will be assigned to supervise the grand jury for all purposes and shall serve as grand jury judge for a period of two calendar months, consisting of one term of court.
- (B) The grand jury Judge shall handle criminal matters that may arise in individual cases prior to indictment and/or arraignment where a specific judge has not already been assigned, including the setting of bonds.
- (C) The grand jury session shall be divided into ~~four~~ six terms designated as the January, March, May, July, September and November terms. These terms shall commence on the first Friday of the designated months, unless the first Friday is a federal or state holiday or a day on which the court is closed by order of the Court. On such occasions, the commencement shall be the second Friday of the designated month or such other day as the grand jury judge shall determine.

#### **8.05 COURT APPOINTMENTS**

##### **(A) IMPLEMENTATION**

When it appears to the satisfaction of the Court that a criminal defendant is indigent, or for any other reason is unable to retain counsel to represent him, the Court shall appoint a defense attorney from the Court Appointed List.

##### **(B) COURT APPOINTED ATTORNEY LIST**

- (1) Attorneys who wish to be on the Court Appointed List shall make application in writing. The application shall be reviewed by the judges and a decision will be made by a majority of the General Division judges to approve or disapprove applications.
- (2) Attorneys must meet the following requirements to be added to the Court Appointed List:
  - (a) Licensed Ohio attorney in good standing;

- (b) Experience as lead counsel or co-counsel on three or more criminal/traffic or delinquency cases;
- (c) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Code of Professional Responsibility; and
- (d) A local office suitable for client conferences including clients with disabilities.

- (3) Appointments will be approved for one calendar year and, thereafter, performance will be reviewed a minimum of once per year by judges of the Court.
- (4) Attorneys may be removed from the list upon a concurrence of the majority of the General Division judges for reasons such as tardiness, failure to meet with the client prior to pretrial, or failure to meet the professional standards of representation.

(C) MANNER OF APPOINTMENT

- (1) Appointment of counsel shall be made from the Court Appointed List in such a manner that ensures an equitable distribution of appointments among all persons on the appointment list.
- (2) The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload.
- (3) The administrative judge shall review the Court Appointed List no less than annually to make sure it is updated and to ensure the equitable distribution of appointments among persons on the list.
- (4) Court appointments shall be made without regard to race, national origin, religion, age, gender, citizenship, marital status, sexual orientation, veteran's status, disability, or socioeconomic status.

(D) GENERAL REQUIREMENTS

- (1) Court appointed counsel shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.
- (2) Court appointed counsel shall personally represent the client for whom he or she was appointed and shall not, absent an emergency, allow substitute counsel to represent the client.
- (3) Court appointed counsel must be present at all dispositive hearings. Repeated failures to personally represent the client will result in removal from the Court Appointed List.

- (4) Court appointed counsel shall have a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients. The attorney shall inform the Court promptly of a change of address or phone number.
- (5) Except in extraordinary cases, court appointed counsel shall meet with the client prior to the pretrial conference or violation hearing.

(E) MOTION FOR COMPENSATION

- (1) At the conclusion of the case, court appointed counsel shall file a proper motion for compensation. Counsel shall attach to the motion a properly executed affidavit of indigency (OPD-206R rev. 09/2017) regarding his or her client. Counsel shall either use his or her federal tax identification number on the motion, or he or she shall attach a tax identification number verification form to the motion.
- (2) A motion for compensation shall be filed within 30 days after the Court's final judgment or entry in the case has been journalized.
  - (a) Failure to timely submit a motion for payment will result in a 50% reduction in the compensation.
- (3) Compensation shall be allowed by the Court in accordance with the schedule of fees established and approved for such purposes.
- (4) In the event a criminal case is resolved without a trial, an appointed attorney seeking compensation for more than ten (10) hours of work (approximately \$750.00) shall provide a separate, written explanation for the reason for the requested fee amount.
- (5) Court appointed counsel shall not accept compensation from any other source than the Court on an appointed case.

(F) EXTRAORDINARY FEE REQUEST

- (1) A request for compensation that exceeds the established fee schedule may be granted in extraordinary cases. Compensation in an amount that exceeds the limit set by the established fee schedule is considered an extraordinary fee.
- (2) Extraordinary fees may only be approved as follows:
  - (a) Where the extraordinary fees requested are less than 50% of the amount set as the limit on the established fee schedule, the extraordinary fees may be approved by the assigned trial judge.
  - (b) Where the extraordinary fees requested are greater than an additional 50% or more than the limit on the established fee schedule, the extraordinary fees may only be approved by a majority vote of all the general division judges.

## **8.06 BAIL OR SURETY**

When bail has been fixed in a criminal case prior to said case being filed in the Court, and either the prosecuting attorney or the defendant desires to modify the amount or conditions of said bail, such party shall make application to the Court. Notice thereof shall be given to opposing counsel prior to the making of such application. No attorney, officer, or employee of the Court or of the sheriff shall be accepted as principal or as agent for bail or surety.

## **8.07 PRETRIAL MOTIONS**

- (A) All pretrial motions shall be filed in accordance with the time limits prescribed in the Ohio Rules of Criminal Procedure unless leave to file a motion beyond the prescribed time limit is granted by the assigned trial judge, after notice to the adverse party.
- (B) Pretrial motions shall be forwarded to the assigned trial judge, who shall set the case for hearing, if necessary.
- (C) The moving party shall immediately furnish a copy of the motion to the adverse party.

## **8.08 DISCOVERY**

- (A) The exchange of discovery in criminal proceedings is governed by Crim.R. 16 and shall to the extent possible be exchanged prior to the pretrial conference.
- (B) Discovery is not to be filed in the clerk's office, but defense counsel shall execute, serve, and file a written receipt acknowledging the material provided to him or her.
  - (1) The prosecuting attorney shall draft and provide such a receipt along with the discovered material.
- (C) Discovery of tangible items such as clothing or guns may be made by making the items available for inspection at the office of the prosecuting attorney, at the office of defense counsel, or at some other suitable place.

## **8.09 ARRAIGNMENT**

- (A) Arraignment of all criminal cases will be held before a judge or magistrate of the Court.
- (B) TIMING

If the defendant is incarcerated, his or her arraignment will be set for the next scheduled arraignment date after formal indictment. If the defendant is not incarcerated, the prosecuting attorney shall set the arraignment so that at least seven days are allowed for service of the indictment.



(C) AVAILABILITY OF COURT-APPOINTED COUNSEL

A court-appointed attorney shall be present at arraignment for the representation of any defendant who has not hired his or her own counsel at such time.

(D) INDIGENCY STATUS

(1) At the arraignment, the Court shall determine whether the defendant is indigent. If deemed indigent, the Court shall appoint counsel for his or her defense, if requested by the defendant.

(2) If deemed not indigent, the Court will continue the arraignment for one (1) week to permit the defendant to retain counsel. The defendant shall appear at the next arraignment to inform the Court whom he or she has retained or to notify the Court what attempts he or she has made to retain counsel.

(E) FAILURE TO APPEAR

If the defendant fails to appear for arraignment, and it appears of record that he or she was served with the indictment and notice of the arraignment, a warrant shall issue for the defendant's arrest. If it does not appear of record that the defendant was served, the matter shall be continued to allow perfection of service.

**8.10 CRIMINAL CASE MANAGEMENT**

(A) It shall be the responsibility of the assigned trial judge to ensure criminal cases are completed within the guidelines set by the Ohio Supreme Court.

(B) SPEEDY TRIAL TIME

(1) All criminal cases shall be tried within the speedy trial limitations set forth in R.C. § 2945.71, or within six months of the date of arraignment, whichever comes first.

(2) At the earliest-possible time, no later than seven days after arraignment, the prosecuting attorney shall provide the assignment commissioner for the assigned trial judge the "to-be-tried-by" date representing the final day for speedy trial purposes. The assignment commissioner shall issue a scheduling notice setting a pretrial, a final conference, and a trial date.

(3) These limitations can be extended by the assigned trial judge where allowed by law for good cause shown.

(C) CONFERENCES WITH THE COURT

(1) Pretrial Conference

(a) All cases shall be set for a pretrial conference between counsel and the Court. The purpose of the pretrial conference is to clarify and resolve issues, to control the procedure, to ensure readiness for trial, to assign or confirm a date for trial, and if possible, to dispose of the case.

(2) Final Conference

(a) All cases shall be set for a final trial conference immediately prior to the trial. The purpose of the final conference is to discuss any extraordinary factual or legal issues, review any outstanding witness or evidentiary matters and, if possible, dispose of the case.

(3) Trial counsel shall participate in and facilitate this procedure. Defense counsel shall contact his or her client prior to the conferences, and defense counsel is encouraged to meet with the prosecuting attorney prior to the pretrial conference to resolve and define discovery issues and to confer on plea or trial options.

(4) Defense counsel shall notify the defendant of the time and place of the conferences.

(5) The defendant must be available at the courthouse at the time of the conferences.

(6) If the defendant is incarcerated, the prosecuting attorney shall prepare a conveyance order to allow for the presence of the defendant at the conferences.

#### **8.11 INACTIVE BINDOVER CASES**

When an accused has been bound over to a grand jury and no final action is taken by the grand jury within 60 days after the date of the bindover, the Court or the administrative judge of the Court shall dismiss the charge unless for good cause shown the prosecuting attorney is granted a continuance for a definite period of time.

#### **8.12 CIVILIAN CLOTHING**

If a defendant is incarcerated, he or she may appear in civilian clothing at any hearing if civilian clothing is provided to the Warren County Jail the night before the hearing. The defendant may then dress at the jail, after the clothing has been cleared by security. The defendant will not be permitted to change into civilian clothing at the courthouse on the day of the hearing.

#### **8.13 SENTENCING ENTRY**

The clerk of courts shall, within three days of the filing of a sentencing entry, serve a copy of the sentencing entry electronically on all parties of record.

#### **8.14 NOTICE OF APPEAL FOR INDIGENT DEFENDANT**

Where a defendant has previously executed an affidavit of indigency indicating he or she is unable to obtain private counsel, the clerk of courts shall accept a filing of a notice of appeal without a cost deposit.

## **8.15 MOTION FOR SEALING OF RECORDS**

- (A) All motions for sealing of records of conviction and of not guilty findings, dismissals, and no bills shall be filed with the clerk of courts on a fully completed, court-approved “Record Sealing Packet”. See Appendix E.
- (B) All motions for sealing of the record shall be set for hearing.

## **8.16 EXTRADITION PROCEEDINGS**

- (A) When a person is arrested in this jurisdiction pursuant to R.C. § Chapter 2963, the arresting agency shall file with the clerk of court a petition for hearing on extradition. In accordance with the Ohio Rules of Superintendence and these Local Rules, the clerk of court shall assign a case number to each petitioner and assign each case to a trial judge using the method described in Local Rule 8.01.
- (B) Once the petition has been filed, the case shall be scheduled for a hearing before a designated magistrate. The magistrate shall conduct the initial hearing, set bond when appropriate, and may accept a waiver of extradition.
- (C) Objections to the magistrate’s decision and proceedings on a Governor’s Warrant shall be heard before the assigned trial judge.

## **8.17 SEARCH WARRANTS**

### **(A) ELECTRONIC SEARCH WARRANTS.**

Rule 41 of the Ohio Rules of Criminal Procedure permits the issuance of a search warrant and a return to be communicated to the judge by “reliable electronic means.” According to the Staff Notes of the Rule, the concept of ‘reliable electronic means’ is intentionally broad to include a wide range of technologies.

Consistent with the rule, the judges of Warren County will accept affidavits and issue search warrants via reliable electronic means, and have agreed upon the following protocols:

- (1) The requesting officer must first make contact with the issuing judge via text or telephone to confirm availability, the reason for the warrant and the general contents of the affidavit. It is also helpful for the requesting officer to communicate if the warrant is time-sensitive.
- (2) The requesting officer shall then provide the judge with an email, electronic or facsimile copy of the affidavit. The requesting officer shall also provide the following information:
  - (a) Name, rank, assignment, badge no., agency affiliation and professional address of the requesting officer and any additional officers supplying information for the affidavit;
  - (b) A telephone number and email address for the judge to respond;

- (c) A daytime business telephone number for
- (d) the requesting officer;
- (e) The name and jurisdiction of any judicial officers, other than the issuing judge, with whom the requesting officer has had contact with concerning the warrant;

- (3) The affidavit shall contain the following certification, which shall be completed and signed at the time the affidavit is transmitted to the judge:

The affiant hereby certifies that a true copy of the foregoing affidavit was transmitted to Judge XXXX on the \_\_\_\_ day of \_\_\_\_\_, 20xx at \_\_\_\_\_ o'clock \_\_.m. by  email transmission or  other reliable electronic communication, described as follows: \_\_\_\_\_

The affidavit shall also contain the following attestation, which shall be completed and signed at the time the requesting officer is placed under oath by the judge:

The affiant hereby swears or affirms the contents of the foregoing affidavit are true and accurate to the best of my knowledge and belief.

- (4) The judge shall review the affidavit and initiate a return communication by telephone or teleconference means with the requesting officer. The judge shall place the requesting officer under oath on the telephone or teleconference and the requesting officer shall swear to or affirm the contents of the affidavit.
- (5) The electronic affidavit shall have the signature of the requesting officer, an electronic signature or '/s/ Requesting Officer' on the affidavit before sending it to the judge.
- (6) Before ruling on a request for a warrant, the judge may require the requesting officer to appear personally, and may examine under oath the requesting officer and any witnesses he or she may produce.
- (7) If the judge is satisfied that probable cause for the search exists, the judge shall issue the warrant identifying the property and naming or describing the person or place to be searched. The judge shall affix an electronic signature to the warrant and return it to the requesting officer either by email, electronic or facsimile transmission.

- (8) The search warrant shall contain the following certification:

I, the undersigned judge, do hereby certify that the foregoing search warrant was executed by me this \_\_\_\_ day of \_\_\_\_\_, 20xx and transmitted to the requesting officer on the \_\_\_\_ day of \_\_\_\_\_, 20xx at \_\_\_\_\_ o'clock \_\_.m. by  email transmission or  other reliable electronic communication, described as follows: \_\_\_\_\_. The original of this search warrant is maintained at \_\_\_\_\_.

- (9) The procedure for electronic search warrant returns shall follow substantially the same protocol.

**(B) SEARCH WARRANT RETURNS**

- (1) All search warrant returns executed by a judge of the Common Pleas Court shall be filed with the Common Pleas Clerk of Court, unless ordered otherwise.
  - (2) Pursuant to CrimR. 41(E), the law enforcement officer shall attach to the warrant a copy of the return, inventory, and all other papers in connection therewith and shall file them with the Clerk of Courts.
  - (3) The law enforcement officer can email the documents for filing in PDF format to the Clerk of Court at [criminalfilings@co.warren.oh.us](mailto:criminalfilings@co.warren.oh.us).
  - (4) The Clerk of Courts shall maintain a separate docket and index for search warrant returns that is only visible to the judges and their administrative staff.
- (C) Nothing in this rule shall be construed as to render search warrants or the documents executed in connection with them to be ‘Case Documents’ pursuant to Sup.R. 44(C)(2)(a). Search warrants and the associated documents are exempt from disclosure under state, federal and/or common law.

## **9 CRIMINAL – SPECIALIZED COURT DOCKETS**

### **9.01 RECOVERY COURT**

**(A) CREATION OF A SPECIALIZED DOCKET**

Warren County Recovery Court, a.k.a. Recovery Court, is created effective February 8, 2016 according to the requirements set forth in Sup.R. 36.20-36.29. Recovery Court is a specialized docket established to efficiently and effectively treat drug addicted offenders. Offenders shall be supervised by the Warren County Court Services Department to ensure compliance with community control sanctions and to assist offender with criminogenic needs.

**(B) MANUALS**

The specific terms and conditions of Recovery Court are found within the Recovery Court Program Description, Participant Handbook, and Participation Agreement, copies of which can be found in the Clerk of Courts Office, on the Court’s website, or through a court bailiff.

**(C) ELIGIBILITY CRITERIA**

- (1) An offender may be referred to Recovery Court by his or her assigned trial judge at the time of plea and sentencing, through a probation violation, as a condition of judicial release, or as a condition of an Intervention in Lieu of Conviction (ILC) plan pursuant to R.C. § 2951.041.

(2) The offender must meet the following criteria:

- (a) At least eighteen (18) year of age;
- (b) Resident of Warren County or surrounding area;
- (c) Eligible for community control or ILC;
- (d) No criminal history of violent behavior;
- (e) Not currently charged with a first or second degree felony;
- (f) Not charged with a sex offense, offense of violation, offense with a child victim, burglary offense, felony OVI offense, or drug trafficking offense;
- (g) Not charged with the offenses of aggravated vehicular homicide, vehicular homicide, aggravated vehicular assault, corrupting another with drugs, or offenses involving the illegal administration or distribution of anabolic steroids; and
- (h) Not charged with an offense requiring a mandatory prison term.

(D) REFERRAL PROCESS

Recovery Court receives referrals from the trial judge to whom the case is originally assigned. The Recovery Court team reviews the case for legal/clinical eligibility as identified in the Recovery Court Program Description. The Recovery Court judge has the authority to accept or reject cases referred to the Recovery Court Program. No offender may be accepted into Recovery Court without being referred for acceptance by the assigned trial judge and accepted by the Recovery Court judge.

(E) SENTENCING

Once an offender has been ordered into Recovery Court as a condition of community control or as a condition of ILC, the case shall be transferred to the Recovery Court docket. Thereafter, the Recovery Court judge shall preside over all matters involving said offender and have full authority over the case.

(F) RECOVERY COURT TEAM

The Recovery Court team shall consist of the judge, magistrate, specialized courts coordinator and subordinate staff, probation officers, case managers, licensed treatment providers, an assistant prosecuting attorney, and defense counsel.

(G) RECOVERY COURT PHASES

Recovery Court participants are required to complete phases of treatment, and all other requirements, as identified in the Recovery Court Program Description, the Recovery Court Participant Handbook, and the Recovery Court Participation Agreement. While in Recovery Court, participants shall receive services to assist in meeting criminogenic needs. Upon completion of Recovery Court, the participant

may remain under community control sanctions to ensure continued compliance/success.

(H) UNSUCCESSFUL TERMINATION FROM RECOVERY COURT

- (1) Reasons for termination from Recovery Court include, but are not limited to, failure to remain abstinent from illegal substances, violations of the rules of community control or ILC, and failure to comply with the Recovery Court Participation Agreement.
- (2) Noncompliance with the rules of Recovery Court may result in a probation violation or an ILC revocation hearing. Any such hearing shall be adjudicated by the Recovery Court judge. At said hearing, the offender may have the conditions of his/her community control or ILC modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), revocation of the offender's ILC, termination from Recovery Court, and revocation of the offender's community control.
- (3) The Recovery Court judge maintains discretion to terminate an offender from Recovery Court and refer the offender back to his/her previously assigned trial judge for further proceedings.

(I) STATISTICAL REPORTS

For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned Judge when the offender is sentenced to the Drug Court Program, or if the offender is ordered to participate in the Drug Court Program as a condition of ILC.

## **9.02 VETERANS INTERVENTION COURT**

(A) CREATION OF A SPECIALIZED DOCKET

Veterans Intervention Court ("VIC") is created according to the requirements set forth in Sup.R. 36.20-36.29 effective March 14, 2018. The purpose of VIC is to supervise veteran offenders who are required to complete community control sanctions. Offenders shall be supervised by the Warren County Court Services Department to ensure compliance with community control sanctions and to assist offenders with criminogenic needs.

(B) MANUALS

The specific terms and conditions of VIC are found within the VIC Program Description, Participant Handbook, and Participation Agreement, copies of which can be found in the Clerk of Courts Office, on the Court's website, or through a court bailiff.

(C) ELIGIBILITY FOR ADMISSION

Veteran offenders may be referred to VIC by his or her assigned trial judge at the time of plea and sentencing, through a probation violation, as a condition of judicial release, or as a condition of an Intervention in Lieu of Conviction (ILC) plan pursuant to R.C. § 2951.041. The offender must have a Warren County Common Pleas Court General Division case; be amenable to community control sanctions; be a Veteran of the United States Armed Forces; and demonstrate a sincere willingness to participate in a long-term treatment process.

(D) REFERRING CRIMINAL OFFENDERS

VIC receives referrals from the General Division Judge to whom the case is assigned. The VIC team shall review the case for legal/clinical eligibility as identified in the VIC *Program Description*. The VIC Judge shall have the authority to accept or reject cases referred to the Veterans Intervention Court Program. Written eligibility information is then sent to the sentencing judge. The sentencing judge shall have final discretion to decide if the offender is ordered to the Veterans Intervention Court Program.

(E) SENTENCING

Once the offender has been ordered to VIC as a condition of community control or as a condition for Intervention in Lieu of Conviction, the case shall be transferred to the VIC Judge where any and all further court proceedings with respect to that case shall be heard by the VIC Judge.

(F) VETERANS INTERVENTION COURT PROGRAM TEAM

- (1) The Veterans Intervention Court Program team shall consist of the judge, magistrate, specialty courts coordinator and subordinate staff, probation officers, veterans justice outreach specialist, Warren County Veterans Service Commission representative, case manager, an assistant prosecuting attorney, and defense counsel.
- (2) The VIC team shall convene at least bi-weekly to handle the docket, to discuss new potential participants for the program, to discuss the progress and status of offenders currently in the program, and to apply sanctions as needed.

(G) VETERANS INTERVENTION COURT PROGRAM PHASES

VIC Program offenders shall be required to complete phases of the program, and all other requirements, as identified in the VIC Program Description, the VIC Participant Handbook, and the VIC Participation Agreement. While in VIC, offenders shall receive services to assist in meeting criminogenic needs. Upon graduation from VIC, the offender may remain under community control sanctions to ensure continued compliance/success.



(H) UNSUCCESSFUL TERMINATION

Reasons for termination from the Veterans Intervention Court Program include, but are not limited to, failure to remain sober from illegal substances, violations of the rules of community control, violations of the conditions as set forth for an Intervention in Lieu of Conviction, and/or failure to comply with the Veterans Intervention Court Program *Participation Agreement*. Noncompliance with the aforementioned may result in a community control, probation, or Intervention in Lieu of Conviction revocation hearing. Any such hearing shall be adjudicated by the Veterans Intervention Court Program Judge. At said hearing, the offender may have the conditions of his/her community control, or the conditions of his/her Intervention in Lieu of Conviction modified. Modifications may include, but are not limited to, commitment to a non-lockdown residential treatment facility, commitment to a Community-Based Correctional Facility (CBCF), local jail incarceration, revocation of the offender's Intervention in Lieu of Conviction, termination from the Veterans Intervention Court Program, and/or revocation of the offender's community control. The VIC Judge does maintain discretion to refer the offender back to the General Division Judge originally assigned to the case for further proceedings.

(I) STATISTICAL REPORTS

For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned judge when the offender is sentenced to the VIC Program, or if the offender is ordered VIC as a condition of Intervention in Lieu of Conviction.

**SO ORDERED.**

  
\_\_\_\_\_  
Donald E. Oda II

  
\_\_\_\_\_  
Robert W. Peeler

  
\_\_\_\_\_  
Timothy N. Tepe

## **APPENDICES**

<b>Appendix A</b>	<b>Schedule Of Costs</b>	<b>Local Rule 7.02</b>
<b>Appendix B</b>	<b>E-Filing Guidelines</b>	<b>Local Rule 4.04</b>
<b>Appendix C</b>	<b>Affidavit Of Indigency</b>	<b>Local Rule 7.03</b>
<b>Appendix D</b>	<b>Affidavit For Standing Special Process Server</b>	<b>Local Rule 7.18</b>
<b>Appendix E</b>	<b>Warren County Record Sealing Packet</b>	<b>Local Rule 8.15</b>

**JAMES L. SPAETH  
CLERK OF THE COURT OF COMMON PLEAS  
WARREN COUNTY, OHIO**

**FILING FEES  
Effective 1/1/2024**

Civil Case . . . . .	\$ 200.00
in Civil actions – add \$10.00 per additional defendants over 5	
Civil Case by Publication . . . . .	\$ 300.00
Domestic Relations Case with children . . . . .	\$ 400.00
Domestic Relations Case without children. . . . .	\$ 300.00
Domestic Relations Case by Publication . . . . .	\$ 500.00
Domestic Relations Case with an Affidavit of Indigency . . . . .	\$ 15.00
Answer and Cross Complaint with service . . . . .	\$ 200.00
Jury Demand . . . . .	\$ 200.00
Personal Service by Sheriff, each party . . . . .	\$ 50.00
Motion to View the Scene . . . . .	\$ 100.00
Post Decree Motion . . . . .	\$ 75.00
Motion to Revive a Judgment . . . . .	\$ 50.00
Third Party Complaint with service . . . . .	\$ 200.00
Foreclosure Case . . . . .	\$ 520.00
Publication of order of sale per week (min. 3 weeks) . . . . .	\$ 100.00
Writ of Possession . . . . .	\$ 125.00
Criminal Case Sealing of Record . . . . .	\$ 50.00
Notice of Appeal - Workers' Comp (with or without Complaint) . . . . .	\$ 200.00
Notice of Appeal from an Administrative Body . . . . .	\$ 50.00
Notice of Appeal to the 12th District Court of Appeals . . . . .	\$ 225.00
Foreign Judgment (out-of-state) . . . . .	\$ 50.00
Foreign Decree of Divorce (filing only) . . . . .	\$ 50.00
Foreign Decree of Divorce (Petition to adopt) . . . . .	\$ 100.00
Garnishment . . . . .	\$ 75.00
Garnishee Fee - Other than employer . . . . .	\$ 1.00
Judgment Debtor Exam . . . . .	\$ 50.00
Certificate of Judgment - Preparation and filing . . . . .	\$ 41.00
Preparation for filing in Foreign Court . . . . .	\$ 5.00
CJ from Foreign Court. . . . .	\$ 36.00
Release . . . . .	\$ 5.00
Release of State Tax Lien . . . . .	\$ 7.00
Execution . . . . .	\$ 50.00
Certificate of Qualification for Employment (CQE) . . . . .	\$ 80.00
Authenticated Copy . . . . .	\$ 5.00
Certified Copy - per page . . . . .	\$ 1.00
Photocopies - per page. . . . .	\$ 0.05
Subpoena Witness Fee - Warren County resident . . . . .	\$ 6.00
Subpoena Witness Fee - Non-Warren County resident . . . . .	\$ 12.00
Electronic transmissions via fax or email. . . . .	\$ 2.00
Each page of the transmission . . . . .	\$ 1.00

**\*\*\*FEES SUBJECT TO CHANGE WITHOUT NOTICE\*\*\***



The Warren County Clerk of Courts and the Court of Common Pleas General Division are pleased to announce the launch of an e-Filing Portal for **new and existing civil** cases. This is exciting news for our court and the county.

With implementation of e-Filing for all **current and future** civil and criminal cases, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in all civil and criminal cases (cases with a CV or CR case number) may be submitted electronically through the e-Filing Portal, with limited exceptions. Attorneys already registered to use the current Public Access site with a login and password for viewing documents on-line, will find the e-File tab at the top of the screen for a selected case number. Or using the e-file drop-down located below the login screen (after logging in). If you are not registered as an attorney for the Public Access site, you will have to register with the Clerk's Office before utilizing e-Filing. (See Attorney Access Registration Form link below.) The Court and Clerk's Office strongly encourage all attorneys to begin utilizing this e-Filing process, as mandatory e-Filing is likely to occur in the future. Currently, only new civil cases and documents filed within civil and criminal cases may be filed using the Court's e-Filings Portal. A formal announcement will be made once we are ready to implement e-Filing in other case types.

[ATTORNEY ACCESS REGISTRATION FORM](#)

[E-FILING INSTRUCTIONS](#)

[NEW CASE E-FILING INSTRUCTIONS](#)

Any questions regarding technical issues/registration of attorneys should be directed to [Joshua.Storms@co.warren.oh.us](mailto:Joshua.Storms@co.warren.oh.us) or by phone at 513-695-2668.

Questions of a general nature can be addressed with Clerk of Courts Jim Spaeth via email to [James.Spaeth@co.warren.oh.us](mailto:James.Spaeth@co.warren.oh.us).



**Warren County Common Pleas Court  
500 Justice Drive  
Lebanon, Ohio 45036**

**Attorney Access Form**

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

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

City, State, ZIP: \_\_\_\_\_

Office Phone Number: \_\_\_\_\_

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

\*Attorney Registration Number: \_\_\_\_\_

\*Account can only be added if there is an active registration

Email form to: [Joshua.Storms@co.warren.oh.us](mailto:Joshua.Storms@co.warren.oh.us)

## E-FILING PROCEDURE FOR NEW CIVIL CASES

### Warren County Common Pleas General Division

If you do not have access to Benchmark, please fill out the [Attorney Access Form](#) and email to [joshua.storms@co.warren.oh.us](mailto:joshua.storms@co.warren.oh.us)

1. Go to the attorney search website:  
<https://clerkofcourt.co.warren.oh.us/BenchmarkCP/Home.aspx/Search>
2. Log in with your user ID and password.
3. Click on E-file located on the left side of the drop-downs and submit new.
4. On the left-hand side of the E-file page, you will click on a court type (Civil) and a case type. Once both are selected, click Submit below the case type selection.
5. On the party screen, click on Edit for each party required and enter all the relevant information (Last Name, First Name, Address, City, State, and Zip are all required).
6. If an additional defendant is needed, click Add Party, "Add. Defendant," and edit to enter the party information. Once all parties are entered, click on Next.
7. On the document screen, you will need to upload all the required documents. Please note that all documents need to be PDF files. Additionally, all documents must be around 25 MB. If the document is of the incorrect type or too large, it will not upload correctly and will be rejected (starting the process over).
8. For additional documents, click Add Document and select the option closest to the one desired. If an option is not available, click the closest option, and we will correct it on our end. After all the documents are uploaded, you will click on Next.
9. On the summary page, you will need to enter payment for the case. Please note that the card information must be exact, or the payment will not be processed on our end. If the payment does not process, we will reject the filing and restart the process. After the card information is entered, click submit.
10. On the confirmation page, you are given a confirmation number. In this step, you are waiting for a response from the clerk's office.
11. Once the clerk's office accepts or rejects your filing, you will receive notification from [e-filingportal-criminal@co.warren.oh.us](mailto:e-filingportal-criminal@co.warren.oh.us).

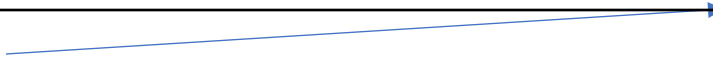
FOR ANY ISSUES WITH E-FILING, CONTACT JOSHUA STORMS AT [joshua.storms@co.warren.oh.us](mailto:joshua.storms@co.warren.oh.us)  
OR 513-695-2668

## E-FILING PROCEDURE FOR EXISTING CASES WARREN COUNTY COMMON PLEAS GENERAL DIVISION

If you do not have access to Benchmark public, please fill out the [Attorney Access Form](#) and email to [joshua.storms@co.warren.oh.us](mailto:joshua.storms@co.warren.oh.us)

1. Go to our public access website. <https://clerkofcourt.co.warren.oh.us/BenchmarkCP/Home.aspx/Search>
2. Login with your UserID and password.
3. Search for the Case Number or Defendant's name under which you would like to e-File a document. PLEASE NOTE: Your document must be saved in a PDF format to load properly into our system.
4. The top banner will show:

21CR039999 – State of Ohio v. DEFENDANT'S NAME	Schedule Event	Doc Search	+ e-File	Review Print Summary
--	----------------	------------	----------	----------------------

Click on the "+ e-File" tab. 

5. The next banner will read:

e-File Existing Case	
Criminal Felony	+ Add Document

Click on the "+ Add Document" tab. 

6. Under "Case Documents" it will read:

Document Type	# Pages	Select	Generate	Description	File	Edit	Delete
---------------	---------	--------	----------	-------------	------	------	--------

Under "Document Type" click on the dropdown arrow and scroll down to the type of document you want to file.

Next, click on the tab "Select File." Select from your own files the PDF document you wish to e-File in this case. Once you have the correct PDF file highlighted, select "OPEN" and the name of the document will be placed under the "Generate" heading.

7. You will have the ability to "Edit" or "Delete" the document at this point. If all is fine, click:

Next (Summary) ->

8. You will be taken to the "Review & Submit" screen. Please review the title of your filing, as this will be your LAST CHANCE to edit or delete your e-Filing before submission. If you wish to edit or delete your document, click the "Edit" tab in the right margin of the Case Documents area or click "Cancel" at the bottom of the screen. To enter the document into our Benchmark e-File Portal, click "Submit."
9. The next screen is "e-File Submitted" and will show a Confirmation Number, i.e. 321-123456. Please save this number for your records.
10. To view a list of the documents you have e-Filed, select "e-File" from the main menu located on the left side of the public access website and select "My Filings" from the dropdown menu.
11. Under the "e-File" heading will also be a section named "Submit a New e-File." This feature is only activated for civil cases. However, on the right side of the screen is an alternative way to get to the e-Filing feature for existing cases by placing your case number in that field.

FOR ANY ISSUES WITH E-FILING, CONTACT JOSHUA STORMS AT [joshua.storms@co.warren.oh.us](mailto:joshua.storms@co.warren.oh.us) or 513.695.2668.

**Instructions for Completing  
Financial Disclosure Form OPD 206R**

*Revised September 2017*

**Section I. Personal Information**

Complete this section with the applicant's name, contact information, and case number. If the person who will be represented by court-appointed counsel is a juvenile, also include the juvenile's name in the box marked "Person Represented's Name (*if juvenile*)."

**Section II. Other Persons Living in Household**

Complete this section with the names of those with whom the applicant lives, who either have a duty to support the applicant or for whom the applicant has a duty to support, such as a spouse or dependent children. Do not include information about persons who share a household with the applicant but with whom the applicant shares no duty to support, such as roommates.

**Section III. Presumptive Eligibility**

If the applicant is currently receiving assistance from any of the governmental assistance programs listed in this section, check the line(s) next to the name of the program(s). Since that applicant has already been screened and deemed eligible for assistance by another government agency, you may presume the applicant's eligibility for court-appointed counsel. An applicant who is committed to a public mental health facility or who is incarcerated in a state penitentiary at the time of application may be presumed to be indigent and eligible for court-appointed counsel. All juveniles are presumed indigent and eligible for court-appointed counsel. Information in Sections IV – VI does not need to be collected for a juvenile who is requesting court-appointed counsel. (However, an adult requesting court-appointed counsel in a juvenile proceeding, such as a parent in an A/D/N case, must complete Sections IV – VI.) See *Ohio Administrative Code section 120-1-03 (C)*.

**Section IV. Income and Employer**

Complete this section with the gross monthly income and other financial support received by the applicant, including the name and contact information of their employer. If the applicant indicated in Section III that the applicant receives assistance from any of the listed programs, include the amount of monthly assistance received through that program in the second box of this section, which includes "other types of income."

- Compare the dollar amount in the box labeled Total Income in this section to OPD's *Indigent Client Eligibility Guidelines*. If the applicant's total income falls at or below



187.5% of the federal poverty guidelines on this chart, the applicant must be given court-appointed counsel. See *OAC 120-1-03 (B)*. See Section V instructions below for potential ineligibility.

### **Section V. Liquid Assets**

Complete this section with information about the applicant's liquid assets. An applicant's liquid assets can make an applicant ineligible for court-appointed counsel, even if his or her income falls below the guidelines. See *OAC 120-1-03 (D)(2)-(3)*.

### **Section VI. Monthly Expenses**

*OAC 120-1-03* states that the "pivotal issue in determining indigency is not whether the applicant ought to be able to employ counsel but whether the applicant is, in fact, able to do so." Therefore, an applicant whose gross monthly income falls above 187.5% of the federal poverty guidelines may still qualify for court-appointed counsel. If an applicant whose income exceeds 187.5% believes he or she is financially unable to employ counsel, complete this section with information about the applicant's basic monthly expenses.

### **Section VII. Determination of Indigency**

If the applicant's total income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

Applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines can be subject to recoupment

If the applicant's Liquid Assets in Section V exceed figures provided in *OAC 120-1-03*, appointment of counsel may be denied if *the applicant can employ counsel using those liquid assets*.

If the applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but is financially unable to employ counsel after paying the monthly expenses in Section VI, counsel must be appointed.

### **VIII. \$25.00 Application Fee Notice**

This section provides notice to the applicant that he or she will be assessed a non-refundable \$25 application fee when submitting this form, unless that fee is waived or reduced by the court. No applicant may be denied counsel based upon failure or inability to pay this fee. See *ORC 120.36 (B)*.

## **IX. Applicant Certification**

This section must be signed by the applicant, certifying that the information is correct, and true to the best of his or her knowledge.

## **X. Judge Certification**

If the applicant is unable to complete this form {e.g. minor, incarcerated person, etc.}, in this section, the judge may determine the applicant is eligible for court-appointed counsel and should provide a brief description of why the applicant is unable to complete the form.

## **XI. Notice of Recoupment**

This section provides notice to the applicant that if his or her gross monthly income falls at or above 125% of the federal poverty guidelines, he or she may be subject to recoupment. *See ORC 120.03 {8}{6)-(8), OAC 120-1-05, and ORC 2941.51 {D}.*

Attorneys' fees and expenses cannot be taxed as part of the costs charged in a case. However, through recoupment, if the indigent client or juvenile's parent(s) has, or reasonably may be expected to have the means to pay *some* part of the costs of services rendered, the indigent client or juvenile's parent(s) can be required to pay the county an amount that person reasonably can be expected to pay. *See ORC 2941.51 (D).*

## **XII. Juvenile's Parents' Income**

If the respondent/defendant is a juvenile, complete this section with the income information of that juvenile's custodial parent(s). Because financial information was not collected about the parent(s) in Sections IV and V, information collected in this section is used to determine whether the parent(s) of the juvenile will be subject to recoupment.

Compare the dollar amount in the box labeled Total Income in this section to OPD's *Indigent Client Eligibility Guidelines*. If the parents' total income falls below 125% of the federal poverty guidelines on this chart, they cannot be subject to recoupment. *See OAC 120-1-03 {C}{I}*. If the parents' total income falls at or above 125%, they can be subject to recoupment. *See OAC 120-1-03 (B).*

Because recoupment is limited to "an amount that the person reasonably can be expected to pay," you may choose to also collect information about the parents' monthly expenses in Section VI of this form. *See ORC 2941.51 {D}*.

## FINANCIAL DISCLOSURE FORM

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

### I. PERSONAL INFORMATION

Applicant's Legal Name		Applicant's Preferred Name and Pronoun		D.O.B.
Mailing Address			City	
State	Zip Code	Case No.	Phone ( ) -	Cell Phone ( ) -
SSN Last 4	Gender	Race (double-click to de-select) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other		

### II. OTHER PERSONS LIVING IN HOUSEHOLD

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

### III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

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

Refugee Settlement Benefits: \_\_\_\_ Incarcerated in state penitentiary: \_\_\_\_ Committed to a Public Mental Health Facility: \_\_\_\_

Other (please describe): \_\_\_\_\_ Juvenile: \_\_\_\_ (if juvenile, please continue at Section VIII)

### IV. INCOME AND EMPLOYER

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income	\$	\$	\$ 0.00
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$ 0.00
<b>TOTAL INCOME</b>			<b>\$ 0.00</b>

Employer's Name: \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_

Employer's Address: \_\_\_\_\_

### V. LIQUID ASSETS

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

### VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation / Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld or Owed	\$
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	\$	Credit Card, Other Loans	\$
Rent / Mortgage	\$	Utilities (Gas, Electric, Water / Sewer, Trash)	\$
Food	\$	Other (Specify)	\$
<b>EXPENSES</b>	<b>\$ 0.00</b>	<b>EXPENSES</b>	<b>\$ 0.00</b>

### VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.  
 For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.  
 If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.  
 If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

**VIII. \$25.00 APPLICATION FEE NOTICE**

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

**IX. APPLICANT CERTIFICATION**

I, \_\_\_\_\_ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**X. JUDGE CERTIFICATION**

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: \_\_\_\_\_. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

**XI. NOTICE OF RECOUPMENT**

R.C. 120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for **part** of the cost of services rendered, if he or she can reasonably be expected to pay. See R.C. 2941.51(D)

**XII. JUVENILE'S PARENTS' INCOME\* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL**

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)	\$	\$ 0.00
Unemployment, Workers Compensation, Child Support, Other Types of Income	\$	\$ 0.00
	<b>TOTAL INCOME</b>	<b>\$ 0.00</b>

\*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.



**IN THE COURT OF COMMON PLEAS  
WARREN COUNTY, OHIO  
CIVIL DIVISION**

IN RE:       The Appointment of \_\_\_\_\_  
              As Standing Special Process Server, Warren County  
              Common Pleas Court

**ORDER**

Upon application, \_\_\_\_\_ is hereby  
designated as a standing special process server authorized to make service of  
process in all cases filed in this court, to serve until further order of the  
Court.

The Clerk shall record such appointment on the Court's general  
docket, and shall retain the original application and entry. In any case  
thereafter, the Clerk of Courts shall accept a time-stamped copy of such an  
order as satisfying the requirements of Civil Rule 4.1(2) for designation by  
the court of a person to make service of process.

\_\_\_\_\_  
JUDGE

**INFORMATION PACKET**  
**Application to Seal / Expunge Criminal Record**  
**(R.C. 2953.32, et seq.)**

*Neither the Clerk of Court's Office, Judicial Staff, nor Court Services staff can tell you if you are eligible to have your conviction(s) sealed or expunged or offer you any legal advice.*

**SEALING YOUR RECORD VERSUS EXPUNGING YOUR RECORD:**

Effective April 6, 2023, Ohio permits for both the sealing and expungement of certain criminal records. "Sealing" a court record means that the criminal record is removed from all public records and the public no longer has access to the records of the criminal case, including employers generally. "Expungement" usually means that the criminal record is completely destroyed, erased, or obliterated from all records. For a list of who can still access a sealed or expunged record, please see section 2953.34 of the Ohio Revised Code or contact an attorney.

**GUIDELINES FOR SEALING CRIMINAL RECORD:<sup>1</sup>**

Only certain convictions are eligible to be sealed once a prescribed period of time has passed since your final discharge. To be eligible, your convictions must fall into one of the following categories:

*Minor Misdemeanors Only:*

You may be eligible to seal your record of conviction at the expiration of six (6) months after the offender's final discharge if convicted of a minor misdemeanor.

*Lower-Level Felonies and Misdemeanors:*

You may be eligible to seal your record of conviction at the expiration of one (1) year after your final discharge if convicted of one or more felonies of the 4<sup>th</sup> or 5<sup>th</sup> degree or one or more misdemeanors, so long as none of the offenses are a felony offense of violence.

*Third Degree Felonies or Lower:*

You may be eligible to seal your record of conviction at the expiration of three (3) years after your final discharge if convicted of one or two felonies of the 3<sup>rd</sup> degree.

*Sex Offenses:*

You may be eligible to seal your record of conviction at the expiration of five (5) years after your requirements under R.C. 2950.07 have ended or are terminated under R.C. 2950.15 or R.C. 2950.151.

Sex offense convictions prior to January 1, 2008 that were subject to registration requirements under R.C. Chapter 2950 are not sealable or expungable.

*Soliciting Improper Compensation:*

You may be eligible to seal your record of conviction at the expiration of seven (7) years after your final discharge if convicted of soliciting improper compensation in violation of R.C. 2921.43.

**GUIDELINES FOR EXPUNGING CRIMINAL RECORD:<sup>2</sup>**

An application for expungement under R.C. 2953.32(B)(1)(b) may be made at whichever of the following times is applicable regarding the applicant's conviction(s):

*Minor Misdemeanors Only:*

You may be eligible to have your record expunged at the expiration of six (6) months if the offense is a minor misdemeanor.

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<sup>1</sup> R.C. 2953.32(B)(1)(a).

<sup>2</sup> R.C. 2953.32(B)(1)(b).

*Misdemeanors:*

You may be eligible to have your record expunged at the expiration of one (1) years after your final discharge if the offense is a misdemeanor.

*Felonies:*

You may be eligible to have your record expunged at the expiration of ten (10) years after the time at which you are eligible to have your record sealed under R.C. 2953.32(B)(1)(a).

**THE FOLLOWING TYPES OF CONVICTIONS ARE NEITHER SEALABLE NOR EXPUNGABLE:<sup>3</sup>**

1. Convictions of felonies of the 1<sup>st</sup> or 2<sup>nd</sup> degree, or of more than two felonies of the 3<sup>rd</sup> degree;
2. Convictions of a felony offense of violence that is not a sexually oriented offense;
3. Convictions of a sexually oriented offense while the offender is subject to the requirements of Chapter 2950 of the Ohio Revised Code;
4. Convictions of an offense in circumstances in which the victim of the offense was less than 13 years of age, except convictions under R.C. 2919.21;
5. Convictions of domestic violence under R.C. 2919.25;
6. Convictions of violating a protection order under R.C. 2919.27;
7. Convictions under Revised Code Chapter 4506., 4507., 4510., 4511., or 4549. or substantially similar municipal ordinances.

**COURT COSTS/FINES/RESTITUTION:**

To be eligible to have your record sealed or expunged, you must have paid or had waived any and all court costs, fines, fees, and/or restitution before you are considered eligible to have your record sealed. To find out whether you owe any costs, fines, fees, or restitution, you must request a Statement of Costs form from the Warren County Clerk of Court's Office. These forms can take up to 48 hours to process, so please make the request in a timely manner.

**COST OF APPLICATION:**

Unless the applicant submits an affidavit of indigency and the fee is waived by the Court, an applicant shall pay to the Warren County Clerk of Court the nonrefundable sum of \$50, regardless of the number of records the applicant requests to be sealed or expunged.

**HOW TO APPLY:**

To apply for your record(s) to be sealed or expunged under Section 2953.31, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Warren County Court of Common Pleas at 500 Justice Drive, Lebanon, OH 45036. Be sure to make a copy for your records.

Take the "Application to Seal/Expunge a Criminal Record" section of this packet to the Clerk of Court's Office and pay a nonrefundable \$50 application fee or submit an affidavit of indigency. Request a "Statement of Costs" from the Clerk of Court's Office to determine whether you owe any costs, fines, fees, or restitution (it may take up to 48 hours to process a Statement of Costs sheet, which you will receive in the mail). You will then be directed to the Court Services Division.

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<sup>3</sup> R.C. 2953.32(A).



Take the “Request for Information” section of this packet to the Court Services Department. The employee at the front desk will confirm you filled out the application correctly and will direct you to the appropriate Assignment Commissioner for your case.

Go to the Assignment Commissioner for your case and get a hearing date. She or he will provide you a notice containing your hearing date.

Appear in court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time. If your application is granted, a member of the judge’s staff will assist you in completing the final steps of sealing or expunging your record.

**WHAT HAPPENS AT THE HEARING:**

In compliance with section 2953.32 of the Ohio Revised Code, upon application of the offender, the Court shall set a date for a hearing within 45 to 90 days from the date you filed your application. The Court shall notify the prosecutor for the case of the hearing and the prosecutor’s office will notify the victim (if any) of the application.<sup>4</sup> The Court shall also direct the county’s Court Services division to make inquiries and written reports concerning the application.

The Court shall then do each of the following:

- (1) Determine whether the applicant is pursuing sealing or expunging of an offense that is prohibited under R.C. 2953.32(A) or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, and determine whether the application was made at the time specified in R.C. 2953.32(B);
- (2) Determine whether criminal proceedings are pending against the applicant;
- (3) Determine whether the applicant has been rehabilitated to the satisfaction of the court;
- (4) Consider the reasons (if any) presented by the prosecution against granting the application to seal/expunge the record as specified by the prosecutor in their objection;
- (5) Consider the reasons (if any) presented by the victim against granting the application to seal/expunge the record as specified by the victim in his/her objection;
- (6) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records; and
- (7) Consider the oral or written statement of any victim, victim’s representative, and victim’s attorney, if applicable.

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<sup>4</sup> The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing.

**IN THE COURT OF COMMON PLEAS  
STATE OF OHIO, COUNTY OF WARREN  
CRIMINAL DIVISION**

**STATE OF OHIO,** : **CASE NO.** \_\_\_\_\_  
**Plaintiff,** : **JUDGE** \_\_\_\_\_  
**v.** :  
\_\_\_\_\_ : **APPLICATION TO SEAL/EXPUNGE**  
 : **A CRIMINAL RECORD**  
**Defendant.** : **PURSUANT TO R.C. 2953.32**  
\_\_\_\_\_

Comes now the defendant, \_\_\_\_\_, *pro se*, and moves the Court for an order  SEALING or  EXPUNGING (select one) the record of the defendant's conviction(s), including the sealing/expunging of all criminal records pursuant to Section 2953.31 et. seq. of the Ohio Revised Code. The defendant requests a hearing on this application. The defendant seeks the sealing/expunging of the following convictions:

Case Number(s): \_\_\_\_\_.

Charge(s): \_\_\_\_\_.

Date of Conviction(s): \_\_\_\_\_.

Date of Community Control / Probation Termination: \_\_\_\_\_.

The defendant states that no criminal or traffic charges are currently pending against him or her.

The defendant states that he or she has paid or had waived all court costs, fines, fees, and/or restitution and does not currently owe any monetary amount in the above-captioned case(s).

The defendant states that his or her conviction(s) should be sealed/expunged because the defendant has been rehabilitated.

The defendant provides the following additional information to the Court as to why his or her record should be sealed: \_\_\_\_\_

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Respectfully submitted,

**SIGNATURE OF DEFENDANT:** \_\_\_\_\_

**PRINTED NAME OF DEFENDANT:** \_\_\_\_\_

**ADDRESS OF DEFENDANT:** \_\_\_\_\_

\_\_\_\_\_

**PHONE NUMBER OF DEFENDANT:** \_\_\_\_\_

**EMAIL ADDRESS OF DEFENDANT:** \_\_\_\_\_

Dist: Assigned Judge's Assignment Commissioner  
Warren County Prosecutor  
Warren County Court Services Division  
Applicant

**WARREN COUNTY COMMON PLEAS COURT  
COURT SERVICES DIVISION  
520 JUSTICE DRIVE  
LEBANON, OH 45036  
513-695-1244  
513-695-1757 (fax)**



**REQUEST FOR INFORMATION**

*Dear Sir or Madam, the person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form within three (3) days. Thank you.*

*Amy Bidinger,  
Director of Court Services*

*LEFT BLANK INTENTIONALLY*

Date of Application:

**APPLICANT:** *Print or Type required information in the WHITE sections only*

				CASE NUMBER(S)	JUDGE	
FULL NAME OF APPLICANT LAST			FIRST	MIDDLE	ALIASES/MAIDEN NAME	
DATE OF BIRTH	DRIVER LICENSE/STATE ID NUMBER		SOCIAL SECURITY NUMBER		TELEPHONE NUMBER (w/ area code)	
STREET NUMBER		STREET NAME			APARTMENT OR UNIT NUMBER	
CITY		COUNTY	STATE		ZIP CODE	
CITIZENSHIP		FBI NUMBER			BCI NUMBER	
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	
DATE OF CONVICTION			DATE OF FINAL DISCHARGE			

**I authorize release to the Warren County Court of Common Pleas, Court Services Division all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Warren County Court of Common Pleas, Court Services Division. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

**INFORMATION DESIRED** from your office (please elaborate and give additional comments)

- Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- Other (please specify)

**Please stamp NO RECORD FOUND here or attach information to the back of this form.**

\_\_\_\_\_  
**SIGNATURE OF OFFICIAL**

\_\_\_\_\_  
**TITLE**

\_\_\_\_\_  
**DATE**

**PREVIOUS ADDRESSES** (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

COUNTY	STATE	DATES (FROM - TO)	COUNTY	STATE	DATES (FROM - TO)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**CRIMINAL HISTORY** (list all arrests and/or convictions including juvenile prior record)

DATE	OFFENSE	FELONY/MISDEMEANOR?	CITY/COUNTY/STATE	SENTENCE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I authorize the Warren County Court of Common Pleas, Court Services Division, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s) \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

## INFORMATION PACKET

### Application to Seal/Expunge Record of Dismissal, Not Guilty Verdict, or No Bill (R.C. 2953.33) Application to Seal/Expunge Record Upon Successful Completion of ILC (R.C. 2951.041)

*Neither the Clerk of Court's Office, Judicial Staff, nor Court Services staff can tell you if you are eligible to have your conviction(s) sealed or expunged or offer you any legal advice.*

#### **LEGAL BASIS:**

Section 2953.33 of the Ohio Revised Code permits the sealing of records by an applicant (1) who is found not guilty of an offense by a jury or a court, (2) who is the defendant named in a dismissed complaint, indictment, or information, or (3) against whom a no bill is entered by a grand jury.

Section 2951.041(E) of the Ohio Revised Code provides that, upon successful completion of the intervention plan for an offender, the Court "shall dismiss the proceedings against the offender" and "may order the sealing or expungement of records related to the offense in question."

#### **ELIGIBLE APPLICANT:**

Any person, who is found not guilty of an offense by a jury or a Court or who is the defendant named in a dismissed complaint, indictment, or information, or against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal the person's official records in the case.

In addition, any person under an intervention in lieu of conviction plan, and who *successfully completes* their intervention plan, may apply to the Court for their record to be sealed or expunged under section 2951.041(E) of the Ohio Revised Code.<sup>1</sup> Such an individual is called an "applicant" for the purpose of this application.

Please note, the applicant must have paid or had waived any and all court costs, fines, fees, and/or restitution before the applicant is considered eligible to have his or her record sealed. To determine whether the applicant owes any costs, fines, fees, or restitution, Statement of Costs form must be requested from the Warren County Clerk of Court's Office. These forms can take up to 48 hours to process, so please make the request in a timely manner.

#### **COST OF APPLICATION:**

Unless the applicant files an affidavit of indigency and is determined indigent by the Court, an applicant who has successfully completed an intervention in lieu of conviction plan (ILC) or whose case was dismissed shall pay to the Warren County Clerk of Court the nonrefundable sum of \$50, regardless of the number of records the application requests to be sealed.

An applicant who was found not guilty, whose complaint, indictment, or information was dismissed, or against whom a no bill was entered by the grand jury, shall not be required to pay a filing fee. *An applicant eligible to not pay a filing fee must have been found not guilty of all charges, must have had his/her entire complaint, indictment, or information dismissed or no billed. Partial not guilty verdicts, dismissal, or no bills do not qualify for the waiver of the filing fee.*

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<sup>1</sup> If you are not an eligible applicant by this definition, you may still petition to have your record sealed under Section 2953.31, et seq. of the Ohio Revised Code.

**TIMING OF APPLICATION:**

*Dismissal or Not Guilty Verdict:* Any person, who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information, may apply to the Court to seal their record at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the Court pursuant to section 2953.32 of the Ohio Revised Code for the sealing of the person's record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.

*No Bill:* Any person, against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal his or her official records in the case at any time after the expiration of two years after the date on which the foreperson or deputy foreperson of the grand jury reports to the Court that the grand jury has reported a no bill. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the Court pursuant to section 2953.32 of the Ohio Revised Code for the sealing of the person's record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.

*Intervention in Lieu of Conviction (ILC):* An applicant may file an application to seal/expunge his or her criminal record under section 2951.041 of the Ohio Revised Code immediately upon successful completion of his or her intervention in lieu of conviction plan.

**HOW TO APPLY:**

To apply for your record(s) to be sealed under Section 2953.33, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Warren County Court of Common Pleas at 500 Justice Drive, Lebanon, OH 45036. Be sure to make a copy for your records.

Take the "Application to Seal a Record" section of this packet to the Clerk of Court and pay the nonrefundable \$50 application fee, if applicable. The Clerk will timestamp and keep your application, then direct you to the Court Services Division.

Take the "Request for Information" section of this packet to the Court Services department. The employee at the front desk will confirm you filled out the application correctly and will direct you to the appropriate Assignment Commissioner for your case.

Go to the Assignment Commissioner for your case and get a hearing date within 45 to 90 days of the filing of the application. She or he will provide you a notice containing your hearing date.

Appear in Court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time. If your application is granted, a member of the judge's staff will assist you in completing the final steps of sealing your record.

**IN THE COURT OF COMMON PLEAS  
STATE OF OHIO, COUNTY OF WARREN  
CRIMINAL DIVISION**

**STATE OF OHIO,** : **CASE NO.** \_\_\_\_\_  
**Plaintiff,** : **JUDGE** \_\_\_\_\_  
**v.** :  
\_\_\_\_\_ : **APPLICATION TO SEAL**  
 : **A RECORD PURSUANT TO**  
 : **R.C. 2953.33 OR R.C. 2951.041**  
**Defendant.** :  
\_\_\_\_\_

Comes now the defendant, \_\_\_\_\_, *pro se*, and moves the Court, pursuant to section 2953.33 or 2951.041 of the Ohio Revised Code, for an order  SEALING or  EXPUNGING (select one) the record of the defendant's case, wherein the defendant was found not guilty, the complaint, indictment, or information was dismissed, a no bill was entered by the grand jury, or the defendant successfully completed his/her intervention in lieu of conviction plan.

The defendant requests a hearing on this application.

The defendant seeks sealing/expungement of the following records:

Case Number(s): \_\_\_\_\_.

Charge(s): \_\_\_\_\_.

My case was: dismissed / not guilty verdict / no billed / successfully completed through ILC  
(circle one)

Date of Dismissal/Not Guilty Verdict/No Bill/Successful Completion of ILC: \_\_\_\_\_.

The defendant states that no criminal or traffic charges are currently pending against him/her.

The defendant states that he/she has paid or had waived all court costs, fines, fees, and/or restitution and does not currently owe any monetary amount in the above-captioned case.



The defendant provides the following additional information to the Court as to why his/her record should be sealed: \_\_\_\_\_

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Respectfully submitted,

**SIGNATURE OF DEFENDANT:**

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**PRINTED NAME OF DEFENDANT:**

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**ADDRESS OF DEFENDANT:**

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**PHONE NUMBER OF DEFENDANT:**

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**EMAIL ADDRESS OF DEFENDANT:**

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Dist: Assigned Judge's Assignment Commissioner  
Warren County Prosecutor  
Warren County Court Services Division  
Applicant

**WARREN COUNTY COMMON PLEAS COURT  
 COURT SERVICES DIVISION  
 500 JUSTICE DRIVE  
 LEBANON, OH 45036  
 513-695-1244  
 513-695-1757 (fax)**



**REQUEST FOR INFORMATION**

*Dear Sir or Madam, the person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form within three (3) days. Thank you.*

*Amy Bidinger,  
 Director of Court Services*

*LEFT BLANK INTENTIONALLY*

Date of Application:

**APPLICANT:** *Print or Type required information in the WHITE sections only*

FULL NAME OF APPLICANT				CASE NUMBER(S)	JUDGE
LAST	FIRST	MIDDLE	ALIASES/MAIDEN NAME		
DATE OF BIRTH	DRIVER LICENSE/STATE ID NUMBER	SOCIAL SECURITY NUMBER	TELEPHONE NUMBER (w/ area code)		
STREET NUMBER		STREET NAME		APARTMENT OR UNIT NUMBER	
CITY		COUNTY	STATE	ZIP CODE	
CITIZENSHIP		FBI NUMBER		BCI NUMBER	
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
HOW WAS YOUR CASE DISPOSED?			DATE OF DISMISSAL / NOT GUILTY VERDICT / NO BILL / COMPLETION OF ILC:		

**I authorize release to the Warren County Court of Common Pleas, Court Services Division all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Warren County Court of Common Pleas, Court Services Division. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

**INFORMATION DESIRED** from your office (please elaborate and give additional comments)

- Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- Other (please specify)

**Please stamp NO RECORD FOUND here or attach information to the back of this form.**

\_\_\_\_\_  
**SIGNATURE OF OFFICIAL**

\_\_\_\_\_  
**TITLE**

\_\_\_\_\_  
**DATE**

**PREVIOUS ADDRESSES** (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

COUNTY	STATE	DATES (FROM - TO)	COUNTY	STATE	DATES (FROM - TO)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**CRIMINAL HISTORY** (list all arrests and/or convictions including juvenile prior record)

DATE	OFFENSE	FELONY/MISDEMEANOR?	CITY/COUNTY/STATE	SENTENCE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I authorize the Warren County Court of Common Pleas, Court Services Division, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s) \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE