

**COMMON PLEAS COURT OF STARK COUNTY**  
**2016 LOCAL RULES OF COURT**  
**(Revised October 4, 2016)**

The following rules govern the practice and procedure in the General Division of the Court of Common Pleas of Stark County, Ohio pursuant to Article IV, Section 5 (B) of the Constitution of Ohio.

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## **ALL DIVISIONS**

### **RULE 1 - TIME TABLE FOR LAWYERS UNDER OHIO CIVIL RULES**

1.01 The time allowed or permitted for the performance or completion of any act in handling matters before any Division of Court shall be as established by the Ohio Rules of Civil Procedure, Criminal Procedure, Juvenile Procedure and the Rules of Superintendence; or if a particular matter is not covered by the aforesaid rules, such time shall be as established herein or by Court Order.

1.02 The "Time Table Under the Civil Rules" are included in the Rules Governing the Courts of Ohio published by the Anderson Publishing Company.

### **RULE 2 - PRESIDING JUDGE**

2.01 The Presiding Judge shall be responsible for the general superintendence of all Divisions of the Court of Common Pleas pursuant to the Rules of Superintendence, henceforth cited as Sup.R. 3. Every person appointed by the Court shall be amenable to the direction and discipline of the Court Administrator under the Presiding Judge and the particular Administrative Judge of each division of the Court.

2.02 The Presiding Judge shall be selected by a majority of the Judges of all divisions of the Court and shall serve at their pleasure pursuant to Sup.R. 3.

### **RULE 3 - ADMINISTRATIVE JUDGES AND DIVISIONS OF COURT**

3.01 The divisions of the Court shall be as follows:

- (1) General Division (Civil and Criminal cases)
- (2) Family Court Division (Domestic Relations and Juvenile cases)
- (3) Probate Division

3.02 The Judges of the General Division and of the Family Division shall, by majority vote of all Judges of their respective Divisions, select one of their number to act as Administrative Judge.

The Judge of the Probate Division shall be the Administrative Judge of that Division. The Administrative Judge shall be selected for an annual term and may be reelected.

#### **RULE 4 - TERMS OF COURT, HOURS OF COURT SESSIONS AND MEETINGS OF JUDGES**

4.01 The Court shall be in continuous sessions for the transaction of judicial business but for the purposes of O.R.C. Section 2313.01 et seq. each calendar year shall be divided into three (3) terms of Court. The January term shall begin on the first Monday following the first day of January; the May term shall begin on the first Monday of May; and, the September term shall begin on the day following Labor Day.

4.02 The sessions of the Court shall be daily, Monday through Friday, from 8:30 a.m. to 12:00 (noon) and 1:00 p.m. to 4:30 p.m. The Court shall be in session at such other times and hours as the Administrative Judge or any Judge thereof shall prescribe.

4.04 In accordance with the Rules of Superintendence, the Judges of the Court shall meet at the call of the Presiding Judge for the purpose of discussing and resolving administrative problems common to all Divisions of the Court.

4.05 The Judges of a particular division shall meet at the call of the Administrative Judge of that division.

#### **RULE 5 - JURY MANAGEMENT PLAN**

##### 5.01 Eligibility and General Administration

The responsibility for administration of the jury system shall be vested exclusively in the Court of Common Pleas of Stark County. All procedures concerning jury selection and service are governed by Ohio Revised Code and Ohio Rules of Court. Responsibility for administering the jury system will be vested in the Court Administrator for the Court of Common Pleas.

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

Eligibility shall be limited to statutory exemptions only.

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

1. are less than eighteen years of age;
2. are not citizens of the United States;

3. are not residents of the jurisdiction in which they have been summoned to serve; to wit, Stark County;
4. are not able to communicate in the English Language; or
5. have been convicted of a felony and have not had their civil rights restored.

The Court reminds residents and employers that our system of justice is based upon the right to trial by jury. Jury service is an obligation of all qualified citizens of Stark County, Ohio. Failure to attend when summoned to jury duty is a violation of the Ohio Revised Code. Employers are prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work when summoned to jury service. The Court recognizes the burden of jury duty on citizens and employers. The Court has shortened the length of jury service from three weeks to one week (five days) providing that a juror must continue to completion any trial started during this one week of service.

In accordance with Substitute Senate Bill Number 69 of the 122nd General Assembly:

Except as provided by section 2313.13 of the Revised Code, the Court of Common Pleas shall not excuse a person WHO IS liable to serve as a juror or another person acquainted with the facts, that ONE OR MORE OF THE FOLLOWING APPLIES:

- (A) The juror is then necessarily absent from the county and will not return in time for service.
- (B) The interest of the public, or of the juror, will be materially injured by the juror's attendance.
- (C) The juror is physically unable to serve.
- (D) The juror's spouse, or a near relative of the juror or the juror's spouse, has recently died or is dangerously ill.
- (E) The juror had been called as a juror for trial in a court of record in the county within the same jury year.
- (F) The juror is a cloistered member of a religious organization.

When a person who is liable to serve is excused in a case specified above (O.R.C. 2313.13), the juror can only be excused by the judge presiding in the case or a representative of the judge. The Jury Commissioners of the Court of Common Pleas of Stark County have been designated by journal entry as representatives of the judges. Any judicially approved excuse per this section (O.R.C. 2313.13) shall be duly recorded by the Jury Commissioners and retained pursuant to the records retention schedule on file in the Administrative Office of the Court of Common Pleas.

A person may be excused from jury service or have their jury service postponed in accordance with section 2313.01 to 2313.46 of the Ohio Revised Code and the General Statutes of the State. The Court delegates authority to the Jury Commissioners to grant deferrals for jury service to a week certain, providing that the service is fulfilled in the one year continuous term in which the

juror was summoned. All requests for deferral shall be made in writing or recorded by the Jury Commissioners and retained pursuant to the records retention schedule on file in the Administrative Office of the Court of Common Pleas.

#### 5.02 Jury Source List

Once each year, the list of registered voters shall be obtained from the Stark County Board of Elections in electronic form. The jury source list will be derived from the names of all electors shown on the registration list for the most recent past general election. This list will be compiled according to a mathematical formula as set forth in the jury selection calculation developed by the Stark County Data Processing Center. A copy of this formula is maintained by the Court Administrator and Jury Commissioners. A miscellaneous journal entry signed by the Judges of the General Division shall instruct that upon certification of the list of voters to the Jury Commission by the Stark County Board of Elections and in accordance with a journal entry filed with the Clerk of Courts setting forth the number of prospective jurors to be called, that the drawing of the annual jury list shall proceed until an adequate number of persons are drawn for the coming jury term (year). Pools for the Municipal Courts of Stark County shall be elected in the same manner by journal entry signed by a Judge of the Municipal Court. The output from the computer selection process shall be in the form specified by the Judges of the Court of Common Pleas and the respective Municipal Courts.

#### 5.03 Notification and Summoning Procedures

The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person is hereby combined in a single document, phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems. The juror summons shall be delivered by ordinary mail. The Court Administrator shall have printed a summons clearly explaining how and when the recipient must respond and the consequences of a failure to respond to the questionnaire. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening. The questionnaire shall request only that information essential for determining whether a person meets the criteria for eligibility providing basic background information ordinarily sought during voir dire examination and for managing the jury system. The Court will develop uniform policy and procedure for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

#### 5.04 Voir Dire

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel on the day which jury selection is to begin. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time. The judge will ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process. In criminal cases, the

voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

#### 5.05 Rules on Voir Dire

1. The case may not be argued in any way while questioning the jurors.
2. Counsel may not engage in efforts to indoctrinate jurors.
3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not restrict general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
4. Jurors may not be asked what kind of verdict they might return under any circumstance.
5. Questions are to be asked collectively of the entire panel whenever possible.
6. Information addressed in the jury questionnaire, furnished to counsel prior to trial, will not be addressed in voir dire, except as may be necessary to expand upon an answer that may form the basis for a challenge for cause.

#### 5.06 Removal from the Jury Panel for Cause

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

#### 5.07 Peremptory Challenges

Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

#### 5.08 Juror Instruction

Trial judges are encouraged to: give preliminary instructions to all prospective jurors. In addition, trial judges should instruct jurors directly following impanelment to explain the jury's role, trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles. Prior to the commencement of deliberations, the judge should instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions shall be made available, in writing, to the jurors during deliberations. Judges are encouraged to prepare and deliver instructions which can be

readily understood by individuals unfamiliar with the legal system. Before dismissing a jury at the conclusion of a case Judges should release the jurors from their duty of confidentiality, explain their rights regarding inquiries from counsel and the press. The Court shall either advise them that they are discharged from service or specify where they must report. Finally, the Court should express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

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

#### 5.09 Jury Size and Unanimity of Verdict

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

#### 5.10 Jury Deliberations

Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law. A jury should not be required to deliberate after a reasonable hour and on weekends, unless the trial judge determines that such deliberations would not impose an undue hardship upon the jurors, and that they are required, in the interest of justice.

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

#### 5.11 Sequestration of Jurors

A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences. The jury shall be sequestered after a capital case is submitted to the jury, in conformity with existing Ohio law. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration. Standard procedures will be promulgated to achieve the purpose of sequestration, and minimize the inconvenience and discomfort of the sequestered jurors. Training shall be provided to personnel who escort and assist jurors during sequestration.

#### 5.12 Monitoring the Jury System

The Court Administrator shall collect and analyze information regarding the performance of the jury system in order to evaluate: the representativeness and inclusiveness of the jury source list;

the effectiveness of qualification and summoning procedures; the responsiveness of individual citizens to jury duty; the efficient use of jurors; and the cost-effectiveness of the jury management system. The Jury Commissioners are under the general supervision of the Court Administrator who may require the Jury Commissioners to maintain such records as necessary to assist in this assessment. The Administrator shall report all findings to the Judges concerning jury management including recommendations for corrective action.

#### 5.13 Juror Use

The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques will be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

#### 5.14 Jury Facilities

The Court provides an adequate and suitable juror assembly room located on the first floor of the Stark County Courthouse. The entrance and registration area clearly designated and appropriately designed to accommodate prospective jurors summoned to the courthouse. The Administrative Office of the Court is charged with the responsibility of providing jury deliberation rooms conducive to reaching a fair verdict and with the safety and security of the deliberation rooms in conjunction with the Stark County Sheriff. To the extent feasible, court staff will attempt to minimize contact between jurors, parties, counsel, and the public by limiting juror movement to those areas designated for jury assemblage, deliberation, and trial.

#### 5.15 Juror Compensation

Persons called for jury service shall receive payment for jury duty pursuant to statute. In addition, the Administrative Office of the Court is charged with the responsibility of providing parking for all jurors in a lot under contract with the Court of Common Pleas at no expense to the jurors. The Court Administrator is also authorized to pay the Canton RTA for fares encountered by jurors on days summoned to serve. The Administrative Office shall see that such fees are paid promptly.

#### 5.16 Contact with Jurors Post-Trial

No attorney connected with the trial of an action shall himself, or through any investigator or other person acting for him, interview, examine or question any juror with respect to the verdict or deliberations of the jury in the action, except on leave of court granted upon good cause shown.

### **RULE 6 - DOCKETS AND CALENDARS**

6.01 The Clerk of the Court shall prepare and maintain for the use of the Judges the following dockets:

1. a general appearance docket consisting of Civil, Domestic Relations and Criminal parts;
2. a journal consisting of Civil, Domestic Relations and Criminal parts;
3. a separate execution docket;
4. an index to the appearance and execution dockets, direct and reverse, and to all other book direct.
5. Specialized Docket – Stark County Reentry Court
6. Specialized Docket – Stark County Honor Court
7. Specialized Docket – Stark County Drug Court, CHANCE Program
8. Specialized Docket – Stark County Court of Common Pleas Domestic Violence Court

6.02 All cases, correctly prepared in conformance with Rule 9 herein, received by the Clerk for filing shall be numbered consecutively in a new series each calendar year. Criminal cases shall be numbered YYYYCR0001, YYYYCR0002, etc., where Y= the calendar year. Civil cases shall be numbered YYYYCV00001, YYYYCV00002, etc. Domestic Relations cases shall be numbered YYYYDR00001, YYYYDR00002.

6.03 At the time of the initial filing of a civil case, the Clerk shall cause the case to be docketed and shall record on the file the name of the Judge to whom the case is assigned. Assignment shall be by lot pursuant to Rules of Superintendence Rule 36 and shall be made through a random program on the court information system under supervision by the Administrative Office of the Court. Names of the Judges assigned shall be recorded on files in the Clerk's Office as follows and reference shall not be made by any other means:

Judge Taryn L. Heath

Judge Frank G. Forchione

Judge John G. Haas

Judge Chryssa N. Hartnett

Judge Kristin G. Farmer

In accordance with Rules of Superintendence Rule 36(D), in any instance where a previously filed and dismissed case is refiled, the Clerk of Court shall immediately reassign the case to the judge originally assigned by lot to hear it, unless, for good cause shown, that judge is precluded from hearing the case.

All cases involving post conviction relief pursuant to 2953.21 shall be docketed by the Clerk as miscellaneous civil filings. At the time of the filing the Clerk shall determine the appropriate courtroom where the original underlying criminal case was assigned and the post conviction relief matters shall be reassigned to the courtroom.

Should the Clerk not be able to determine the appropriate courtroom, the matter will be assigned to the current Administrative Judge for further handling. The Clerk shall immediately forward copies of all post conviction filings to the appropriate courtroom and to the County Prosecutor's Office.

All civil cases seeking forfeiture of property or other relief because of a relationship to conduct alleged to be a criminal offense shall be docketed by the Clerk as miscellaneous civil filings. At the time of the filing the Clerk shall determine whether a criminal action is then pending, or previously was pending, based on substantially the same conduct alleged in the civil forfeiture action. Where such a criminal action is or previously was pending, the civil forfeiture action shall be reassigned to the Judge to whom the pending or prior criminal action is or was assigned.

Where such a criminal action has not previously been filed, the civil forfeiture action will be assigned to the current Administrative Judge for further handling.

Where such a criminal action is later filed after the filing of a civil forfeiture action, any party to the civil forfeiture action may make application to the Court for reassignment of the civil forfeiture action to the Judge to whom the corresponding criminal matter is assigned.

6.04 The Clerk shall file all civil cases that are "active" or "pending" numerically and consecutively.

6.05 The civil docket shall be marked with the Judge's name at the time of initial filing.

6.06 The Clerk shall provide the Administrative Office with notification of all civil, criminal, and domestic relations cases filed, and thereafter, pleadings and motions through immediate entry into the court computer network for management of the cases pursuant to the Rules of Superintendence.

6.07 The Clerk shall assign a sufficient number of deputies to receive, process, image, and enter information required by the Court into the court computer network within a twenty-four (24) hour period.

## **RULE 7 - COURT REPORTERS**

7.01 The Court Reporters of the Court of Common Pleas shall be appointed by the Judges to serve as pooled reporters. The Judges of the Court of Common Pleas may, "en banc", appoint a Chief Court Reporter who will supervise all Court Reporters and be responsible for their assignment.

7.02 Hours of Court Reporters shall be from 8:30 a.m. to 4:30 p.m. each working day and as otherwise directed by the Court.

7.03 Court Reporters shall not engage in any other employment.

7.04 In keeping with Rule 8.02(D) of these Rules, and as an aid in the management of court reporting resources, all Court Reporters must submit a monthly report to the Court Administrator no later than the tenth day of each month. The Court Administrator shall prepare summary statistics from these forms for review by the Judges of the Court of Common Pleas.

7.05 The format of the Transcript of Proceedings prepared by Official Court Reporters shall be as follows:

- (A) 25 lines to a page, pica type or Times New Roman if prepared by computer aided transcription;
- (B) Q & A to be 15 spaces from the left hand margin and identification of the speaker should be in upper case letters;
- (C) the indentation for the body of the question or answer should be 21 spaces from the left hand margin and paragraph indentation should be 30 spaces from the left hand margin;
- (D) the right hand margin is to be 5 spaces from the right hand edge;
- (E) an index to proceedings and exhibits is to be included in all transcripts.

7.06 Court Reporters will retain their notes in accordance with the records retention schedule adopted by the Court. Upon expiration of time designated for each case type pursuant to this schedule, the Court Administrator will cause all notes, records, and exhibits to be destroyed. Exhibits in civil cases will be held for a period of one (1) year from the date of the final entry of judgment in the case. Parties desiring return of exhibits should make application to the Court within the one year period. All civil exhibits will be destroyed after the one (1) year time period, unless otherwise ordered by the Court. Court Reporter(s) shall mark each exhibit by party prior to being admitted into evidence. At the completion of a trial, the Court Reporter(s) shall convey an inventory list and the exhibits listed to the Evidence Administrator. The Court Reporter(s) will store electronically a copy of the CAT shorthand notes on a computer system for future transcription.

Ohio Law establishes the Court as owner of the record made by Court Reporters in courts of record. For this reason, the Court must take steps to ensure that a transcript of proceedings can be produced from notes at some time in the future. All notes, steno pad, paper and diskettes are property of the Court of Common Pleas and shall not be removed from the facility other than for the purpose of transcription by the reporter of record. In the event of the unavailability of any Court Reporter, the remaining pool will have access to that reporter's CAT dictionary and any electronically stored steno notes for transcript. The Court shall translate or use electronically stored CAT notes only with the knowledge of the Court Reporter or remaining pool.

In every case reported, the trial judge shall make an appropriate entry taxing the statutory fee for each day's service to be collected as other costs in the case. The compensation of reporters for making transcripts and copies shall be paid forthwith to the reporter by the party for whose benefit the same was made. Transcripts or proceedings filed in the Court shall bear the name and address of the reporter making up the same. A reporter shall not be required to prepare a transcript for any attorney unless served with a praecipe for the transcript or parts thereof and reasonable arrangements for payment have been made.

7.08 Transcript fees for all Divisions of the Court of Common Pleas are set at three dollars and seventy-five cents (\$3.75) per page for original pages. Overnight delivery transcript fees are set at four dollars and fifty cents (\$4.50) per original page. Fees for copies of original transcripts will be assessed pursuant to R.C. Section 149.43.

Fifty-three cents (\$0.53) per page will be paid by each reporter to the Court of Common Pleas – Stark County Treasurer for use of computer-aided transcription equipment purchased and maintained by the Court. All such payments shall be submitted to the Administrative Office noting the case numbers for which payment is being submitted.

## **RULE 8 - ADMINISTRATIVE OFFICE**

8.01 The Court Administrator shall be appointed and removed by the Judges of the three divisions and shall be under the direct supervision of the Presiding Judge and the Administrative Judges of each of the respective divisions of the Court.

8.02 The duties of the Court Administrator shall include the following:

- (A) Personnel Management: administering the wage and salary systems; selecting, training, developing, evaluating, counseling, and disciplining of non-judicial administrative staff;
- (B) Fiscal Management: preparation of court budgets, accounting, payroll, and financial control;

- (C) Technology Management: analyzing, evaluating, and implementing technology applications to assist the court;
- (D) Jury Management: managing the jury system in the most effective and cost-effective way;
- (E) Facilities Management: planning physical space needs; purchasing, managing, and maintaining equipment and supplies;
- (F) Public Relations: acting as a clearinghouse for news releases, publications, and related information for the media and public;
- (G) Records Management: creation and management of uniform record keeping systems; maintenance, retention, and destruction of records pursuant to state law;
- (H) Research and Advisory Services: identifying problems and recommending procedural and administrative changes to the court;
- (I) Intergovernmental Relations: acting as liaison to the government agencies;
- (J) Secretariat Services: performs secretariat functions for the Board of Judges for judicial committees;
- (K) Management of the exhibit and evidence room; and
- (L) Other Duties: the Court may assign other duties to the Administrator as the Judges of the Court deem necessary.

8.03 The Civil and Criminal Assignment Commissioners for the General Division shall:

- (A) Obtain newly filed cases once each day from the Clerk's office and maintain civil and criminal case management information on the Common Pleas Court network for use in case management, scheduling, and monthly reports of cases assigned to each Judge.
- (B) Obtain all additional filings of said cases including Final Orders, Answers, Cross-Complaints, Replies, etc., and enter any necessary information on the computer network to enable the judges to manage and schedule their respective cases.
- (C) Prepare individual assignments for each Judge in all matters requiring hearing or trial, with the direct approval of each respective Judge. Written notice shall be given to all necessary parties in accordance with Rule 13 herein.
- (D) Assign all pre-trials in accordance with Rule 12 and Rule 13 herein, and under the direction of each respective Judge.
- (E) Perform duties as required in accordance with Rules 12-14 herein.

8.04 The Family Court Assignment Commissioners will perform the duties as set forth in the Family Court rules.

8.05 The Jury Commission shall be under the general supervision of the Court Administrator.

8.06 The Court Administrator shall coordinate the Constables and Bailiffs to maintain efficient operation of the courts with respect to supervision of jurors, general safety, and orderly conduct of all persons using court facilities.

8.07 The Court Administrator shall train or provide training whenever necessary to insure compliance with these rules.

8.08 The Administrator shall have such necessary staff to perform these duties as the Court may determine, from time to time. The staff will be subject to call by any Judge to perform duties as directed by the respective Judge.

8.09 All persons shall be subject to the Stark County Security Policy and procedure Manual, as adopted and as amended by the Court, in order that appropriate levels of security prevail in the Court to protect the integrity of Court procedures, to protect the rights of individuals before the Court, to deter those persons who would take violent action against the Court or litigants, and to sustain the proper decorum and dignity of the Court, and to ensure that Court facilities are secure for all persons.

## **GENERAL DIVISION**

### **GEN RULE 9- PLEADINGS AND MOTIONS**

9.01 Attorneys are required to include their attorney registration number issued by the Supreme Court of Ohio on all documents filed with the General Division. All pleadings and motions shall be legibly typewritten or printed on paper of letter size (8 " x 11"), securely bound at the top and unfolded. The caption in every Complaint shall state the name and address, if known, of each party. Subsequent pleadings and motions shall state the number of the case, the name of the Judge to whom the case is assigned, the name of the first Party Plaintiff and the first Party Defendant on each side.

All motions, memoranda contra and replies shall be filed in duplicate and titled in the following manner:

1. Motion:  
MOTION OF (Plt/Def) (Party Name)  
(To/For) (Type of Motion)

2. Memorandum Contra:  
MEMORANDUM CONTRA OF (Plt/Def) (Party Name)  
TO (Plt/Def) (Party Name)  
MOTION (To/For) FILED (Date of Motion)
  
3. Reply:  
REPLY OF (Plt/Def) (Party Name)  
TO (Plt/Def) Party Name)  
MEMORANDUM CONTRA TO MOTION FILED (Date of Motion)

Every pleading, motion, brief or other papers filed in a cause shall be identified by title and shall bear the name (written, typewritten or printed) of the individual attorney; the attorney registration number assigned by the Clerk of the Supreme Court of Ohio; the firm, if any; office address, and; telephone number and fax number of counsel filing the same. If there is no counsel, the same applicable information is required of the party filing the document.

9.02 Every Complaint shall be accompanied by a Designation Form , available from the Clerk of Court or Administrative Office (FAX copies are available upon request, see appendices), stating the caption and the general nature of the action in accordance with the following types:

- (A) Professional Tort - Legal  
Professional Tort - Medical  
Professional Tort - Other
- (B) Product Liability
- (C) Other Tort - Personal Injury  
Miscellaneous Tort:
- (D) Worker's Compensation
- (E) Lien and Mortgage Foreclosures
- (F) Administrative Appeal
- (G) Complex Litigation Classification Requested
- (H) Other Civil:  
Contract Case  
Miscellaneous Civil  
Real Property  
Consumer Sales Practices Act  
Credit Card Case

## (I) Criminal

This form must be filled out in its entirety and every question must be answered. The Clerk is instructed to refuse to accept for filing any case that does not conform to these rules. The purpose of this rule is to assist the Court in managing its caseload, records, and reporting requirements to the Supreme Court of Ohio pursuant to C.P. Sup. R. 5.

9.03 Civil Rule 12, prescribing Rule Day for pleadings, will be strictly enforced. However, parties may obtain an extension of time, not to exceed thirty (30) days in which to answer, plead or otherwise move, when no such prior extension has been granted, by filing with the Clerk a written stipulation approved by all counsel providing for such extension. The stipulation shall affirmatively state that no prior extension has been granted. Neither the stipulation nor any entry to that effect need be submitted to the Court for the initial extension. If no such stipulation is obtained, or if an additional extension beyond the initial stipulated period is requested, the party desiring an extension must obtain the approval of the Court.

9.04 Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineation or obliteration except upon leave of Court first obtained. Upon the filing of an amended pleading or motion, the original or any prior amendment thereof, shall not be withdrawn from the files except upon leave of Court.

9.05 In accordance with Ohio Civil Rule 5(D), all papers, after the complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests of admission, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding. The Clerk of Court shall not accept for filing the transcript of a deposition unless it is accompanied by a certification by counsel that the deposition is being filed on order of the Court or for use as evidence or for consideration of a motion to a proceeding. The same procedure shall be followed for discovery documents.

9.06 When interrogatories, requests for admission, or request for documents are filed simultaneously with the original complaint, they shall not be annexed to the pleading and must be under separate cover. Counsel shall provide sufficient copies for each defendant in order that a copy may be served upon the defendant at the time of the service of the summons and original complaint. The original copy shall be retained by counsel.

9.07 An objection to an interrogatory will be noted as such below the particular interrogatory, but discussion thereon, must be submitted on a separate page with appropriate caption. Objections shall include, immediately preceding the discussions and citation of authority, the interrogatory in full to which objection is made.

9.08 Filing of Deposition Testimony for Use at Trial

- (A) Unless otherwise ordered by the Court, depositions must be filed no later than one day prior to the commencement of trial. Every deposition filed must contain either an index of objections or a separate objection transcript. Failure to comply with this rule may result in the waiver of any and all objections.
- (B) In addition to the requirements of Rule 13 of the Rule of Superintendence for the Courts of Ohio, if a videotaped deposition is filed, then a transcript of the deposition must be filed simultaneously unless the transcript has been filed previously. The filing of the transcript must comply with Local Rule 9.05.
- (C) The Clerk shall not accept for filing any deposition unless it is accompanied by a certification from counsel that it is being filed in compliance with this rule and Local Rule Gen R 9.05.

## 9.09 Facsimile Filing

### I. PROVISIONS OF THE RULE

- A. The provisions of this local rule are adopted under Civ.R. 5(E) and Crim.R.12(B).
- B. Subject to the following conditions, pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission. Civil proceedings shall be filed by facsimile transmission to 330-451-7853. Criminal Proceedings shall be filed by facsimile transmission to 330-451-7088.

Commencing September 1, 2012, costs will be charged for incoming fax transmissions at the rate of \$2.00 for the first page and \$.25 for each additional page. Fax transmissions shall not exceed 10 pages. The fax transmission cost shall be charged to the case in which the documents are to be filed.

If an incoming fax transmission exceeds the 10-page limit, or fails to comply with the provisions of this rule, costs will still be assessed at the rate of \$2.00 for the first page and \$.25 for each additional page to the case in which the documents were to be filed. However, because the transmission exceeded the required page limit or fails to comply with the provisions of this rule, it will not be accepted for filing.

### II. DEFINITIONS

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

1. "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals,

transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

2. "Facsimile machine" means a machine that can send and receive a facsimile transmission.
3. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. "Source document" means the original document from which the image is transmitted to the court by facsimile machine/system.
5. "Effective original document" means the facsimile copy of the source document received by the Clerk of Courts and maintained as the original document in the Court's file.
6. "Effective date and time of filing" means the date and time that facsimile filing is accepted by the Clerk of Courts for filing.

### III. APPLICABILITY

A. This rule applies to civil and criminal proceedings in the General Division of the Stark County Court of Common Pleas.

B. This rule does NOT apply to Order in Aid, objections to the attachment of property other than personal earnings, objections to garnishment of personal earnings, objections to prejudgment attachments, objections to orders of possession in replevin actions, probable cause hearings, and forcible entry and detainer proceedings. In these proceedings no facsimile transmission of documents will be accepted.

C. The following documents will NOT be accepted for fax filing:

1. original complaints;
2. any document that requires a filing fee or deposit for cost;
3. any document that requires the Clerk's Office to provide service;
4. any document that requires a judge's signature;
5. any document requiring to be certified or authenticated;
6. any liens;
7. registration of a notary;
8. trial exhibits or evidentiary materials that are not on 8 1/2 x 11 paper;
9. transcripts of depositions;
10. any notice of appeal.
11. any document exceeding 10 pages in length (see IX, Length of Document)

D. If a proposed order is transmitted as part of a fax filing, it will be forwarded to the court for consideration and will not be filed until it is signed by the court.

### IV. ORIGINAL FILING

A. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Courts but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

B. The source document filed by fax shall be maintained by the person making the filing until the case is closed, and the time for appeal has expired or the appeal has been heard or denied, and all opportunities for post judgment relief are exhausted.

## V. COVER PAGE

A. Only one pleading shall be filed by fax under each cover page. Each pleading requires a separate cover sheet.

B. The person filing a document by fax shall also provide therewith a cover page containing the following information: [See Appendix A for sample cover page form.]

1. the name of the court;
2. the title of the case;
3. the case number;
4. the assigned judge;
5. the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
6. the date of transmission;
7. the transmitting fax number;
8. an indication of the number of pages included in the transmission, including the cover page;
9. if a judge or case number has not been assigned, state that fact on the cover page;
10. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available

C. If a document is sent by fax to the Clerk of Courts without the cover page information listed above or the document is incomplete, it will be deposited in a file of failed faxed documents with a notation of the reason for the failure and the document shall not be considered filed with the Clerk of Courts. Failed faxed documents will be retained by the Clerk of Courts for 90 days.

D. The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. The burden of confirming the receipt of a complete facsimile transmission is on the sending party.

## VI. SIGNATURE

- A. A party who wishes to file a signed source document by fax shall do either of the following:
1. fax a copy of the signed source document; or
  2. fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document and it is in his or her possession or control
- B. A party who files a signed document by fax represents that he or she physically signed the source document and it is in his or her possession or control.

## VII. EXHIBITS

A. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the Clerk of Courts, as a separate document, not later than five court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

B. Any missing exhibits filed under section VII. A of this rule shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss) and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. Missing exhibits filed under this section will be separately docketed by the Clerk of Courts. [See Appendix B for sample exhibit cover sheet.]

## VIII. TIME OF FILING

A. Subject to the provisions of the rule, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the fax transmission was received by the Clerk of Courts. The office of the Clerk of Courts will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time of filing, provided the document is deemed accepted by the Clerk. [The fact that fax filing may be available to file certain documents at times when the office of the Clerk of Courts is not otherwise open for business DOES NOT accelerate the time for filing. For example, if the time for filing a document falls on a Saturday, Civil Rule 6 and Criminal Rule 45 extend the time for filing to the next regular business day of the Clerk's office. This fax filing rule would NOT require the document to be filed by fax on Saturday. It would be due on the next regular

business day of the Clerk's office whether filed physically at the Clerk's office or by fax on that day.]

B. Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

C. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. In the event of dispute as to the date and time of a fax filing or the number of pages in the fax, the burden of proof is on the sending party.

#### IX. LENGTH OF DOCUMENT

Facsimile filings, including attachments, shall not exceed ten pages in length, excluding the cover page. A single pleading may not be divided into multiple facsimile transmissions in order to qualify under the ten page limit for facsimile filings. If the facsimile document received by the Clerk of Courts exceeds the page limit, it will be deposited in a file of failed faxed documents with a notation of the reason for the failure and the document shall not be considered filed with the Clerk of Courts. The Clerk of Courts will retain failed faxed documents for 90 days.

#### X. EFFECTIVE DATE

These local rules shall be effective March 1, 2005, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies. This rule has been submitted to and is pending approval by the Advisory Committee on Technology and the Courts.

#### **APPENDIX A**

#### **FACSIMILE FILING COVER PAGE RECIPIENT INFORMATION:**

NAME OF COURT: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

#### **SENDING PARTY INFORMATION:**

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

SUPREME COURT REGISTRATION NUMBER.(if applicable): \_\_\_\_\_

OFFICE/FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS (if available): \_\_\_\_\_

**CASE INFORMATION:**

TITLE OF THE CASE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

TITLE OF THE DOCUMENT: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**FILING INFORMATION:**

DATE OF FAX TRANSMISSION: \_\_\_\_\_

NUMBER OF PAGES (including this page): \_\_\_\_\_

**APPENDIX B**

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

JOHN SMITH, Plaintiff,

v.

BILL JONES, Defendant.

Case No .: 1234567

Judge \_\_\_\_\_

*(in the alternative, a notation  
here that the case is not yet assigned)*

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"  
TO  
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

---

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 9.09.

Respectfully Submitted,

---

Attorney Name (Sup. Ct. Reg. No.)

Office/Firm

Address

Telephone

Facsimile

E-mail

Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for defendant Bill Jones, [name and address of recipient].

---

Attorney Name

Counsel for Plaintiff John Smith

The Stark County Clerk of Courts shall accept service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods shall include "virtual" service of process utilizing advanced postal technology for service by certified mail. This advanced postal technology does

not modify Civil Rule 4.1(A) Service by Certified Mail, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the Clerk of Courts website to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with now-existing Civil Rules.

All service of process complaints and other documents served with virtual services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service process date being made available through the Stark County Clerk of Courts office.

If service is to be perfected by publication pursuant to Rule 4.4(A)(1) of the Rules of Civil Procedure, the party or counsel for the party shall file with the Clerk of Courts an affidavit stating that service of summons cannot be made, together with a Notice of Publication stating a legal notice has been sent to a newspaper of general circulation. The party or counsel shall make arrangements and be responsible for all publication costs directly with the publisher. After the last publication, the publisher, the party, or counsel for the party shall file with the court an affidavit from the newspaper together with a copy of the notice of publication.

## **GEN RULE 10 - HEARINGS AND SUBMISSION OF MOTIONS**

10.01 Motions, in general, shall be submitted and determined upon the motion papers hereinafter referred to. Oral arguments of motions may be permitted on application and proper showing. This rule is not applicable to motions for summary judgment taken pursuant to Civil Rule 56. Motions for summary judgment taken pursuant to Civil Rule 56 will be set for hearing and briefs will be due as required by Civil Rule 56(C).

10.02 The moving party shall serve and file with the party's motion a brief written statement of reasons in support of the motion and a list of citations of the authorities on which the party relies. If the motion requires the consideration of facts not appearing of record, the party shall also serve and file copies of all affidavits, depositions, photographs or documentary evidence the moving party desires to present in support of the motion.

10.03 Within fourteen (14) days after service, each party opposing the motion shall serve and file a brief written statement of reasons in opposition to the motion and a list of citations of the authorities on which the party relies. If the motion requires the consideration of facts not appearing of record, the party shall also serve and file copies of all affidavits, depositions, photographs or documentation evidence which the party desires to submit in opposition to the motion.

10.04 Counsel are encouraged to participate in pretrial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. To curtail undue delay in the administration of justice, no discovery procedure filed under Rules 26 through 37 of the Rules of Civil Procedure to which objection or opposition is made by the responding party shall be taken under consideration by the Court unless counsel state in writing that after personal consultation

and sincere attempts to resolve differences they are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

10.05 Sanctions. The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delay the course of an action through the Courts, subject an offender to appropriate discipline including the imposition of costs and fees.

## **GEN RULE 11 - REPRODUCTION OF HOSPITAL RECORDS**

11.01 Upon motion of any party showing good cause therefore and upon notice to all other parties, the Judge may order any hospital in the county, by any agent thereof competent to act in its behalf, to reproduce by Photostatting or other recognized method of facsimile reproduction, all or any portion of designated hospital records or X-rays, not privileged, which constitute or contain evidence pertinent to an action pending in this Court. Such order shall direct the hospital to describe by cover-letter, the portion or portions of the records reproduced and any omissions therefrom, and to specify the usual and reasonable charges therefore, and such order shall designate the person or persons to whom such reproductions shall be delivered or made available.

11.02 Objections to the admissibility of such reproduced hospital records on the grounds of materiality or competency shall be deemed reserved for ruling at the time of trial without specific reservation in the order to reproduce. Reproductions made pursuant to this procedure may be admitted in evidence without further identification or authentication but subject to rulings on objections implied or specifically reserved unless the order otherwise expressly provides.

11.03 Charges for reproductions of its records shall be paid directly to the hospital concerned by the Movant or the Movants.

11.04 Where original records are produced in Court and reproductions subsequently substituted by agreement of the parties or by order of the Court, the Movant or Movants shall be responsible for the cost thereof. Unless otherwise ordered, all original records shall be returned by the Court Reporter to the hospital upon entry of judgment.

## **GEN RULE 12 - GENERAL CALL OF THE DOCKET**

12.01 It shall be the purpose of this rule to ensure the efficient and comprehensive management of civil cases assigned to the individual docket of each Judge.

12.02 After a civil case has been pending for at least three months, each Judge shall cause a general call of the docket to be conducted by either telephone or written communication or by

scheduling a pretrial with the Judge with all counsel of record, or parties, if they are not represented.

12.03 The purpose of the general call of the docket will be to select pretrial and trial dates, and determine whether the case can be submitted to compulsory arbitration pursuant to Rule 16.02(B). Target dates will also be established for completion of discovery depositions and for completion of medical examinations.

12.04 To aid the Judge in the selection of the trial date, counsel shall assist them in establishing the probable length of time for trial.

### **GEN RULE 13 - PRE-TRIALS**

13.01 A pretrial conference shall be held on a date and at a time certain in all cases, except appeals from administrative agencies (see Rule 21) at which time all parties and their counsel must appear. Any party need not appear if such absence is approved by opposing counsel. The Court may excuse the presence of any party after prior notice to opposing counsel. All cases involving insurance shall in addition require the presence of an insurance company representative with authority. The Court may, prior to said pretrial conference, excuse the presence of such representative after notice to opposing counsel.

Notice of assignment of cases for pretrial conference shall be placed in attorney mailboxes at the Courthouse for local attorneys and mailed (first class), faxed or emailed to out of town attorneys at least two (2) weeks prior to such conference, to counsel of record, and to parties not represented by counsel of record at their last known address.

13.02 If a pretrial statement with summarization of the issues and damages is required by the assigned Judge, such shall be filed with the Clerk of Court, with a copy served upon opposing counsel.

13.03 All pre-trials shall be conducted by the Judge to which the case is assigned.

13.04 In the event that neither the Plaintiff nor counsel appears for such pretrial conference, the Court may dismiss the case without prejudice.

13.05 In the event that neither the Defendant nor counsel appears for such pretrial conference, the Court at Plaintiff's request, may hear evidence and decide a case triable to the Court, or if it be a case triable to a jury, may accept Plaintiff's waiver of trial by jury, hear evidence and decide the case.

13.06 At the conclusion of the pretrial conference, a pretrial Order shall recite the results of the pretrial conference including any admissions, agreements and stipulations made by the parties. Such order shall be in the form of an order of the Court, and shall be filed in the case and copies shall be furnished to all counsel of record. Such order shall contain a recital that the issues upon the trial of such cases shall be limited to those issues which were not disposed of by admissions, agreements and stipulations as set forth in the order of the Court. Such order shall control all subsequent proceedings including the trial of the case unless such order is modified by the Court for good cause. The Court shall have authority to reschedule pretrial conferences in any case. At the conclusion of the pretrial, the Court will complete "Judgment Entry - Pretrial Conclusions", file the same with the Clerk and serve copies on counsel.

## **GEN RULE 14 - ASSIGNMENT OF CASES FOR TRIAL**

14.01 All civil cases shall be assigned to a Judge, pursuant to Local Rule 6.

14.02 If companion cases are filed, whether simultaneously or not, it shall be the duty of counsel representing the Plaintiff to call such facts to the attention of the Assigned Judge Office. Pursuant to Sup.R. 4, the Administrative Judge shall then assign the companion case to the Judge having control of the original case. The Administrative Judge will file said entries with the Clerk's Office. Cases voluntarily dismissed under Civil Rule 41 and subsequently re-filed shall be assigned to the same Judge to whom the case was originally assigned.

14.03 The Assigned Judge shall select trial dates upon which a case shall be heard, pursuant to the procedure outlined in Rule 12. The Assigned Judge shall select the trial dates by telephone or by written communication to all counsel of record, or parties, if they are not represented.

Notice of pretrial and trial assignments shall be placed in attorney mailboxes at the Courthouse for all local attorneys and mailed (first class), **faxed or emailed** to out of town attorneys, counsel of record, and to parties not represented by counsel of record at their last known address.

14.04 If a party seeking affirmative relief, either in person or by counsel, fails to appear for trial, the Judge may enter an order dismissing the claim for relief for want of prosecution. If a Defendant, either in person or by counsel, fails to appear for trial, and the party seeking affirmative relief does appear, the Court may order such party to proceed with the case and decide and determine all matters ex parte.

14.05 If a party or counsel appears for trial but shows good cause as to why the party or counsel is not ready for trial, the Court shall make such order or orders as it deems proper. If a party or counsel appears for trial but indicates the party or counsel is not ready for trial without showing good cause for unreadiness, the Court, if such party is one seeking affirmative relief, may enter an

order dismissing the claim for want of prosecution, or if a party defending a claim, order the party seeking relief to proceed with the case, determining all matters ex parte.

14.06 Motions for continuance must be in writing and shall contain the reasons for the request for continuance. A copy of such motion shall be served forthwith on all counsel of record. Any continuance shall be granted only by the trial Judge having jurisdiction of the case.

14.07 When a case which has been assigned for trial is settled, counsel for the party seeking affirmative relief shall immediately notify the Assigned Judge and prepare a judgment entry in compliance with Rule 18 herein.

Plaintiff(s) shall notify the Court of any full settlement or dismissal of a case no later than the Friday preceding the week in which the case is scheduled to commence trial.

Failure to provide timely notification of same, without good cause shown, may result in the costs of the assigned jurors for said trial being taxed as costs to one or more of the parties.

14.08 In the event two cases assigned for trial on the same date under Rule 14.03 are unresolved at trial time, and the Assigned Judge believes that both cases will require trial, at the request of the assigned Judge, the Administrative Judge may transfer one case to another Judge for trial.

14.09 Trials of criminal cases are to take precedence and shall be assigned in accordance with Rule 17.10 herein.

#### **GEN RULE 15 - PASSING AND DELAY OF CASES**

15.01 No case in which a date has been fixed for trial shall be passed without the authorization of the trial Judge. For good cause shown the trial Judge may allow a case awaiting trial to be passed for reassignment at the earliest possible date.

15.02 Cases stayed by reason of a party being in the Military Service or by order of Bankruptcy or other Court shall not be included within the operation of the aforesaid rule.

15.03 No case shall be advanced for pretrial or trial out of its regular order except upon order of the Judge to whom the case is assigned. All motions to advance must be accompanied with a Brief citing in detail the reasons for the request.

#### **GEN RULE 16 -ALTERNATIVE DISPUTE RESOLUTION (ADR)**

#### 16.01 ADR Methods Available.

The Court recognizes these ADR methods: mediation, arbitration, and fee-paid judge trials. The Court may approve any other ADR method the parties suggest or the Court believes is suited to the litigation. All ADR methods are important. Parties and counsel will be expected to provide meaningful participation and failure to comply with the rules will result in appropriate sanctions.

#### 16.02 Definitions

- (A) "Mediation" is a non-binding process involving a neutral mediator who acts as a facilitator to assist the parties to craft a mutually acceptable resolution for themselves.
- (B) "Arbitration" is an adjudicative process by which a neutral person or persons decide the rights and obligations of the parties. It may be consensual, mandatory, non-binding or binding.
- (C) "Fee-Paid Judge Trial" is a process where a retired judge who is paid by the parties to adjudicate a jury or non-jury trial and who will not submit an invoice to the county or state treasury for expenses or compensation.

#### 16.03 Timing of ADR Decision

- (A) It is recommended that before the initial pre-trial conference in a case, counsel shall discuss the appropriateness of ADR in the litigation with their clients and with opposing counsel.
- (B) At the initial pre-trial conference the parties and counsel shall advise the Court of the results of their discussions concerning ADR. At that time and at subsequent conferences, if necessary, the Court may explore with the parties and counsel the possibility of using ADR.

#### 16.04 ADR Referral

- (A) The Court may order a case to ADR, or may order the ADR on the motion of any party, or by agreement of the parties. If the parties agree upon an ADR method or provider, the Court will respect the parties' agreement unless the Court believes another ADR method or provider is better suited to the case and parties. The authority to refer a case to ADR does not preclude the Court from suggesting or requiring other settlement initiatives.

#### 16.05 Opposition to ADR Referral

A party opposing either the ADR referral or the appointed provider must file a written objection with the Court within ten days of receiving notice of the referral or provider and explain the reasons for any opposition.

#### 16.06 Attendance at Mediation; Authority to Settle

- (A) Party representatives with authority to negotiate a settlement and all other persons necessary to negotiate a settlement, including insurance carriers, must attend the mediation session, unless excused by the mediator. If a party or its representative is excused from a conference, the party or its representative must provide its attorney authority beyond initial mediation positions, and the party or its representative must be available for consultation during the course of the mediation.
- (B) In the event the parties and or their attorneys do not attend the mediation, or do not meaningfully participate in the process, the mediator shall recommend to the judge appropriate sanctions, including but not limited to dismissal, default judgment, attorney fees and or costs.

#### 16.07 Mediation, Arbitration Process

- (A) At least five (5) days before a mediation or arbitration, the parties shall submit to the ADR provider:
  - (1) Mediation
    - (a) A mediation statement setting forth the legal and factual issues in the case, the damages, the status of discovery, and settlement positions. Each party shall submit this statement to the opposing parties and to the mediator **five (5) days** prior to the scheduled mediation. This statement will not be filed in the case.

- (b) The parties may submit to the mediator a confidential statement analyzing the settlement potential of the case, or any other relevant issues(s). The mediation counsel will not disclose this statement to the other parties, unless the submitting party consents to disclosure. This statement will not be filed in the case.
- (2) Arbitration
  - (a) Copies of relevant pleading and motions;
  - (b) A short memorandum stating the legal and factual positions of each party:
  - (c) Such other material as each party believes would be beneficial to the ADR provider, including an agreement between the parties with respect to the presentation of the evidence.
- (B) Rules of evidence shall be liberally construed as determined by the ADR provider.
- (C) Any mediation shall be conducted in accordance with the provisions of the Ohio Uniform Mediation Act, contained at §2710.01 et seq. of the Ohio Revised Code, and Local Rule 16 of the Stark County Court of Common Pleas. The Mediator may conduct mediation conferences at which the parties shall explore settling the case, simplifying the issues, and expediting the procedure, and may consider any other matter that might aid in resolving the case. Unless otherwise provided by Court order, referral of a case for mediation does not alter the filing deadlines prescribed by these rules.
- (D) If the parties have failed, after reasonable efforts to develop settlement terms, or if the parties request, the ADR provider may submit to the parties a final settlement proposal which the ADR provider believes to be fair for their consideration.
- (E) In the event the parties come to terms, their agreement shall be reduced to writing and signed by all parties. At the request of the ADR provider, the parties shall immediately make a record with a court reporter setting forth the terms of the agreement. Any costs of the record shall be taxed as costs of the action. Such agreements shall be subject to judicial enforcement.
- (F) Unless otherwise agreed by the parties, no arbitration award shall exceed the sum of Fifty Thousand Dollars (\$50,000), exclusive of interest.

#### 16.08 Binding Nature

The result of ADR is not binding unless the parties agree otherwise, and sign a mediation report setting forth the terms of the agreement.

#### 16.09 Confidentiality; Privileges and Immunities

All communications made during ADR procedures, other than by witnesses testifying under oath, are confidential and protected from disclosure, except as otherwise provided by law, and do not constitute a waiver of any existing privileges and immunities. ADR providers shall be prohibited from being called as witnesses in any subsequent legal proceeding, except as to the terms of the settlement agreement.

#### 16.10 Conclusion of ADR Proceedings/Right of Appeal of Arbitration Findings

- (A) The ADR provider will send to the Judge that appointed him/her a memorandum stating the caption and number of the case; the success or failure of the ADR proceeding, and any further recommended action to be taken by the ADR provider and/or the Court that could lead to a resolution of the dispute.
- (B) The Court Administrator annually will tabulate, analyze, and report on the disposition of ADR proceedings.
- (C) The arbitrator's award, unless appealed from as herein provided, shall be final and shall have the attributes and legal effect of a verdict. The Court shall enter judgment in accordance therewith.
- (D) In the event that any party is not satisfied with the arbitration award, that party shall appeal the award within thirty (30) days, unless the ADR provider and the parties agree otherwise, after the entry of the arbitrator's award filed in the office of the Clerk of Courts. The appellant shall pay an appeal filing fee of Two Hundred Fifty Dollars (\$250.00) to the Clerk of Courts when he files the notice of appeal, and additionally, the appellant shall also pay both the appellants share and the appellees share of the arbitrators fees. An appeal shall not be considered so filed until said fees have been paid.
- (E) A party without funds desiring to appeal an arbitrator's award, or unable to pay for the ADR herein provided because of poverty, may apply, by a written motion and affidavit, to the Court averring that by reason of poverty the party is unable to make the payments required. It will be within the discretion of the judge to make the appropriate determination as to the party's financial ability to incur the expenses herein provided.
- (F) All arbitrations, which have been appealed, shall be tried de novo. Arbitration shall not be substituted for discovery and frivolous appeals of arbitration decisions shall be subject to sanctions.

#### 16.11 Compensation for Arbitrators and fee paid Judges

- (A) The parties shall be equally responsible for the compensation of the arbitrators and fee paid judges which shall be at the hourly rate of \$90.00 or at such other amount as the Court may order.
- (B) The parties shall be equally responsible for the compensation of the fee-paid judges, which shall not exceed the per diem rate paid to a retired judge by the Supreme Court, as well as, other related expenses incident to the performance of a trial.

- (C) Half of the per diem rate of the fee-paid judge, and two hours of the hourly rate of the arbitrator will be paid at least seven days before the ADR proceeding.
- (D) It is expected that the mediators, arbitrators, evaluators and fee-paid judges perform some of their services for gratis.

#### 16.12 Continuances

Continuances of ADR hearings or conferences are counter-productive and requests are discouraged absent exigent circumstances. Requests should include reasons and be directed to the ADR provider in writing with a copy to the Administrative Office at least fourteen (14) days prior to the hearing date.

### **GEN RULE 17 - SUPPLEMENTARY RULES OF CRIMINAL PROCEDURE**

#### 17.01 Criminal Judge and Term of Grand Jury

- (A) Each of the judges sitting in the General Division of the Stark County Common Pleas Court shall serve as Criminal Judge for a period of four (4) months consisting of one term of Court. The Judges will rotate in order of the Courtroom number.
- (B) The Grand Jury tenure and proceedings will be conducted in accordance with Rule 6 of the Ohio Rules of Criminal Procedure and Chapter 2939 of the Ohio Revised Code.
- (C) The prosecuting attorney shall refer all requests by grand jurors to be excused, whether temporary or permanent, to the Judge presiding over the Grand Jury.
- (D) The Judge sitting as Criminal Judge shall handle all Grand Jury matters including the appointment of Grand Jury foreman and deputy foreman, the receiving of reports by the Grand Jury and the giving of any necessary instructions.
- (E) Appointment of counsel for indigent defendants will be made by the Criminal Judge when necessary, and by the Judge to whom the case is assigned after arraignment. To ensure equitable distribution of appointments between attorneys, General Division appointments will be made pursuant to the Court's written "Guidelines for Appointment of Counsel."
- (F) The official Court Reporter shall not prepare transcripts of testimony of Grand Jury proceedings except upon order of the Court, or upon an order of the prosecuting attorney. Said order shall be in writing and directed to the Court Reporter.
- (G) Upon the request of the prosecuting attorney, the Clerk shall forthwith issue a warrant (capias) or summons for each Defendant named in every indictment. A copy of the indictment shall be attached thereto containing an appropriate place for the return by the Sheriff of the service of the indictment. The warrant (capias) or summons shall be executed or served and a return to the court made therein in accordance with Rule 9 of the Ohio Rules of Criminal Procedure.

- (H) Indicted Defendants shall be arraigned in the courtroom of the Criminal Judge who shall assign each case to a Judge in the General Division of the Court. The date and time of arraignment shall be set by the Criminal Judge. At the time an indictment is filed with the Clerk, the Prosecuting Attorney shall notify the Defendant of the charge in the indictment and of the time and place of arraignment, as follows:
- (1) By preparing and delivering to the Stark County Sheriff a written arraignment schedule listing each Defendant who is in jail and containing the arraignment information.
  - (2) By mailing a notice of arraignment to each Defendant who is not in jail with a copy to the Defendant's lawyer and bondsman.

It shall be the responsibility of the Stark County Sheriff to convey indicted Defendants who are in jail to and from the designated courtroom in accordance with the arraignment schedule or other instructions conveyed to the Sheriff by the Court through the Prosecuting Attorney.

#### 17.02 Fees and Indigent Defendants

The following is a suggested MAXIMUM schedule of fees to be allowed to attorneys who have been appointed to represent indigent Defendants. The amounts are, as indicated, merely suggested MAXIMUM amounts, but are intended as a guide to the Judges in the allowance of fees, it being further suggested that, because of the number of days required to try a case or because of an extraordinary amount of investigation work, the Judge, in the Judge's discretion, may allow an amount greater than the suggested amount.

Expenses must be approved by the Judge before incurred and itemized when presented for payment. The terms of appointment and suggested fees are as follows:

- (1) Payment and/or reimbursement shall be made on the basis of thirty dollars (\$30.00) per hour of representation out of Court and forty dollars (\$40.00) per hour of representation in Court, up to the following amounts for the following offense classifications and other proceedings:

Aggravated Murder (w/specs) \$12,500/1 lawyer; more than 1 lawyer  
\$25,000/maximum

Aggravated Murder (w/o specs); \$4,000/1 lawyer; \$6,000/2 lawyers  
Murder \$3,000

Aggravated Felonies \$2,000 (Degrees 1-3)

Felonies \$1,000 (Degrees 1-4)

Misdemeanors \$500 (Degrees 1-4)

Juvenile Proceedings:

Delinquency Offenses \$750

Guardian Ad Litem \$150

All Others \$300

Post Conviction Proceedings:

With Evidentiary Hearing \$750

Without Hearing \$300

Habeas Corpus, parole, probation and all other proceedings \$300

Contempt of Court \$100

- (2) Payment and/or reimbursement for entrance of pleas should be on the basis of Thirty Dollars (\$30.00) per hour out of Court and Forty Dollars (\$40.00) per hour in Court, up to the prescribed maximums for each offense classification.
- (3) Payment and/or reimbursement for expenses associated with providing representation shall be made when submitted with the attorney's fee certificate (OPD-1026), Affidavit of Indigency, Journal Entry of Appointment and approved by the trial Judge. Expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, parking and meal expenses, long distance telephone calls, copying, and other necessary items as approved in the discretion of the Court. Appointed counsel are reminded that the County is partially reimbursed for such expenditures when the fee certificates are submitted in a timely manner. The Judges of the Court of Common Pleas may refuse to approve any fee certificates submitted for approval of the court beyond sixty (60) days after the end of the calendar month in which the case was finally disposed of or terminated, pursuant to O.R.C. 120.33(A)(4) except when the attorney intends to file a motion for appeal, a motion for a new trial, or a motion to recommend shock probation. In these instances, the due date is extended to sixty (60) days beyond the date of this post trial action.
- (4) Additional payment and/or reimbursement shall be made for extraordinary cases at the rate of Thirty Dollars (\$30.00) per hour out of Court and Forty Dollars (\$40.00) per hour in Court, up to Two Hundred Dollars (\$200.00) per day plus expenses whenever a trial continues beyond the following periods:

Aggravated Murder (w/specs) 25 days

Aggravated Murder (w/o specs) 13 days

Murder 8 days

Felonies (Degrees 1-4) 4 days

Additional payment and/or reimbursement for extraordinary cases will only be made with approval of the trial court.

- (5) Payment and/or reimbursement for appellate representation shall be made on the basis of Thirty Five Dollars (\$35.00) per hour for in or out of court representation since appellate proceedings generally consume less than one hour of oral argument time. Payment and/or reimbursement shall be made when submitted with the appropriate certificate (OPD-E-204), approved by the Appellate Court, up to the following maximum amounts for these offense classifications:

Aggravated Murder (death sentence imposed) \$10,000\*

Aggravated Murder (no death sentence) \$2,000

Murder \$1,500

Felonies \$750

Misdemeanors \$500

\*applies to each level of appeal

- (6) The suggested maximum fees shall automatically change to equal the fees which appear in the schedule published from time to time by the Ohio Public Defender's Commission and which represent the maximum amounts for which reimbursement shall be paid the County by the State of Ohio.

### 17.03 Withdrawal of Appointment

When an attorney appointed by the Court to represent an indigent defendant discovers that the defendant has sufficient income or other means, the attorney shall report the facts in open Court in the defendant's presence. If the Court cancels the appointment, the defendant shall be advised by the Court that the defendant is free to employ counsel of the defendant's choice.

### 17.04 Criminal Case Filing and Court Designation

- (A) The Clerk, upon receiving a criminal transcript from a Municipal Court, shall immediately assign a case number.
- (B) Criminal cases shall be numbered pursuant to section 6.02 of these rules.
- (C) Upon indictment in a criminal case, the Arraigning Judge shall cause the case to be assigned to a Judge from a list prepared by the Clerk of Courts, pursuant to Rule 36 of the Rules of Superintendence. The Arraigning Judge shall make such assignments without variation from the order of the list as prepared.
- (D) The Prosecuting Attorney, when drawing an indictment in compliance with the findings of the Grand Jury, shall comply with Rules 6, 7 and 8 of the Ohio Rules of Criminal Procedure and Chapter 2941 of the Ohio Revised Code in all respects and endeavor to maintain the original case number assigned. Where the indictment joins two or more defendants, the indictment should be returned under the lowest case number.

- (E) The Judge to which a case is assigned will be responsible for further proceedings thereon according to law.
- (F) In any instance where a previously filed and dismissed case is refiled, that case shall be re-assigned to the Judge originally assigned by lot to hear it unless, for good cause shown, that Judge is precluded from hearing the case.

#### 17.05 Entry of Appearance of Counsel

- (A) An attorney who represents a defendant in a criminal case shall at the time of arraignment furnish the Prosecuting Attorney with a signed statement acknowledging that the attorney will represent the defendant in this Court.
- (B) When a defendant is unable to employ counsel, the Criminal Judge or assigned Judge shall appoint counsel to represent the defendant pursuant to Rule 44 of the Ohio Rules of Criminal Procedure, which appointment shall be reflected by entry filed with the Clerk by the Prosecuting Attorney.
- (C) Upon arraignment of a defendant, an entry shall be filed with the Clerk by the Prosecuting Attorney reflecting the arraignment and the details thereof including the name of the defendant's counsel.
- (D) An attorney who appears or enters an appearance for a defendant shall not be permitted to withdraw except in open court in the presence of the defendant and upon written entry approved and filed NOT LESS THAN thirty (30) days before the date assigned for trial.

#### 17.06 Inactive Criminal Cases

- (A) Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes either upon Motion of the Prosecuting Attorney or the Court's own Motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list when the defendant is available and proceedings resumed or when such case is dismissed.
- (B) Cases to which this rule is applicable shall include those in which the defendant is not competent to stand trial, or is confined in a penal institution in another state, or has not been served or cannot be found. No case in which the defendant has absconded shall be placed on such suspended list until any bail has been forfeited and judgment entered thereon.

#### 17.07 Search Warrants

- (A) The Clerk shall maintain a separate index and docket for each warrant.

- (B) Where the Judge files with the Clerk, pursuant to Rule 41(E) of the Ohio Rules of Criminal Procedure, the search warrant, copy of the return, inventory OR ANY other papers in connection therewith, the Clerk shall secure said documents in a separate jacket, consecutively numbered and indexed by name.
- (C) If property is seized it shall be held by the officers or arresting authority WHO SEIZED THE PROPERTY for safe keeping unless the court directs otherwise.

#### 17.08 Sheriff's Report

- (A) As of the first of each month, the Sheriff shall deliver to all Judges, to the Prosecuting Attorney, and to the Administrative Office, a report of all persons confined in the jail. The report shall separately list defendants held for (1) federal or other authority outside this county; (2) State Parole Authority; (3) Probation Department; (4) Domestic Relations Court; (5) Common Pleas Court; (6) Municipal Court; and (7) Juvenile Court.
- (B) If a defendant is held or detained by Order of more than one authority, such defendant shall be listed under the authority which placed the defendant in custody. Others claiming such person shall be separately indicated by the use of footnotes.

#### 17.09 Bail Bond Procedures

Rule 46 of the Ohio Rules of Criminal Procedure will govern in all cases. The standard criminal bond shall be established as the amount of the maximum fine available pursuant to the Ohio Revised Code Section(s) under which the defendant is indicted excepting Aggravated Murder (Ohio Revised Code Section 2903.01), Murder (Ohio Revised Code Section 2903.02) and Rape of a person less than thirteen (13) years of age by force (Ohio Revised Code Section 2907.02(B), for which there shall be no standard criminal bond. Criminal bond in excepted cases shall be determined on a case by case basis. Additionally, the standard criminal bond is not mandatory and the judge setting the bond may deviate from the standard criminal bond herein established where the totality of the circumstances in the judge's discretion warrant it.

- (A) Notice of bail forfeiture shall be sent by the Clerk to the defendant and to the Surety in a form as may be approved by all Judge. Once judgment is rendered on the forfeiture of a bond, payment in full is required within fifteen (15) days of the judgment. On appearance or surrender of the defendant within sixty days, the Court shall remit twenty-five percent (25%) of the judgment of the forfeited bond.

#### 17.10 Criminal Case Management

- (A) Criminal cases will be assigned for hearing or trial by the Assignment Commissioner, under the supervision of the Judge to whom the case is assigned.

- (B) A date certain will be assigned for pretrial at the arraignment and a date certain for trial will be assigned at the time of pretrial. If a criminal assignment is in conflict with a civil assignment, Rule 14.09 herein will rule.
- (C) The Assignment Commissioner shall be responsible for notification of all hearings and trials to all parties concerned, including the prosecuting attorney, defense counsel, surety, if any, the Stark County Sheriff if the defendant is in custody, and the Probation Department, except as hereinbefore set forth in Rule 17.01(H).
- (D) All requests for continuance shall be made by written motion supported by an affidavit showing just cause as soon as possible prior to the trial. Notice of the filing of such motion shall be served upon opposing counsel who may forthwith file an affidavit in opposition. If the defendant has no counsel and a motion for continuance is filed by the prosecuting attorney such notice shall be served on the defendant. The motion shall be submitted upon the affidavit or upon oral hearing as the trial Judge may direct. Any continuance granted shall include a date for the next appearance.
- (E) In cases resulting in a plea and an application for probation, the Court, in ordering a pre-sentence investigation, authorizes the probation department to refer the defendant for screening, if appropriate, to the Stark Regional Community Correction Center, a community based correction center. The Judgment Entry prepared as a result of the plea, shall include the authorization for the referral by the probation department to the Stark Regional Community Correction Center.

#### 17.11 Preliminary Matters

- (A) Preliminary matters will be scheduled by the Assignment Commissioners and handled by the Judge to whom the case is assigned at a time and on a day of the week fixed by the Judge.
- (B) At the time of arraignment the Court will fix a date for pretrial conference and for a hearing date, if necessary, to dispose of preliminary motions or requests. An assignment for trial will not be continued because of the filing of a motion.

#### 17.12 Disposal of Exhibits and Court Reporters' Notes and Records

Exhibits, notes and records of court reporters shall be disposed of only in accordance with Rule 7.05 of these local rules.

### **GEN RULE 18 - JUDGMENT ENTRIES**

#### 18.01

- (A) Counsel for the party in whose favor a calendar entry, order, judgment or decree is entered in a cause in Civil or Domestic Relations Divisions shall, within ten (10)

days thereafter unless otherwise specified by the Court, prepare a proper judgment entry and submit the same to counsel for the opposite party who shall approve or reject the same within three (3) days after its receipt by opposing counsel and may, in case of rejection, file objections thereto in writing by the Court. If said judgment entry is not prepared by counsel for the favored party within the time prescribed by this Rule, then any other interested party may request that the Court prepare the order, judgment or decree, or may request leave of Court to prepare said order, judgment or decree.

- (B) The Court shall approve a judgment entry deemed by it to be proper, sign the same and cause it to be filed with the Clerk, and notice of the filing of each judgment entry for journalization shall, on the day following such filing, be given to all parties by the party presenting such judgment entry to the Court for approval or by the Court if the Court prepares and files the judgment entry; and the time for the doing of any other act resulting, caused or required by the filing of such judgment entry shall not commence until such notice has been given.

## **GEN RULE 19 - COURT FILES AND PAPERS**

19.01 No person (except a Judge of the Court) without consent of the Administrative Judge shall remove any Court papers, files of the Court or parts thereof from the custody of the Clerk; provided, however, that such files may be removed in accordance with the provisions of Rule 16 hereinabove.

## **GEN RULE 20 - SECURITY FOR COSTS**

20.01

- (A) No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the Court and prepared and published by the Clerk from time to time.
- (B) Upon the filing of a COUNTER-CLAIM in any civil action there shall be a deposit with the Clerk as upon the filing of the original Complaint.

### Civil Actions

\$573.00      Foreclosures

\$738.00      Orders of Sale (Includes Alias Orders of Sale) (includes deposit of \$225.00 for payment of appraisal fees)

\$323.00	Complaints (the Clerk requires an additional \$50 security deposit (to cover costs) for every 5 defendants (beginning with the fifth defendant) named in a complaint. This amount can be refunded if not used for court costs. For the re-filing of a previously filed Civil Complaint, there shall be an additional fee of \$100 to be paid with the deposit required at the time of re-filing of the Complaint. For failure to report on the designation form that the case is the re-filing of a previously filed Civil Complaint, the fee will be \$200.
\$93.00	Counter-claims: cross-claims; third-party complaints; intervening complaints.
\$223.00	Cognovit Notes
\$75.00	Debtor's exams
\$50.00	Garnishment
\$163.00	Execution on Judgment Lien
\$200.00	Jury Demand
\$150.00	Writ of Possession
\$263.00	Writ of Partition
\$263.00	Order of Sale in Partition
\$30.00	Certificate of Judgment Lien
\$35.00	If Clerk Prepares – (additional \$5.00)
\$5.00	Release of Judgment Liens
\$35.00	Release of Judgment Liens - Department of Taxation and Bureau of Workers' Compensation

\$163.00	Foreign Executions
\$30.00	Foreign Sheriff
\$323.00	Replevin
\$250.00	Arbitration Appeal
\$138.00	Post Conviction Relief
\$93.00	Motion to Revive a Judgment
\$100.00	Civil Stalking Protection Order Modification/Dismissal by Respondent
<b>Criminal Action</b>	
\$10.00	Court Security Fee assessed as court costs for each criminal case
\$50.00	Electronic Filing Fee assessed as court costs for each criminal case
\$85.00	Criminal Appearance Bonds RRF Fees (plus \$10.00 per moving violation)
\$54.00	Misdemeanor Criminal Appearance Bond RRF Fees (plus \$10.00 per moving violation)
\$100.00	Motion for Expungement
<b>Miscellaneous</b>	
\$1.00	Certification of any document
\$5.00	Recording Notary Commission
\$7.00	If Clerk Administers Oath
\$10.00	Recording Attorney Notary Commission

\$12.00	If Clerk Administers Oath
\$1.00	Certified Copy of Document – per page
\$.10	Copies – per page
\$1.00	Authenticated Copy
\$2.00	Faxed Copy Sent - first page
\$1.00	for each additional page
\$2.00	Faxed Copy Received – first page
\$.25	for each additional page
\$30.00	Passport Card
\$110.00	Passport Book
\$2.00	Oath of Office
\$55.00	Petitioner for Ohio Certificate of Title
\$100.00	Petition for Certificate of Qualification for Employment

20.02 In cases transferred to the Common Pleas Court in which the demand of the counterclaim exceeds the monetary jurisdiction of the Municipal Court the counter claimant shall post security for costs in a sum equal to the amount required if the case was originally filed in this Court.

20.03 In cases with multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the cost thereof.

20.04 In lieu of cash deposit, costs may be secured by bond with surety approved by the Clerk, provided, however, that no member of the bar shall be accepted as such surety.

20.05 An affidavit of indigency filed in lieu of cash deposit must state the reasons for the inability to prepay costs and is subject to Court review at any stage of the proceedings. The filing of an affidavit of indigency pursuant to this rule is not determinative of whether a party will be assessed costs.

20.06 This rule shall be subject to the provisions of Sections 2323.30-31 of the Ohio Revised Code.

20.07 Upon final judgment, the Clerk of Courts is directed to apply the deposit for costs to the costs in the case, regardless of the party against whom costs are assessed. The Clerk shall thereupon assess the costs against the proper party, and notify and bill such party, reimbursing the Court costs depositor upon receipt of such cost.

#### 20.08 Foreclosure Actions

- (A) If property is sold at a Sheriff's sale, unless otherwise ordered by the Court, costs shall be paid from the proceeds of the sale and the security deposit shall be reimbursed to the depositor upon journalization of a decree of confirmation.
- (B) Unless otherwise ordered by the Court, if property is not sold at a Sheriff's sale, the security deposit shall be applied toward any accrued costs. Any excess security deposit remaining shall be reimbursed to the depositor. Any excess deposit to be reimbursed shall be disbursed upon journalization of an entry terminating or canceling a Sheriff's sale.

All entries, orders, or notices terminating or dismissing any case shall designate the party or parties responsible for the payment of costs. In all cases where no party is designated as provided in this rule, then the security deposits shall be applied toward the payment of costs in the order in which the security deposit(s) were received by the Clerk. Any costs in excess of the security deposit(s) shall be billed to the party initiating the action. Any excess deposit(s) shall be reimbursed to the depositor upon journalization of an entry, order, or notice terminating or dismissing the case. No extraordinary items shall be taxed as costs unless approved, in writing, by all counsel, or unless ordered by the Court. Any request to tax as costs, except as provided herein, shall not be accepted by the Clerk for filing, and shall be returned to the requestor.

20.10 If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the Court may make such order for the payment of costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order. [Ohio Civil Rule 41(D)]

20.11 Costs shall not be taxed for the filing of the first post-conviction petition. Subsequent petitions shall be accompanied by a filing fee as set forth in R.C. 2302.20(T). If a petitioner represents that he/she is unable to pay the filing fee, the procedures set for in R.C. 2969.25 shall apply.

## **GEN RULE 21 - APPEALS TO THE COURT OF COMMON PLEAS FROM ADMINISTRATIVE AGENCIES**

21.01 In all appeals to the Court of Common Pleas provided in Section 119.12 of the Ohio Revised Code and in Chapter 2506 of the Ohio Revised Code from administrative agencies the time for filing the brief shall be as follows:

- (A) Within twenty (20) days after the filing of the record of proceeding with the Clerk of the Common Pleas Court, the appellant shall file his assignments of error and brief.
- (B) Within twenty (20) days after the appellant's brief has been filed, the appellee shall file its brief and assignments of error, if any.
- (C) Within ten (10) days after filing of the appellee's brief, the appellant may file a reply brief.
- (D) For good cause, the Court may, upon motion, extend the time for filing the brief and assignments of error.

21.02 Upon expiration of the time for filing the brief as set forth in Section 21.01 above, the case will be considered submitted on briefs unless oral argument is requested in writing and granted by the Judge to whom the appeal is assigned.

21.03 Hearing upon oral arguments when granted shall be assigned by the Court and each party shall be given fifteen (15) minutes per side to argue.

21.04 The above rules do not apply to appeals from the Industrial Commission pursuant to Ohio Revised Code Section 4123.519.

## **GEN RULE 22 - RECEIVERSHIPS**

22.01 In all cases where receivers are appointed by this Court, the following shall apply:

- (A) Unless the Court by entry specifically authorizes the receiver to continue a business, the receiver shall expeditiously take control of the assets of the defendant debtor, give notice to all known creditors of his appointment and afford them opportunity to present and prove their claims, cause the assets to be inventoried and appraised, determine the validity and priority of creditor's claims, take such steps as may be necessary to reduce the assets to cash and make distribution of said cash between the various classes of creditors.

- (B) Within two (2) months after the appointment, the receiver shall report to the Court, submitting the inventory and appraisal, and including an account of receipts and expenditures to date. Such documents shall be filed with the Clerk. The several matters herein referred to shall be considered by the Judge to whom the case is assigned and the Judge's approval thereof shall be by entry, approved first by the receiver and counsel.
- (C) Semiannually after filing the first report with inventory, appraisal and account, the receiver shall file with the Clerk, consecutively numbered reports, with accounts, for approval by entry by the Court as to all receipts and expenditures made by the receiver during the reporting period and a summary of plans for the future conduct of the receivership.
- (D) In cases involving receivers appointed to take charge of property and to collect rents and other income, the receiver may expend funds, without first having obtained Court approval, to pay for insurance premiums, water and utility bills, and to make emergency repairs as are necessary for the proper maintenance of the property. For authority other than that conferred upon the receiver by virtue of this rule, the receiver shall make application to the Court for such authority.
- (E) In all receiverships in which property appraised in excess of One Thousand Dollars (\$1,000) is to be put up for public or private sale, the receiver shall file in advance of such sale a report with the Court showing the amount of expenditures incurred or to be incurred prior to the time the sale is to be conducted.
- (F) An application for payment of receiver's and counsel for receiver's fee (partial or final) shall be filed with the Clerk for approval by the Court. Notice of filing shall be mailed by ordinary mail to all counsel of record in the pending matter. Such applications shall show time spent on enumerated items, amounts of money collected, dispersed and on hand, the status of secured and unsecured creditors' claims, including amounts claimed, payments made thereon and balances due, the amounts and dates of prior fees authorized in the case and an estimate of the amount of time necessary to complete work in the receivership and make final distribution. The Court may approve or set for hearing the matter of receiver's fees or counsel for receiver's fees not sooner than ten (10) days after the filing of the application therefore.
- (G) Failure to file an inventory and appraisal, accounts or other reports as contemplated by this Rule may constitute cause for removal of the receiver and/or attorney and for withholding of fees for the receiver and/or attorney.

## **GEN RULE 23 - NOTARIES PUBLIC**

23.01 For the purpose of assisting this Court in the performance of its duties pursuant to Chapter 147 of the Ohio Revised Code, the Court hereby establishes a committee of twelve (12) persons to be known as the Notaries Public Committee.

23.02 On July 1 of each year the Court shall, by journal entry, duly filed with the Clerk of Courts, appoint the Chairperson and Members of the committee to serve until their successors are appointed.

23.03 The committee shall investigate the qualifications and ability to discharge the duties of the office of notary public of all applicants for a commission. Applications shall be upon such form as may be prescribed by the committee. Any person applying for the first time for a commission and any person whose commission has expired five years or more prior to the date of his application shall be required to take a written examination to be prepared and graded by the committee.

23.04 The committee shall schedule the examination to be held at regular intervals and the chairman of the committee shall appoint one member to conduct such examination.

23.05 The committee shall promptly transmit to the court the names of the persons who have successfully completed the examination and those whose applications have been approved. No judge of this court shall consider or act upon the application of any person to become a notary public unless there is first submitted to him the report of the committee concerning such applicant.

23.06 Should any applicant after filing an application for examination fail to appear for said application within ninety (90) days after the filing of the application, said application shall thereupon become null and void and the fee paid shall be forfeited.

23.07 Attorneys at law admitted to the practice of law in this state and those persons who have held a commission as notary public at any time within five (5) years prior to the date of their application shall not be required to take the examination but their applications shall be on the form prescribed by the committee.

23.08 All applications, new and renewal, shall be accompanied by a fee of Sixty Dollars (\$60.00).

23.09 Whenever it shall come to the attention of the committee that any notary public is improperly exercising the office or powers in this county, it shall be the duty of the chairperson of the committee and in the chairperson's absence or inability, then any member of the committee to investigate such complaint and determine whether there is probable cause to believe that the conduct of the notary public is improper. If such probable cause is found to exist, the chairperson of the committee or in the chairperson's absence or inability, then any member of the committee, shall file a complaint with this court setting forth in a brief manner the acts or things done improperly by such notary public. Said complaint shall request a time and place to be set for a hearing thereon and that the said notary public be notified thereof. The presiding judge may designate or a judge designated shall at such time and place as the presiding judge may designate or as the appointed judge may determine, after notice has been given to the notary public against

whom the complaint is filed, conduct a hearing on said complaint and make such orders or findings as in the judge's discretion are just and proper in the circumstances.

## **GEN RULE 24 - FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS**

24.01 In actions to quiet title, partition and for the marshaling and foreclosure of liens on real property, except those involving registered lands, the plaintiff shall procure and file with the Clerk, within thirty (30) days after the filing of the complaint, evidence of the record title to the property in question including but not limited to the names of the owners of the property, the record volume and page numbers of the next preceding recorded instrument by or through which the owners claim title, and the names of all lien holders of record, and any other parties claiming an interest in the real property. Evidence of title may be demonstrated by a preliminary opinion of an attorney in a form and to such extent as would satisfy the requirements of the Marketable Title Act or preliminary judicial report issued by a title insurance company. Such opinion or report shall be rendered as of the last date upon which all titleholders have been served the complaint and shall include all matters affecting the title up to and including the last date upon which all titleholders have been served the complaint. Upon failure of the plaintiff to timely comply with the foregoing requirements, any other interested party upon notice to plaintiff, may procure leave to furnish and file such evidence of title within the ensuing thirty (30) days. Such evidence of title or copy thereof shall become and remain a part of the files in the case. Where the evidence of title indicates that necessary parties have not been made defendants, the party filing the same shall proceed without delay to cause such new parties to be added and served. The opinion of title or judicial report shall be for the benefit of the purchaser at any sale resulting from the action filed.

24.02 Failure to comply with the foregoing rule shall be grounds for dismissal of an action. Dismissal may be granted on motion of any party or upon the motion of the Court.

24.03 Unless otherwise ordered by the Court, the expense of the title work required under this rule in an amount not exceeding Four Hundred Dollars (\$400) for each property involved may be taxed as a part of the costs in favor of the plaintiff or other party who furnished the evidence of title.

24.04 For the purposes of reporting by the trial judge to the Supreme Court of Ohio in foreclosure cases, the judgment entry and order for sale will determine that the case is closed. All proceedings in foreclosure cases will proceed according to law.

24.05 In judgment entries rendered in Court cases involving liens and mortgages, the words "the Clerk of the Common Pleas Court is ordered to cancel in the Stark County Recorder's Office the mortgage . . ." and the words "the Clerk of the Common Pleas Court is hereby ordered to cancel the Judgment Lien filed in Judgment Lien Docket No. \_\_\_\_\_ . . ." do not shift the responsibility for effecting these cancellations from the attorney of record in the court case to the Clerk of Courts. When mortgages are ordered to be canceled in the Recorder's office, the attorney of record shall enter full instructions for such cancellations in the Praecipe Docket maintained in the Clerk's office for such purposes. When judgment liens are ordered to be satisfied, the attorney

of record shall file a Satisfaction of Judgment with the Clerk of Courts to be entered on the Judgment Lien Satisfaction Docket maintained by the Clerk.

24.06 No Confirmation of Sale and Distribution Entries shall be accepted by the Clerk of Courts which do not provide for complete distribution of the sale proceeds, unless prior Court approval is obtained.

Confirmation entries shall provide for payment to the Stark County Treasurer of all required real estate taxes. Real estate taxes shall include all current and delinquent taxes and assessments, penalties, interest, tax lien certificates, and pro-rated amounts in the current year preceding the date of confirmation of sale. The party responsible for preparation of the entry shall obtain a verification of the amount due from the Treasurer's Office to be delivered to the Sheriff's Civil Division and attached to the Confirmation of Sale entry.

24.07 In all foreclosure actions it shall not be necessary to name the Stark County Treasurer as a party unless plaintiff or another party is contesting the amount of real estate taxes appearing on the tax records, either to the amount or validity, or as to the priority of real estate taxes as the first and best lien, or as to the validity or priority of a personal property tax lien or other lien held by the Treasurer.

The plaintiff, however, shall cause the Clerk to deliver a copy of the complaint but not a summons to the Treasurer in all cases in which the Treasurer is not named a party or named a party and the taxes are not contested or in dispute.

In all foreclosure actions in which the Treasurer has been named a party, and in which the taxes are not in dispute, the Treasurer need not file an answer to the complaint or to any cross-claims, counterclaims or third-party complaints. The Treasurer may intervene in the foreclosure action as a defendant and file a cross-claim and/or third party complaint to foreclose the lien of delinquent taxes or tax lien certificates or assert any other claim properly joined in the action, just as though named as a defendant in the original action. The Stark County Prosecutor on behalf of the Treasurer shall be served with a copy of the proposed and final confirmation entry or dismissal entry whether the Treasurer is named a party in the action or not.

## **GEN RULE 25 - SHERIFF'S SALES**

25.01 In every Sheriff's sale of real property, the successful bidder as purchaser, shall be required to deposit by 12:00 o'clock noon on the day of the sale, by cashier's check or certified check payable to the Sheriff, not less than ten percent (10%) of the amount of such bid but in no event less than Five Hundred Dollars (\$500) or more than Ten Thousand Dollars (\$10,000), plus the additional amount necessary to establish a balance due in even thousands of dollars. The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of the sale. The purchaser shall pay interest on the unpaid balance of

the purchase price at the annual rate of interest provided in Section 1343.03 of the Ohio Revised Code from the date of the sale to the date of the payment of the balance unless the balance shall be paid within thirty (30) days from the date of sale. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority. The provisions of this paragraph shall not be applicable when the purchaser is the Plaintiff.

25.02 On the first Monday following the date of sale, the Sheriff shall make the return to the court. The plaintiff shall prepare and deliver a proposed entry confirming the sale to the Clerk of Courts, and serve copies upon all parties or their attorneys of record and the Stark County Prosecutor on behalf of the Stark County Treasurer by regular mail within seven (7) days after the date of sale. It shall not be necessary to obtain the approval of other parties or their attorneys of record prior to the filing of such entry. Unless proper written objection to the proposed confirmation entry is presented to the court by a party or the party's attorney within fourteen (14) days after the date of sale, the proposed entry shall be approved by the Court and filed with the Clerk of Courts forthwith. If proper written objection is made, the Court shall determine the validity of the objection and make an order determining the issue. Upon the filing of the entry of confirmation of sale and upon payment in full of the purchase price by the purchaser, the Sheriff shall forthwith cause the deed to be recorded with the County Recorder.

25.03 In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within thirty (30) days after the date of sale, the purchaser shall be in contempt of this Court and any attorney of record in the case may forthwith cause a citation to issue commanding such defaulting purchaser to appear before the Judge of the Court having such matters in charge and show cause why the purchaser should not be punished. Upon a finding of guilty of contempt, the Court shall proceed in accordance with Section 2329.04 of the Ohio Revised Code.

In addition to the remedy cited in the above paragraph, any purchaser who has not paid the balance of the purchase price within thirty (30) days from the date of the sale is prohibited, either personally, or through another individual, or through any other legal entity, from participating in, bidding on, or acquiring property in subsequent Sheriff's sales of real property until the unpaid balance is paid in full.

Failure to pay the ten percent (10%) down by noon the day of the sale in accordance with Gen Rule 25.01 may result in a suspension, upon motion to the Court, from further participation in Sheriff's sales for a period of up to six (6) months.

Upon default, the moving party shall proceed as follows:

- (A) He shall notify the defaulting purchaser that the purchaser shall not be permitted to either personally, or through another individual, or through any other legal entity,

participate in, bid on, or acquire property in subsequent Sheriff's sales of real property until the unpaid balance is paid in full.

- (B) He shall notify the Sheriff of all individuals who have not paid the balance of the purchase price within the prescribed time.

25.04 Appraisal fees are hereby established at \$75.00 per appraisal.

25.05 In every execution issued to the Sheriff upon goods or chattels, where property is not exempted by law, the plaintiff or the attorney for the plaintiff shall procure and file with the Clerk, a bond to cover the cost and fees required by the Sheriff in levying upon and selling the goods and chattels. The bond shall be in the form of a cash deposit or by bond with surety approved by the Court, provided, however, that no member of the bar shall be accepted as such surety.

#### LIGHT CATEGORY - \$150.00 ADVANCE DEPOSIT

Automobiles

Motorcycles

Utility Trailers up to 15 feet in length

Boat Trailers up to 15 feet in length

Motorcycle Trailers up to 15 feet in length

Camper Trailers up to 18 feet in length

Travel Trailers up to 18 feet in length

Motor Homes (self-propelled) up to 18 feet in length

Garden/Mowing Tractors under 23 horsepower

Garden/Mowing Type Equipment not of commercial use

Boats up to 15 feet in length

Farm Type Tractors under 23 horsepower

#### MEDIUM CATEGORY - \$200.00 ADVANCE DEPOSIT

Pickup Trucks rated up to 3/4 ton

Van Type Trucks rated up to 3/4 ton

Utility Trailers over 15 feet but not more than 18 feet

Boat Trailers over 15 feet but not more than 18 feet

Motorcycle Trailers over 15 feet but not more than 18 feet

Camper Trailers over 18 feet but not more than 26 feet

Travel Trailers over 18 feet but not more than 26 feet

Motor Homes (self-propelled) over 18 feet but not more than 26 feet

Farm Type Tractors - 23 horsepower up to 99 horsepower  
Boats over 15 feet but not more than 18 feet  
Portable Construction Equipment  
Portable Shop Equipment  
Portable Farm Equipment

**HEAVY CATEGORY - \$400.00 ADVANCE DEPOSIT**

Large Trucks rated over 3/4 ton  
Buses  
Semi-Tractors (Trucks)  
Mobile Homes other than travel trailers  
Utility Trailers over 18 feet  
Motorcycle Trailers over 18 feet  
Camper Trailers over 26 feet  
Travel Trailers over 26 feet  
Motor Homes (self-propelled) over 26 feet  
Semi-Trailers (low boy, flatbed, closed box type, stake body)  
Boats over 18 feet  
Farm Type Tractors over 99 horsepower  
Large Construction Equipment  
Road and Grading Equipment  
Earth Moving Equipment  
Large Farm Equipment

All other equipment not covered by this category and vehicles that are not self-propelled upon the highways of the county or cannot be driven upon the highway.

All goods and chattels in retail or wholesale business operations, household goods, manufacturing plant or storage facility which must be moved and stored by a professional mover acting as an agent of the Sheriff after the Sheriff has seized such Goods and Chattels shall require an advance deposit of One Hundred Fifty Dollars (\$150.00) plus the estimate of moving and twenty (20) days storage provided by the mover from the description given the Sheriff by the plaintiff or plaintiff's attorney in the action. Deposit to be deposited with the Clerk of Courts prior to seizing any Goods and Chattels.

If goods and chattels in a retail or wholesale business operation, household goods, manufactured plant or storage facility are to be secured upon the site of the business, plant or storage facility, an order of the Court shall be obtained requiring the padlocking and securing of the premises wherein the Goods and Chattels are found and a bond with sufficient surety shall be given

## **GEN RULE 26 - DESIGNATION OF COUNSEL**

26.01 All pleading and motions, served and filed on behalf of any party represented by counsel in a civil action, shall be signed by one attorney in the attorney's individual name as required by Civil Rule 11, as the attorney of record who shall have primary responsibility for the attorney's client's interest in the case. Following the attorney's signature, the attorney's office address, zip code, telephone number, area code, and Attorney Registration Number assigned by the Clerk of the Supreme Court of Ohio shall be set forth.

26.02 All copies of pleadings or other Court filings required by these Rules or Civil Rule 5 to be served upon other counsel in a cause, shall be served upon the attorneys of record, designated in accordance with 26.01 above.

26.03 All notices and communications from the Judges of this Court with respect to a cause pending therein will be sent to the attorneys of record appearing in such case. When the appearance of an attorney of record is required in Court, the Judge to whom the cause is assigned shall advise the Assignment Commissioner, who shall promptly mail a notice or place the notice in the attorney's mailbox in the Courthouse. The notice shall specify the number and title of the cause, the date and time of the required appearance, the courtroom number and name of the Judge to whom the cause is assigned or before whom the appearance is required, and the reason for such appearance, whether "For Trial" or "Pretrial Conference", "For Hearing on Motion to Strike" or other such customary designation. The notices shall be addressed to the attorney of record in the attorney's individual name, at the office address set forth in the pleading giving rise to this appearance. The attorney of record shall be responsible for notifying co- counsel or associate counsel of all matters affecting the actions.

26.04 Application for leave to withdraw as attorney of record in a civil case shall be made by written motion, documenting sufficient cause by affidavit, filed with the Clerk of Courts, with copies served upon all other attorneys of record in accordance with Civil Rule 5 and these Ruled.

Written notice of such application shall be given to the client(s) of such attorney of record seeking to withdraw, by certified mail, return receipt requested, stating the date when such application will be filed and before which Judge such application will be pending. Such notice shall also advise that such client(s) may request an oral hearing on such application within seven (7) days after the filing of the application by filing with the Court a request for hearing (request form to be provided to the client(s) by the attorney) in a format substantially similar to the following:

## REQUEST FOR HEARING

I (We) hereby request a hearing on the Application for Leave to Withdraw as Attorney of Record, which has been filed demonstrating sufficient cause with the Court on

\_\_\_\_\_ in Case No. \_\_\_\_\_

[Date]

[Case No.]

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Signature ]

If you desire to have a hearing regarding your attorney's affidavit to withdraw as attorney of record, this Request for Hearing form must be completed and filed with the Court within seven (7) days after the filing of the Application To Withdraw as Attorney of Record. Your request for hearing must be sent to:

Stark County Clerk of Courts, Suite 101  
Stark County Courthouse  
115 Central Plaza, North  
Canton, Ohio 44702-1414

Failure of the client to request an oral hearing shall not prevent the assigned Judge from setting an oral hearing. In the event the Court sets a hearing, the attorney seeking leave to withdraw shall, by certified mail, return receipt requested, notify his/her clients of the date, time, and location of the hearing.

If such application is granted and the client did not request an oral hearing, nor appear if one were set by the assigned Judge, the attorney of record if permitted to withdraw, shall notify such client by certified mail, return receipt requested, to secure a new attorney of record within such time as may be designated by the Court. Counsel shall also notify the client of all scheduled dates including appearance, cut-off dates for discovery and trial dates set by the Court prior to the withdrawal of counsel. A copy of such notice, together with the order authorizing withdrawal and the certified mail, return receipt requested shall be filed and docketed with the Clerk.

If an attorney who is required to give notice by certified mail to a client(s) under this Rule is unable to effect service of the notice upon such client(s), the attorney shall certify to the Court all efforts made to notify such client as required under this Rule, or the reasons why service of the notice is

impracticable, and the Court, in its discretion, may grant the attorney leave to withdraw as attorney or record.

## **GEN RULE 27 - NOTICE OF APPLICATION FOR DEFAULT JUDGMENT**

27.01 Judgment by Default shall be taken in accordance with Civil Rule 55(1). A person shall have "appeared in the action" as those words are used in Civil Rule 55(A) when he has filed in Court any answer, motion or other paper on behalf of the party whom he represents or by filing written notice of his appearance in the action and serving a copy thereof on all parties of record. No notice of any application or motion for judgment by default shall be required of any party to be made on any party not having previously appeared in the action. Signing the docket of the Clerk of Courts shall not constitute an appearance for the purpose of this Rule

## **GEN RULE 28 - STALKING CIVIL PROTECTION ORDERS**

Forms and instruction packets for use in stalking civil protection order proceedings brought under R.C. 2903.214 shall be obtained from the Clerk of Court.

An action for a Stalking Civil Protection Order pursuant to R.C. 2903.214 shall be commenced by the filing of a fully completed petition, typed or legibly printed. A petition for a Stalking Civil Protection Order is not fully complete unless it includes a form 10A. Protection Order Notice to NCIC (National Crime Information Center) with all identifying information included therein.

Petitioner may move the Court on Form 10-B to seal the Domestic Violence Petitioner's Confidential Information Sheet and Form 10-A upon completion of processing by the Clerk of Courts.

## **GEN RULE 29 - COURT RECORDS - MANAGEMENT AND RETENTION**

The General Division of the Stark County Court of Common Pleas hereby adopts Rule 26 of the Rules of Superintendence for the Courts of Ohio as the Local Rule of Court for Records Management and Retention.

## **GEN RULE 30 - CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (CQE)**

30.01 The purpose of this Local Rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Ohio Revised Code 2953.25 and Administrative Rule 5120-

15-01 established by the Department of Rehabilitation and Correction (DRC). Refer to the DRC website at [www.drccqe.com](http://www.drccqe.com) for further information and forms.

30.02 In order to request a CQE, an applicant shall visit the CQE website at [www.drccqe.com](http://www.drccqe.com) and complete the online registration process. Upon completion of the registration form, the applicant shall sign into the CQE Petition site using the login name and password created during registration. All six (6) pages of the CQE Petition must be completed and officially submitted to the Department of Rehabilitation and Correction (DRC) for review.

30.03 After notification from DRC of a determination that the Petition is complete, the Petitioner is to print the Petition and file the Cover Sheet (Petition for Certificate of Qualification for Employment Ohio Revised Code 2953.25) with the Clerk of Courts for the Stark County Court of Common Pleas if the Petitioner is a resident of Stark County. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet, and shall attach a copy of the fully completed Electronic Petition. A deposit of \$100.00 is required at the time of filing. A Judge may waive some or all of the deposit otherwise required by this Local Rule. The Petitioner may submit an Affidavit of Indigency or other relevant information for the Court's consideration if requesting a waiver or reduction of the filing fee.

30.04 All Petitions submitted through the DRC shall include electronic access to the Department of Rehabilitation and Correction CQE Summary (CQE Summary).

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

30.06 Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number. The Clerk of Courts shall determine the appropriate courtroom where the underlying criminal case was assigned and the Petition shall be assigned to that courtroom. Should the Clerk not be able to determine the appropriate courtroom, or if the Petition is filed for a misdemeanor conviction in another court, or if a Petitioner who currently resides in Stark County but whose underlying conviction occurred in a different county in Ohio files the Petition, the Petition will be assigned to the current Administrative Judge.

30.07 Upon assignment of a Petition for CQE, the assigned Judge shall request a complete investigation of the Petition and criminal history for the Petitioner from Pre-Trial Services. Pre-Trial Services shall prepare a report, including the criminal history of the Petitioner, and shall return such report to the assigned Judge.

30.08 After receiving the report and criminal history from Pre-Trial Services, the assigned Judge shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense. The Assigned Judge shall send notice of the Petition to each court so identified, providing said courts with the opportunity to comment upon the petition within thirty (30) days of the notice. Such Notice shall be sent via ordinary U.S. mail.

30.09 The assigned Judge shall also send notice of the Petition to the Stark County Prosecutor, providing him or her with the opportunity to comment upon the Petition within thirty (30) days of the notice. Notice to the Stark County Prosecutor shall be sent via courthouse mailbox.

30.10 The assigned Judge shall review the Petition, criminal history, all filings submitted by the Prosecuting Attorney or victim in accordance with the rules adopted by the Department of Rehabilitation and Correction, Division of Parole and Community Services, and all other relevant evidence, including, but not limited to any comments submitted by any other court in the state in which the Petitioner has been convicted of or plead guilty to an offense.

30.11 The assigned Judge may order any additional report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision.

30.12 Once all information requested has been received, the assigned Judge shall decide whether to Grant or Deny the Petition within sixty days, unless the Petitioner requests and is granted an extension of time.

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

### **GEN RULE 31 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS REENTRY COURT**

- (A) This Court has created a Specialized Docket for its Reentry Program according to the requirements as set forth in SUP.R 36.02 through 36.28. The docket being created is for Stark County Common Pleas Court Reentry Program. The starting date of the Program was September 2006 and the goals and objectives are set forth in the Reentry Court program description.
- (B) The general guideline for how a person is considered for the Reentry Program is set forth in the Program description and also contained therein are the legal and clinical eligibility criteria for the Reentry Program as well as any disqualifying factors.
- (C) At any time when an individual is placed on community control sanctions, judicially released from prison, or released from prison upon completion of his or

her sentence, the case may be transferred to the Reentry Court Docket. Said assignments will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.

- (D) The Reentry Program Specialized Docket Case Management Program is described in the program description, which also references the participant handbook and participation agreement.
- (E) A participant may be terminated from the Reentry Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the Reentry program as set forth in the Program description.

### **GEN RULE 32 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS HONOR COURT**

- (A) This Court has created a Specialized Docket for its Honor Court Program according to the requirements as set forth in SUP.R. 36.02 through 36.28. The docket being created for Stark County Honor Court Program. The starting date of the program was June 27, 2011 and the goals and objectives are set forth in the Honor Court program description.
- (B) The general guideline for how a person is considered for the Honor Court Program is set forth in the Program description and also contained therein are the legal and clinical eligibility criteria for the Honor Court Program as well as any disqualifying factors.
- (C) At any time when an individual is placed on community control sanctions or judicially released from prison, the case may be transferred to the Honor Court Docket. Said assignments will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.
- (D) The Honor Court Program Specialized Docket Case Management Program is described in the program description, which also references the participant handbook and participation agreement.
- (E) A participant may be terminated from the Honor Court Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the Honor Court Program as set forth in the program description.

### **GEN RULE 33 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS DRUG COURT, CHANCE PROGRAM**

- (A) This Court has created a Specialized Docket for its Drug Court, CHANCE Program according to the requirements set forth in SUP.R. 36.02 through 36.28. The docket being created is for the Stark County Drug Court, CHANCE Program. The starting date of the program was July of 1998 and the goals and objectives are set forth in the CHANCE program description.
- (B) The general guideline for how a person is considered for the CHANCE Program is set forth in the Program Description and also contained therein are the legal and clinical eligibility criteria for the CHANCE Program as well as disqualifying factors.
- (C) CHANCE Program participants' cases will be transferred to the CHANCE Docket after they are accepted and enter a guilty plea with their sentencing judge. Further proceedings will be stayed during program participation. The CHANCE Docket will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.
- (D) The Drug Court, CHANCE Program Specialized Docket Case Management Program is described in the program description, which also references the participant handbook and participation agreement.
- (E) A participant may be terminated from the CHANCE Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the CHANCE Program as set forth in the Program description.

#### **GEN RULE 34 - SPECIALIZED DOCKET STARK COUNTY COMMON PLEAS DRUG COURT, DOMESTIC VIOLENCE COURT**

- (A) This Court has created a Specialized Docket for its Domestic Violence Court according to the requirements set forth in SUP.R. 36.02 through 36.28. The docket being created is for the Stark County Court of Common Pleas Domestic Violence Court. The starting date of the program was September of 2014 and the goals and objectives are set forth in the Domestic Violence Court program description.
- (B) The general guideline for how a person is considered for Domestic Violence Court is set forth in the Program Description and also contained therein are the legal and clinical eligibility criteria for the Domestic Violence Court as well as disqualifying factors.
- (C) Domestic Violence Court participants' cases will be transferred to the Domestic Violence Court Docket after they enter a guilty plea and are referred by their sentencing judge. The Domestic Violence Court Docket will not affect the case assignments or caseload for the Specialized Docket Judge. In the event the case is unsuccessfully terminated from the Specialized Docket, said case is referred back to the sentencing Judge for disposition.

- (D) The Domestic Violence Specialized Docket participant monitoring is described in the program description, which also references the participant handbook and participation agreement.
- (E) A participant may be terminated from the Domestic Violence Court Program and referred back to the sentencing Judge for final disposition for violation of rules and regulations of the Domestic Violence Court as set forth in the Program description.