



COUNTY COURT OF FULTON COUNTY

EASTERN DIVISION

204 S. MAIN STREET SWANTON, OHIO 43558

JUDGE COLIN J. McQUADE

CHRISTINE M. MOSSING, Clerk  
DEBRA UNDERWOOD, Deputy Clerk  
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January 15, 2020

Jeffrey C. Hagler, Esq.,  
Administrative Director  
Supreme Court of Ohio

LocalRules@sc.ohio.gov

Re: Local Court Rules

Dear Mr. Hagler:

We have received and thank you for your correspondence of December 3, 2019.

Kindly be advised that a set of the current "Rules of Court, Fulton County Court, Eastern and Western Districts," and which are further maintained on the Fulton County, Ohio website, under "Court Rules" for either Eastern or Western District Courts. Such rules were modified from the previous year and are effective 1/1/2020.

Please advise if further information is required. Thank you for your consideration.

Fulton County Court, Eastern District

A handwritten signature in blue ink, appearing to read "Colin J. McQuade".

Colin J. McQuade, Judge

CJM

cc: Eric K. Nagel, Judge

**RULES OF FULTON COUNTY COURT,  
EASTERN AND WESTERN DISTRICT**

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

RULE I.  
CRIMINAL CASE

- A. Purpose: 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 an arraignment. Thereafter, the case is managed in four judicial steps:
1. Initial Pretrial: In all criminal prosecutions, and at the request of the defendant and upon the filing of a waiver of all time requirements, an initial 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 initial pretrial shall be conducted in accordance with Rule 17.1 , Ohio Rules of Criminal Procedure. An attorney who fails to appear for an initial pretrial without just cause being shown may be subject to sanctions for contempt of court.
    - a. Motions- All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.
    - b. Continuances- Continuances of any proceeding may only be granted upon written motion with supporting memoranda as to the circumstances necessitating the continuance. The granting of a continuance is a matter within the absolute discretion of the court.
  2. Final Pretrial: The court will set all cases in which a jury has been requested for a final pretrial more than 7 days before the jury trial is to occur.
    - a. At the final pretrial, all counsel of record shall appear and provide the court with:
      - i. written jury instructions
      - ii. a list of witnesses expected to testify
      - iii. marked exhibits.
  3. Trial: Each case not resolved at pretrial shall be set for trial to the court unless a jury demand has been timely filed. If a jury demand has been

timely filed, the case will be tried to a jury.

4. Sentencing: shall occur within sixty (60) days after trial.

C. Indigent Counsel Appointments:

- i. each defendant requesting appointment of defense counsel shall complete and sign the requisite form as supplied by the Court.
- ii. the Court shall appoint indigent counsel on a rotating basis from a list maintained by the Court and as further determined by qualifications of counsel, availability, and location to court and defendant;
- iii. the Judge and Clerk shall review all appointments a minimum of annually to ensure the equitable distribution of appointments; and
- iv. appointed counsel shall be paid and reimbursed for expenses as determined by the Fulton County Commissioners.

RULE II.  
CIVIL RULES

- 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. Definitions: "Party" or "parties" as used herein shall mean all parties to an action unless a party is represented. In that case, party or parties shall refer to counsel of record.
- C. Scheduling of Events: The scheduling of a civil case begins when a civil complaint is filed. Thereafter, the case shall be managed as follows:
  1. Clerical Steps:
    - a. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event a failure of service occurs, the clerk shall notify the party who has sought service immediately. In the event service is not perfected within six months from the date the complaint was filed, the court may dismiss the case pursuant to Rule 41 (A).
    - b. Upon perfection of service and the expiration of the period for filing a responsive pleading, the clerk shall notify a party of the default and that failure to submit a motion for default and proposed entry within 15 days after notification may result in the case being dismissed pursuant to Rule 41 (A).
    - c. After the filing of any responsive pleading, the clerk shall forward the file to the Judge and the clerk shall set the matter for a scheduling pretrial.
    - d. If no action has been taken on a file for six months and the case has not been set for trial, the clerk shall notify the parties the matter will be dismissed within 14 days for want of prosecution unless good cause is shown.

- e. All parties shall notify the court in writing when any case has been settled. The clerk shall mark all files, "Settled, entry to follow". In the event a judgment entry has not been proffered to the court within 30 days, the clerk shall notify the parties the case will be dismissed unless the entry is received within 10 days, unless good cause is shown why the case should not be dismissed.

D. Judicial Steps:

1. Scheduling Pretrial: After a responsive pleading is filed, the Clerk shall forward the file to the Judge. The Judge shall set a scheduling pretrial. Upon motion of counsel approved by the court, a party may appear by telephone at the scheduling pretrial. The purpose of the scheduling pretrial is to calendar all dates for the case, including setting discovery and motion deadlines, hearings for motions, a settlement pretrial and a trial date.
2. Motions: All motions must be in writing and accompanied by a written memorandum in support of the motion. The opposing party shall respond in like manner within 14 days thereafter. All motions will be considered submitted at the end of said 14 day period unless time is extended by the court.
3. Settlement Pretrial: Prior to final hearing, the court shall set all actions for a "Settlement Pretrial". For the purpose of this rule, "Settlement Pretrial" shall mean a court supervised conference primarily designed to produce an amicable settlement.
  - a. Parties shall have marked all exhibits to be used at trial; provide a list of witnesses with addresses and phone numbers; provide proposed jury instructions (if the case is to be tried to a jury); and provide any other document or information as may be requested by the court.
  - b. Counsel attending any settlement pretrial conference must have complete authority to stipulate on items of evidence and must have, or present access to, full settlement authority.
  - c. Notice of all hearings shall be given to all parties (or their counsel of record if represented) by mail and/or by telephone by the Civil Clerk, not less than 14 days prior to the conference. Any application for continuance shall be addressed to the Judge.
  - d. Any party who fails to attend a hearing or pretrial conference, without just cause being shown, may be punished as for contempt of this court.
  - e. The Judge presiding at a pretrial conference or hearing may dismiss the action for want of prosecution on the motion of defendant upon the failure of plaintiff and/or plaintiff's counsel to appear in person; to order the plaintiff to appear with the case and to decide and determine all matters ex parte upon failure of the defendant to appear

in person or by counsel, and/or to make such other order as the Court may deem just or appropriate under the circumstances.

- f. If the case cannot be settled at the settlement pretrial, the case shall proceed to 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.
  - a. When a continuance is requested for the reason counsel is scheduled to appear in another case assigned for trial on the date in another court, the case which was first set shall have priority and shall be tried on the date assigned.
  - b. Criminal Case assigned for trial have priority over civil cases assigned for trial.
  - c. 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.
  - a. The entry shall be submitted to opposing counsel within 10 days of the decision. Opposing counsel shall approve or reject the entry within 10 days.
  - b. Within 15 days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the Court may prepare the journal entry.
  - c. Entries of settlement may be filed at any time.
  - d. In the event parties settle a matter settled within 30 days of a scheduled trial date, the parties shall notify the court in writing before the trial date the matter has been settled and further indicate who will be authoring the Judgment Entry or other pleading which brings the case to a resolution. The Judgment Entry or other pleading shall be filed with the court within 30 days of the original trial date or the case will be dismissed for want of prosecution, unless good cause is shown.
  - e. The journal entry shall state which party shall pay the court costs.
6. Schedule of court costs: The schedule of court cost deposits for civil cases in Eastern District and Western District Courts are set forth on Appendix 1 and Appendix 2.

E. Warrants to arrest in civil cases, if not executed within one (1) year from date of issue, shall be withdrawn.

RULE III.  
SPECIAL PROCEEDING

- A. Purpose: The purpose of this rule is to establish a case management system for special matters.
- B. Special Civil Proceeding: The following civil matters are considered special proceedings and may be heard by a Judge:
  - 1. Small Claim
  - 2. Forcible Entry and Detainer
  - 3. Default Hearings
  - 4. Rent Escrow
  - 5. Replevin
  - 6. Motion to show cause
  - 7. Garnishment Hearings
  - 8. Proceedings in aid of execution (debtor's exams)
  - 9. All Bureau of Motor Vehicle requests or appeals not arising out of traffic cases pending in this court. Appeals from administrative orders or other civil matters not listed hereinabove.
- C. Special Criminal Proceeding: The following criminal matters are considered special proceedings and are to hearing by the Judge:
  - 1. Preliminary hearings
  - 2. Extradition hearings
  - 3. Bureau of Motor Vehicle (BMV) hearings arising from traffic cases filed with the court.
    - a. The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Fulton County Courts. The electronically produced ticket shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket" set forth in the Ohio Traffic Rules, Appendix of Forms. The provisions of Rule 3, division (B), of the Ohio Traffic Rules relative to the color and weight of paper, size and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means. If an electronically produced ticket is issued at the scene of alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.
- D. Scheduling of events: Cases 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 90 days.

E. Clerical Duties:

1. In new cases, if counsel fails to obtain service of summons within six months from date of filing, the Clerk shall notify counsel that the case will be dismissed for want of prosecution in 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 failure to submit a motion for default and entry within 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 the pleading and file to the Judge so the matter may be set for hearing.
4. If no action has been taken on a file for a six month period and the case is not set for trial, the Clerk shall notify the party the matter will be dismissed for want of prosecution within one week absent good cause.
5. When a file has been marked "Case settled, JE to follow" and the entry has not been received within 30 days, the Clerk shall notify the parties the case will be dismissed for want of prosecution unless the entry is received within 10 days.

RULE IV  
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 days and cause a copy to be served on the parties.
- B. Response: If an answer or jury demand is filed in a forcible entry and detainer case, the Clerk shall forward the case to the Judge so that the case can be scheduled for the appropriate hearing.
- C. All causes of action for damages associated with the rental agreement which is the subject of the F.E.D. claim shall proceed as all other civil cases pursuant to Local Rule II et seq.

RULE V.  
SMALL CLAIMS DIVISION

- A. Small Claim Complaint shall be filed on forms approved and supplied by the court.
  - 1. The small claim complaint shall state the date and time for the initial appearance
- B. Service of small claims shall be made as required by the Ohio Rules of Civil Procedure.
- C. If both plaintiff and defendant appear at the initial appearance, the court shall:
  - 1. Refer the matter to mediation; or
  - 2. Set the matter for final hearing.
- D. Failure to Appear by Defendant: Failure to Should the defendant fail to appear for the initial appearance or for hearing the court may enter a default judgment against the defendant or proceed to hearing at the Court's discretion.
- E. Failure of Plaintiff to Appear: If the Plaintiff fails to appear at the initial appearance or the hearing, the court may dismiss the case for want of prosecution.
- F. Pleadings: All pleadings will be construed to accomplish substantial justice.
- G. Transfer to Regular Docket: Upon The filing of motion and affidavit, as required by Ohio Revised Code, Section 1925.10, or a counterclaim; and upon payment of the required costs, the small claim case shall be transferred to the regular docket. No transfer will be granted until the filing costs are paid.
- H. Final Hearing: The Court shall place all parties and witnesses who plan to testify under oath, before the plaintiff and defendant shall 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 Small Claims Proceedings at the sound discretion of the Court.
- I. Collection: The court staff shall assist the prevailing parties in collection proceedings consistent with Section 1925.13, Ohio Revised Code.

RULE VI.  
JURY MANAGEMENT PLAN

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.

- A. Jury eligibility: To ensure 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.
- B. 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.
  - 1. In January of each year, the Jury Commissioners, duly appointed by the respective Court, shall convene and select 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.
  - 2. In the event 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.
  - 3. 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.
- C. 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.
- D. Notifications: All prospective jurors shall be notified by regular mail of their obligation.
- E. Summoning of prospective jurors:
  - 1. Prospective jurors shall be summoned only upon the filing of a written jury demand, if required
    - a. Civil Cases: In civil cases, a jury deposit of \$500.00 shall be assessed. Said deposit shall be tendered no less than two 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.

- F. Jury Panel: Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Forty five (45) persons per trial shall be summoned for service unless the Court determines a lesser or greater number is necessary for a particular trial.
- G. Clerk's Dates. 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 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 10 days in advance 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.
- H. Jury Fees: Persons summoned for jury service shall receive compensation in the amount of \$15.00 per day or as provided otherwise by rule or statute. Such fees shall be promptly paid from the County Treasury, as appropriate.
- I. Waiver of Fee: 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.
- J. Jury Term: The term of service for any prospective panel shall be four months.
- K. Exemption, excuse and deferral:
  - 1. 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 their ability to receive and evaluate information is so impaired the juror is unable to perform his or her duties as a juror, or service upon a jury would constitute a significant hardship to the juror or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time.
  - 2. The following factors constitute a partial, although not exclusive, list of reasons for which a person may be excused or deferred from jury service:
    - a. Any person who has a schedule vacation or business trip during potential jury service
    - c. Any person for whom jury service would constitute a substantial economic hardship
    - d. 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

- e. Any person who has served on a jury within the last year
  - f. Any person for whom it may be readily determined is unfit for jury service
  - g. Any person for whom it is readily apparent would be unable to perform their duty as a juror
  - h. Other valid excuse
- L. Judge's Discretion: No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors.
- M. Voir Dire:
1. 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
  2. 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.
  3. 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.
  4. 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.
  5. 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:
    - a. Counsel may not examine prospective jurors concerning law or possible instructions;
    - b. Counsel may not ask jurors to base answers on hypothetical questions;
    - c. Counsel may not argue the case while questioning jurors;
    - d. Counsel may not engage in efforts to indoctrinate jurors;
    - e. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors;
    - f. Questions are to be asked collectively of the panel whenever possible;
    - g. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
- N. Special Juror Concerns:

1. In the event there a potential for sensitive or potentially invasive questions exists, the Court or the parties may request a hearing preceding voir dire to consider these questions.
  2. In all cases, void 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
  3. 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 unrepresented, 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.
- O. Peremptory challenges: 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.
- P. Challenges to Juror Array: Challenges to the jury array shall be made in accordance with established rules of procedure.
1. In criminal cases, the jury shall consist of eight jurors and one alternate juror. In civil cases, the jury shall consist of eight jurors and one alternate juror, unless by agreement, the parties stipulate to a lesser number, In special circumstances, additional alternate jurors may be selected.
- Q. Jury orientation- All jurors shall receive orientation to jury services as follows:
1. 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.
  2. 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.
  3. 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.

- R. Jury Supervision: 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.
- S. Communications with Jurors: 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.
- T. Juries shall conduct deliberation as follows:
1. 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.
  2. 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.
  3. 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.
  4. 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.
- U. Post hearings Evaluation:
1. 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.

RULE VII.  
FACSIMILE FLING RULES

- A. Authority: The provisions of this local rule are adopted under Civ. Rule 5(E), Ohio Rules of Civil Procedure, Crim. Rule 12(B), Ohio Rules of Criminal Procedure.
- B. Fax Filings: 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:
    - a. These rules apply to civil, criminal, and small claims proceedings in the Fulton County Court, Eastern and Western Districts, Ohio.
    - b. The following documents will not be accepted for fax filing: complaints in civil, criminal or small claims divisions, appeals, and any document which requires a payment of deposit for court costs.
  2. 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 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.
    - b. 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:
    - 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.
    - b. "facsimile machine" means a machine that can send and receive a facsimile transmission.
    - c. "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
    - a. 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. Name of the court

- ii. Title of the case
  - iii. Case number
  - iv. Assigned judge
  - v. Title of the document being filed
    - 1. (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. Date of transmission
  - vii. 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 email address of the person filing the fax document if available
  - xi. If applicable, a statement explaining how costs are being submitted.
- b. 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;
    - 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.
  - c. 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:
- a. A party who wishes to file a signed source document by fax shall either:
    - i. fax a copy of the signed source document.
    - 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.
  - b. 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:
- 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 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

- b. 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:

- a. 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.
- b. 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.
- c. The Clerk of Court will not independently acknowledge receipt of a facsimile transmission.
- d. 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. Fee and Costs:

- a. No document filed by facsimile which requires a filing fee shall be accepted by the Clerk for filing until the filing fees have been paid.
- b. No additional costs shall be assessed for facsimile filings.

9. Length of Document

- a. filings shall not exceed 15 pages in length. The filer shall not transmit service copies by facsimile.

RULE VIII. MEDIATION  
PROCEDURE

- A. Summary: 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 nonparty 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.
- B. Definition: 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.
- C. Referral of Cases: 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 an 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.
- D. Mediation Order: The case is referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of a party or upon referral by the mediator.
- E. Continuance: 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.
- F. Orders not Stayed: All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.
- G. Privilege: Mediation communications are privileged as described In Ohio Revised Code 2710.03-2710.05.
- H. Confidentiality: If the parties wish mediation communication to be confidential, the parties will effect a written confidentiality agreement prior to mediation.
- I. Mediator Report: 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.

- J. Third Parties: 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.
- K. Disclosure of Domestic Abuse: 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 information 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).
- L. Sanctions: 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.
- M. Miscellaneous: 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.
- N. Dismissed: If the parties fail to dismiss a settled case within the latter of 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 IX.  
BROADCASTING, RECORDING, AND PHOTOGRAPHING DURING COURT

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

- A. **Written Requests:** 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 days prior to the session involved. The Judge or Magistrate involved with the particular session may waive the advance notice requirement for good cause.
- B. **Order:** The Court shall grant the request in writing or by order consistent with Canon 1 of the Code of Judicial Conduct, Superintendence Rule 1 2, 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.
- C. **Time Limitations:** In the event of a continuance of the court proceeding for which media permission has been granted for a period of more than 30 days, a new media request shall be required.
- D. **Pooling of Resources:** 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.
- E. **Requirements:** 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.
- F. **Restrictions:** The following restrictions only applicable to media coverage:
  - 1. No interview shall be conducted inside the courtroom during any time that Court is in session.
  - 2. Only one video camera shall be permitted in the courtroom operated by no more than one (1) person.
  - 3. No artificial lighting shall be used other than normal courtroom lighting.
  - 4. Only one still photographer shall be permitted In the courtroom.

5. Only one audio system for radio broadcast shall be permitted in the courtroom.
  6. Audio tape recording equipment may only be used with permission of the Court involved.
  7. Media pooling equipment shall be located outside the courtroom.
  8. Changes of tape or reloading audio and video equipment are not permitted inside the courtroom during proceedings.
  9. No equipment shall be used inside the courtroom that produces distracting sounds as determined by the Judge or Magistrate involved.
  10. 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.
  11. There shall be no video, film, audio, or still photo of victims, witnesses, or court personnel.
  12. There shall be no video, film, audio, or still photo of jurors.
  13. Media is not permitted access to proceedings in either the Judge's chambers or in the jury deliberation room.
  14. Media 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.
- G. Proper Decorum: Proper courtroom decorum shall be maintained by all media representatives, i.e. proper attire and demeanor.
- H. Security Issues: All bags equipment or other materials brought to the courtroom shall be subject to search by security officers at any time.
- I. No video or audio of court proceedings may be released to social media, other than regular broadcasts.

Rule X  
RECORDS RETENTION SCHEDULE

The following schedule for record retention, not otherwise set forth in the Ohio Revised Code, is established as follows:

Schedule Number	Record Title and Description	Retention Period	Media Type
BW 15-04	BCI & I Fingerprint cards (Any cards not part of a case file and filed separately)	5 years	Paper
BW 15-05	BCI & I reports	5 years	Paper
BW 15-06	BMV reports	3 years	Paper
BW 15-13	Juror information	3 years	Paper
BW 15-14	Misc. filed cases/subpoenas (phone records/destruction of property)	3 years	Paper
BW 15-15	Pay-ins to Treasurer	3 years	Paper
BW 15-16	Payroll records/employee records	3 years	Paper
BW 15-17	Purchase orders	3 years	Paper
BW 15-21	Sealed cases (expungements)	25 years	Paper
BW 15-23	Supreme Court reports	5 years	Paper
BW 15-24	Taped court proceedings	10 years	Electronic
BW 15-28	Trusteeship cashbooks	5 years	Paper
BW 15-29	Trusteeship records	5 years (after expiration of trusteeship)	Paper

Rule XI  
COLLECTION OF COURT COSTS

A. Payments in all criminal and traffic cases shall be applied as follows:

1. Restitution;
2. Court costs and appointed counsel fees;
3. Fines.

B. Upon default of payment, collection of costs in excess of \$100.00 shall be referred to the Ohio Attorney General's office.

C. Upon default of payment of costs with a balance less than \$100.00, no warrant shall issue, however, the Clerk shall retain a list of defendant's with unpaid costs in the event of future court involvement with defendant.

D. At the discretion of the Judge, fines may also be referred to the Ohio Attorney General's Office for collection.

E. The schedule of court cost deposits for traffic or criminal cases in Eastern District and Western District Courts are set forth on Appendix 3 and Appendix 4.

## Eastern District Court Fees

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Action	Fee
Civil Complaint	\$75.00 \$35.00 each additional defendant
Small Claims	\$50.00 \$5.00 each additional defendant
Eviction	\$200.00 \$50.00 after 3 defendants
Garnishment - wage	\$30.00
Garnishment - non-wage	\$20.00+\$1.00 to financial institution
Debtor's Exam (Proceeding in Aid of Execution of Judgment)	\$75.00 \$0.00 each additional defendant
Trusteeship	2% of funds collected
Bench Warrant	\$0.00
Certificate of Judgment	\$5.00
Subpoena	\$40.00
Sheriff's Execution	\$100.00
Replevin	\$100.00
Counterclaim	\$75.00
BMV Filing	\$50.00
Transfer Case to Civil Docket	\$75.00
Revival of Judgment	\$75.00
Triple Certificate	\$10.00
Vacate Judgment	\$0.00
Jury Trial Filing Fee - Civil Cases only	\$500.00
Sheriff's Service (excluding Evictions)	\$0.00
Any miscellaneous filing not listed above	\$0.00

Appendix 1

**Fulton County Court  
Western District**

**Civil Fee Schedule**

ACTION	FEE
Civil Complaint	75.00
each additional defendant	35.00
Small Claims	50.00
each additional defendant	5.00
Eviction	200.00
each additional defendant	50.00
Garnishment – wage	50.00
Garnishment – non-wage	50.00 + 1.00 to financial institution
Debtor's Exam (Proceeding in Aid of Execution of Judgment)	75.00
each additional defendant	10.00
Trusteeship	\$25.00 filing fee + 2% of funds collected
Bench Warrant	25.00
Additional Certificate of Judgment	5.00
Subpoena	25.00
Sheriff's Execution	100.00
Replevin	250.00
Counterclaim	75.00
BMV filing	50.00
Transfer Case to Civil Docket	75.00
Revival of Judgment	50.00
Triple Certificate	10.00
Vacate Judgment	25.00
Jury Trial Filing Fee – Civil Cases only	500.00
Sheriff's Service (excluding Evictions)	50.00
Any miscellaneous filing not listed above	50.00

effective 1-1-2014  
Civil Fee Schedule 2014

FULTON COUNTY COURT, EASTERN DISTRICT

STATE OF OHIO VS

.....  
FINE

LOCAL COST	16.00
VICTIMS OF CRIME	9.00
COMPUTER FUND	3.00
SPECIAL PROJECT	15.00
CREDIT CARD	1.00
PROBATION	3.00
MEDIATION SERVICES	8.00
DRUG ENFORCEMENT FUND	3.40
INDIGENT DEF SUPPORT	25.00
INDIGENT ALCOHOL TREATMENT	1.50
JUSTICE PROGRAM SERVICES	.10

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TOTAL \$85.00

Appendix 3

*FULTON COUNTY COURT, WESTERN DISTRICT  
TRAFFIC COST SHEET*

STATE OF OHIO

CASE NO:

VS.

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FINE:

LOCAL COSTS (LC)	16.00
VICTIMS OF CRIME (VC)	9.00
COMPUTER (CI)	10.00
CREDIT CARD (CCF)	2.00
PROBATION OFFICER (PRBC)	3.00
SPECIAL PROJECTS (SP)	15.00
MEDIATION SERV (MED)	8.00
INDIGENT DEF SUPPORT (IDFC)	25.00
DRUG ENFORCEMENT FUND (DEFC)	3.40
INDIGENT ALCOHOL TREATMENT (IATC)	1.50
JUSTICE PROGRAM SERVICES (JPSF)	0.10

\$ 93.00

CERTIFIED MAIL (LC - Local Costs):

SHERIFF FEES (SF):

SERVICE FEES:

ATTORNEY FEES (ATF1):

INDIGENT APPLICATION FEE (PDF):

~~COMMUNITY SERVICE FEE (CSF)~~

OTHER COSTS: License forfeiture and reinstatement  
letter:

\$ 25.00

TOTAL:

Appendix 4