

RULES OF COURT FULTON COUNTY COURT EASTERN AND WESTERN DISTRICTS

Pursuant to Rule 5, Rules of Superintendence for the Courts of Ohio, the Fulton County Court, Eastern District, shall be governed by the following Rules of Court, and as follows:

RULE I. CRIMINAL CASES

(A) The purpose of this rule is to establish a system for case management which will provide the fair and impartial administration of criminal cases. These rules shall be constructed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

(B) Scheduling of events: The scheduling of events begins after arraignment. Thereafter, the case is managed in four judicial steps:

(1) Pretrial: In all criminal prosecutions, and at the request of the defendant and upon the filing of a waiver of all time requirements, a pretrial conference shall be scheduled at the earliest convenience of the Court. All minor misdemeanors shall be set for trial unless the judge orders a pretrial conference in said case.

The pretrial shall be conducted in accordance with Rule 17.1, Ohio Rules of Criminal Procedure. Any attorney who fails to appear for a pretrial without just cause being shown may be subject to sanctions for contempt of court.

If the parties cannot resolve the case, then the case shall be set for trial to the court unless a jury is demanded.

(2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be

filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.

(3) Trial: Each case not resolved at pretrial shall be set for trial to the court. If a jury demand is timely filed, then the case shall be moved to the jury trial schedule. All attorneys shall notify the Court by 3:00 p.m. of the day preceding their trial of any change in plea or jury costs shall be assessed to their case.

(4) Sentencing: Sentencing hearings shall be set within fourteen (14) days from trial if no pre-sentence report is requested. After the Court receives the probation report, the Court shall set the hearing for sentencing within seven (7) days.

(C) Continuances: No party shall be granted a continuance of a pretrial, motion hearing or trial without a written motion stating the reason for the continuance. All continuances are a matter within the sound discretion of the Court.

Rule 2.
CIVIL CASES

(A) Purpose: The purpose of this rule is to establish a system for civil case management which will achieve the prompt and fair disposal of civil cases.

(B) Scheduling of events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and five (5) judicial steps:

(C) Clerical steps:

(1) Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the complaint was filed, the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

(2) Upon perfection of service and expiration of answer period, the Clerk shall notify counsel of the default and that a failure to submit a motion and entry within fifteen (15) days may result in the case being dismissed for want of prosecution.

(3) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so that the matter may be set for status hearing.

(4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the plaintiff that the matter will be dismissed within one (1) week for want of prosecution unless good cause is shown.

(5) When a file has been marked “ settlement entry to come” and the entry has not been received within thirty (30) days, then the Clerk shall notify the parties that the case will be dismissed unless the entry is received within ten (10) days.

(D) Judicial steps:

(1) Status hearings: After an answer is filed, the Clerk will forward the file to the Judge. The Judge will then set a status hearing which may be hearing in court or by telephone with prior approval. The purpose of the status hearing is to set discovery and motion deadlines so a formal pretrial may be set.

(2) Motions: All motions must be in writing and accompanied by a memoranda containing citations or the arguments of counsel. Opposing counsel shall respond in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court.

(3) Pretrials: For the purpose of this rule, “pretrial” shall mean a court supervised conference primarily designed to produce an amicable settlement. the terms “party” or “parties” used hereinafter shall mean the party or parties to the action and/or their attorneys of record.

Any attorney for a party to the action who fails to attend a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone by the Civil Clerk, not less than fourteen (14) days prior to the conference. Any application for continuance shall be addressed to the Judge.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have, or present access to, full settlement authority.

The Judge presiding at the pretrial conference shall have the authority to dismiss the action for want of prosecution on the motion of defendant upon the failure of plaintiff and/or counsel to appear in person; to order the plaintiff to appear with the case and to decide and determine all matter ex parte upon failure of the defendant to appear in person or by counsel, to make such other order as the Court may deem appropriate under all the circumstances.

If the case cannot be settled at the pretrial, then the case shall be set for trial.

(4) Continuance: No party shall be granted a continuance of a hearing, pretrial or trial without a written motion from the party or counsel stating the reasons for the continuance.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the date date in the same or other trial court of this state, the case which was first set shall have priority and shall be trial on the date assigned. Criminal case assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

(5) Judgment entries: Counsel for the party in whose favor an order of judgment is rendered shall prepare a journal entry. The entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the Court may prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, however, such entry shall be filed within thirty (30) days of the original trial date or the case will be dismissed for want of prosecution.

The journal entry shall state which party shall pay the court costs.

Rule 3.
SPECIAL PROCEEDINGS

(A) Purpose: The purpose of this rule is to establish a case management system for special matters. The following civil matters are considered special proceedings and may be heard by a Judge, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite, garnishment hearings, and debtor's exams. The following criminal matters are considered special proceedings and are to hearing by the Judge, to wit: preliminary hearings, extradition hearings and Bureau of Motor Vehicle (BMV) hearings.

(B) Scheduling of events: Case that have time limits established by the Ohio Revised Code shall be set within such time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

(C) Clerical steps:

(1) In a new cases, if counsel fails to obtain service of summons within six (6) months from date of filing, the Clerk shall notify counsel that the case will be dismissed for want of prosecution in ten (10) days unless good cause is shown to the contrary.

(2) Upon perfection of service, the Clerk shall notify counsel of default after the answer date and that a failure to submit a motion for default and entry within fifteen (15) days may result in the case being dismissed for want of prosecution.

(3) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge so that the matter may be set for hearing.

(4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the party that the matter will be dismissed for want of prosecution within one (1) week unless good cause is shown.

(5) When a file has been marked “settlement to come” and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that the case will be dismissed for want of prosecution unless the entry is received within ten (10) days.

Rule 4.
FORCIBLE ENTRY AND DETAINER HEARINGS

(A) Hearings: All forcible entry and detainer cases shall be set for hearing before the Judge pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure shall apply. The Judge shall, at the conclusion of the hearing, file a Judgment Entry within seven (7) days and cause a copy to be served on the parties.

(B) If an answer or jury demand is filed in a forcible entry and detainer case, then the Clerk shall forward the case to the Judge so that the case can be scheduled for the appropriate hearing.

Rule 5.
SMALL CLAIMS DIVISION

(A) A small claims action is commenced the filing a small claims petition, pursuant to Section 1925.04, Ohio Revised Code, on a form approved by the Court. No defendant is required to file an answer or statement of defense, however, should the defendant fail to appear for the hearing, after being duly served, then a default judgment shall be rendered against said defendant. All pleadings will be construed to accomplish substantial justice.

(B) The filing of motion and affidavit, as required by Section 1925.10, Ohio Revised Code, or a counterclaim, and upon payment of the required costs, the small claim case will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.

(C) Hearing: The Court shall place all parties who plan to offer evidence under oath and allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence may not apply to hearings in the Small Claims Division at the sound discretion of the Court.

(D) Collection of Judgments: The court staff shall assist the prevailing parties in collection proceedings pursuant to Section 1925.13, Ohio Revised Code.

Rule 6.
JURY MANAGEMENT PLAN

A. Introduction:

It is the purpose of this rule to implement an efficient and comprehensive system of jury use and management for the Fulton County Courts.

B. Jury eligibility:

To ensure that the jury pool is representative of the adult population of Fulton County, Ohio, all persons are eligible to serve on a jury, except persons less than 18 years of age.

All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

C. Procedure for jury selection:

Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Fulton County within the district of the Fulton County Courts where they reside, by use of random selection procedures.

In January of each year, the Jury Commissioners, duly appointed by the respective Court, shall convene and select two hundred (200) jurors for each court to cover potential jury dates throughout the calendar year. The jury source list shall be reviewed and unsuitable names purged from such list, in accordance with the powers provided to jury commissioners by statute.

In the event two hundred (200) jurors drawn are insufficient to meet the needs for the courts in the calendar year, the Jury Commissioners shall reconvene as necessary to select additional jurors, in accordance with the appropriate statutes.

If, in the opinion of the Court, the jury source list is not representative of the adult population of the jurisdiction, additional source list shall be

utilized as authorized by law.

Departures from random selection shall be permitted only as follows:

1. to exclude persons ineligible for service;
2. to excuse or defer prospective jurors;
3. to remove prospective jurors for cause or if challenged peremptorily;
4. to provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.

All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned. Further, all prospective jurors may be required to complete a jury questionnaire. Said summons shall be phrased to as to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by ordinary mail. Said summons shall clearly explain how and when the recipient must respond and the consequences of the failure to respond. Any person who fails to respond to a duly served summons shall be served with a citation for contempt of court, and must appear to answer on said summons or, if appropriate, shall be arrested and detained for examination as to why they failed to attend.

D. Summoning of prospective jurors:

Prospective jurors shall be summoned only upon the filing of a written jury demand, if required. In civil cases, a jury deposit of five hundred dollars (\$500.00) shall be assessed. Said deposit shall be tendered no less than two (2) weeks before the trial date. In the event said deposit is not made, no jury will be summoned, and the failure to make said deposit shall be deemed a waiver of the right to trial by jury. A person determined to be indigent may petition the Court for a waiver of the jury deposit requirement.

In criminal cases, no deposit shall be required.

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of forty-five (45) persons per trial shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.

Every effort shall be made to resolve cases prior to summoning jurors. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The Assignment Commissioner shall contact counsel, or the parties, whichever is appropriate, at least ten (10) days prior to the scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned upon court order, at least ten (10) days in advance of trial. Those costs associated with the summoning of a jury shall be assessed against the party requesting the trial. If a trial is settled on the date of trial, all lawful jury costs shall be assessed against the party who requested the jury.

Persons summoned for jury service shall receive compensation in the amount of fifteen dollars (\$15.00) per day or as provided otherwise by rule or statute. Such fees shall be promptly paid from the County Treasury, as appropriate.

Any juror wishing to waive his/her fee for service shall be permitted to do so in writing in the Clerk's office. All waived fees shall be returned to the County Treasurer, as appropriate.

The term of service for any prospective panel shall be four (4) months.

E. Exemption, excuse and deferral:

All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time.

The following factors constitute a partial, although not exclusive, list of reasons for which a person may be excused or deferred from jury service:

1. Any person who suffers from a substantial physiological or psychological impairment;

2. Any person who has a schedule vacation or business trip during potential jury service;
3. Any person for whom jury service would constitute a substantial economic hardship;
4. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation;
5. Any person who has served on a jury within the last year;
6. Any person for whom it may be readily determined is unfit for jury service;
7. Any person for whom it is readily apparent would be unable to perform their duty as a juror;
8. Other valid excuse.

No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors.

F. Examination of prospective jurors:

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.

Jury questionnaires indicating basic background information concerning panel members shall be made available to counsel prior to the day on which the jury selection is to begin. Counsel is permitted to record or copy the information contained on the questionnaires, except addresses and telephone numbers, so long as all copies of jury questionnaires are returned to the court upon completion of trial. Under no circumstances may counsel or a party retain any jury questionnaires.

Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaires. Parties and counsel may be permitted to ask follow up questions concerning such information.

The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

1. Counsel may not examine prospective jurors concerning law or possible instructions;
2. Counsel may not ask jurors to base answers on hypothetical questions;
3. Counsel may not argue the case while questioning jurors;
4. Counsel may not engage in efforts to indoctrinate jurors;
5. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors;
6. Questions are to be asked collectively of the panel whenever possible;
7. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid embarrassment.

If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular cause fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if underrepresented, or upon the motion of the Court. Further, the Ohio Revised Code and Ohio Rules of Criminal Procedure set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternatively as presently established by the Revised Code and Civil Rules and Criminal Rules, unless prior to trial the parties agree on the record to an another method. Unless

otherwise agreed, all challenges shall be made in open court. In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause, however, peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

Challenges to the jury array shall be made in accordance with established rules of procedure.

In criminal cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror. In civil cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, additional alternate jurors may be selected.

G. Jury orientation:

Jurors shall report for service no later than 8:45 a.m., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the Court the day of trial, except those the Court must consider by law or by rule of procedure.

The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the Court, along with other basic and relevant legal principles.

Upon completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.

Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such court personnel for appropriate action.

All communications between the Judge and members of the jury panel, from the time of reporting to the Court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communications. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

H. Conclusion:

The Court shall collect and analyze information regarding the performance of this jury management plan to evaluate the representativeness of the jury pool; the effectiveness of the summoning procedures; the responsiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall jury satisfaction.

I. Case Management Plan

1. All minor misdemeanors and small claims cases shall be set for timely trial to the Court.

2. All other cases shall be set for a pretrial conference. All parties and attorneys shall be present to the pretrial conference.

3. The Court shall conduct the pretrial conference. For all cases which are not settled, the Court shall schedule all future conferences and hearings, which may include additional pretrials, mediation, a bench trial and/or a jury trial, as determined appropriate by the Court.

4. Cases may be dismissed for failure of prosecution as determined by the Court.

Rule 7.

FACSIMILE FILING RULES

The provisions of this local rule are adopted under Civ.R. 5(E), Ohio Rules of Civil Procedure, Crim.R.12(B), Ohio Rules of Criminal Procedure.

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to Eastern District (419)825-3324 and Western District (419)337-9286 subject to the following conditions:

(1) Applicability:

1.01 These rules apply to civil, criminal, and small claims proceedings in the Fulton County Court, Eastern and Western Districts, Ohio.

1.02 The following documents will not be accepted for fax filing: complaints in civil, criminal or small claims divisions, appeals, and any document that requires a payment of deposit for court costs.

(2) Original filing:

2.01 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 Court 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.

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

(3) Definitions:

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

3.01 A “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.

3.02 A “facsimile machine” means a machine that can send and receive a facsimile transmission.

3.03 “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(4) Cover page:

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

- (I) the name of the court;
- (II) the title of the case;
- (III) the case number;
- (IV) the assigned judge;
- (V) the title of the document being filed (e.g. Defendant Jones’ Answer to Amended Complaint; Plaintiff Smith’s Response to Defendants’ Motion to Dismiss; Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendants’ Motion to Dismiss) ;
- (VI) the date of transmission;
- (VII) the transmitting fax number;
- (VIII) an indication of the number of pages included in the transmission, including the cover page;
- (IX) if a judge or case number has not been assigned, state that fact on the cover page;
- (X) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
- (XI) if applicable, a statement explaining how costs are being submitted.

4.02 If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:
(I) enter the document in the Case Docket and file the document; or
(II) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of Courts.

4.03 The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing and the party sending the fax should call the court for confirmation of receipt.

(5) Signature:

5.01 A party who wishes to file a signed source document by fax shall either:

- (I) fax a copy of the signed source document; or
- (II) 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.

5.02 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

(6) Exhibits:

6.01 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 court, as a separate document, not later than five (5) 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.

6.02 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the

exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to 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. [See appendix for sample exhibit cover sheet.]

(7) Time of filing:

7.01 Subject to the provisions of these rules, 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 Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

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

7.03 The Clerk of Court will not independently acknowledge receipt of a facsimile transmission.

7.04 The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

(8) Fees and costs:

8.01 No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid.

8.02 No additional fee shall be assessed for facsimile filings.

(9) Length of document:

9.01 Facsimile filings shall not exceed fifteen (15) pages in length. The filer shall not transmit service copies by facsimile.

Rule 8.
MEDIATION PROCEDURE

A. Upon order of the Court, a civil action filed in this Court may be submitted to mediation as provided in this rule. By participating in mediation, a non-party participant, as defined by the Ohio Revised Code Section 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

Mediator is defined to mean any individual who mediates cases pursuant to an order of this Court, regardless of whether that individual is an employee, an independent contractor or a volunteer.

B. All civil cases may be referred to mediation. Before the initial pre-trial conference in a case, counsel shall discuss the appropriateness of mediation in the litigation with their clients and with opposing counsel. Mediation shall not be used as a alternative to the prosecution or adjudication of domestic violence, to determine whether to grant, modify or terminate a protection order, to determine the terms and conditions of a protection order, or to determine the penalty for violation of a protection order.

At the initial pre-trial conference, the parties and counsel shall advise the Court of the results of their discussions concerning mediation. At that time and at subsequent conferences, if necessary, the Court may explore with the parties and counsel the possibility of using mediation. A party opposed to either the referral or the appointed mediator must file a written objection with the Court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

C. The case is referred to mediation y order of the Court. The Court may issue the order on its own motion, upon the motion of counsel or upon referral by the mediator.

D. Continuances shall be granted only for good cause shown and after a mutually acceptable future date has been determined. No continuances will be granted if the mediation cannot be scheduled prior to the final pre-trial.

E. All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

F. Mediation communications are privileged as described in Ohio Revised Code 2710.03-2710.05.

G. If the parties wish mediation communication to be confidential, they will effect a written confidentiality agreement prior to mediation.

H. The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

I. Trial counsel, all parties and, if applicable, the principal insurance adjuster(s), all with authority to settle, shall personally attend all mediation sessions prepared to discuss all relevant issues, including settlement terms. A party other than a natural person must be represented by a person other than counsel.

If counsel or any mediatory party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the Judge of such fact.

If the opposing parties to any case have either resided in a common residence or are related by blood, adoption, or marriage, and have known or alleged domestic abuse at any time prior to the mediation, then the parties or their counsel have a duty to disclose such informa-

tion to the mediation staff. Such party shall have a duty to participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16 both prior to, and, in the mediator's discretion, during the mediation session(s).

J. If any of the individuals identified in the above-paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award of attorney's fees and other costs, contempt or other appropriate sanctions.

K. The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

I. If the parties fail to dismiss a settled case with the latter of sixty (60) days or the time noted in the entry that gave the court notice of the settlement, then the Court may dismiss the case administratively. Upon such administrative dismissal, court costs shall be paid from the funds deposited. If court costs exceed the funds deposited, each party shall bear their own costs.

Rule 9.
BROADCASTING, RECORDING AND PHOTOGRAPHING
DURING COURT SESSIONS

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

1. Requests for permission of media to participate under this Rule shall be made in writing to the Judge or Magistrate to whom the case is assigned no later than five (5) days prior to the session involved. The Judge or Magistrate involved with the particular session may waive the advance notice requirement for good cause.
2. The Court shall grant the request in writing or by order consistent with Canon 1 of the Code of Judicial Conduct, Superintendence Rule 12, and these Rules in the event the Court determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial or hearing. The written permission shall be made a part of the record in the case.
3. In the event of a continuance of the court proceeding for which media permission has been granted for a period of more than thirty (30) days, a new media request shall be required.
4. All media representatives interested in recording courtroom proceedings shall do so through the pooling of their respective resources. Such arrangements shall be made prior to reopening of the court session and without imposing on the trial court or court personnel. In the event disputes arise over the arrangements between or among media representatives, the Court shall exclude all contesting representatives from the proceeding.
5. The Court shall specify the location(s) in the courtroom where the operators and equipment are to be positioned. Media representatives shall be afforded a clear view of the proceedings in the courtroom. Any equipment shall be ready for operation prior to commencement of court sessions. No persons will be permitted to bring equipment into

or remove equipment from the courtroom or move about during times when Court is in session.

6. No interview shall be conducted inside the courtroom during any time that Court is in session.

7. Only one video camera shall be permitted in the courtroom operated by no more than one (1) person.

8. No artificial lighting shall be used other than normal courtroom lighting.

9. Only one (1) still photographer shall be permitted in the courtroom.

10. Only one (1) audio system for radio broadcast shall be permitted in the courtroom.

11. Audio tape recording equipment may only be used with permission of the Court involved.

12. Media pooling equipment shall be located outside the courtroom.

13. Changes of tape or reloading audio and video equipment is not permitted inside the courtroom during proceedings.

14. No equipment shall be used inside the courtroom that produces distracting sounds as determined by the Judge or Magistrate involved.

15. There shall be no audio pick up or broadcast of conferences conducted between attorneys and clients, co-counsel, opposing counsel, or trial court and counsel at bench conversations.

16. There shall be no video, film, audio, or still photo of victims, witnesses, or court personnel.

17. There shall be no video, film, audio, or still photo of jurors.

18. Media is not permitted access to proceedings in either the Judge's chambers or in the jury deliberation room.

19. Media is not permitted to record in any manner any document or exhibit used at the session except those audio-visual aids used during the session that are clearly perceived by the gallery at large unless permission to do so is granted by the Court.
20. Proper courtroom decorum shall be maintained by all media representatives, i.e. proper attire and demeanor.
21. All bags, equipment or other materials brought to the courtroom shall be subject to search by security officers at anytime.

Effective date: These local rules shall be effective January 14, 2011.