Cuyahoga County Common Pleas Court Local Rules

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1.0 PRESIDING JUDGE

The Presiding Judge of the Court of Common Pleas shall be selected under the terms and conditions as set forth in Superintendence Rule 3(A). The Presiding Judge shall have such powers and duties as set forth in section (B) of the Superintendence Rule 3.

The Judges of all divisions shall meet at the call of the Presiding Judge for the purpose of discussing and resolving administrative problems common to all divisions.

Effective 05/01/99

2.0 ADMINISTRATIVE JUDGES

(A) The divisions of the Common Pleas Court shall be as follows:

(1) General Division

(2) Domestic Relations Division

(3) Probate Division

(4) Juvenile Division

(B) The Judges of The General Division shall select an Administrative Judge at the September judges' meeting under the terms and conditions as set as set forth in Superintendence Rule 4 (A). The candidates for Administrative Judge shall have completed a full term as a general division judge before assuming the office. The Administrative Judge shall be elected for a two (2) year term and may be re-elected. The election shall be by secret ballot if an election is contested; voting by proxy is not permitted. Election requires that the Administrative Judge receive a majority vote of the qualified sitting judges. The Administrative Judge shall have such powers and duties as set forth in Section (B) of Superintendence Rule 4.

(C) The Administrative Judge shall be the presiding officer of the General Division and shall have full responsibility for and control over the administration, and docket and calendar of the General Division and shall be a spokesperson for the Court on all policy matters.

(D) The Administrative Judge shall name the Chairperson and shall appoint members and fill vacancies of all committees. Upon election or reelection the Administrative Judge may change the membership of all committees.

(E) There shall be the following committees and such other ad hoc committees as may be created by the Administrative Judge:

(1) Civil Rules

(2) Criminal Rules

(3) Policy

(4) Probation

(5) Technology

(6) Veterans Service

Passed by Emergency Vote 09/13/2017

3.0 TERMS OF COURT: HOURS OF COURT SESSIONS

(A) The Court shall be in continuous sessions for the transaction of judicial business but each calendar year shall be divided into three (3) terms to be designated as the January, May and September terms of Court. The day of the commencement of each term of Court shall be fixed by the Judges.

(B) The sessions of the Court generally shall be daily Monday through Friday from 9:00 a.m. to 12:00 noon and from 1:15 p.m. to 4:30 p.m.

(C) The Court shall be in session at such other times and hours as the Administrative Judge or any judge shall prescribe to meet special situations or conditions.

4.0 MEETING OF THE JUDGES

(A) Regular Meetings:

The Administrative Judge shall set the time and date of general meetings of the entire division, shall notify the Judges within a reasonable time and submit a written agenda to all Judges at least three (3) days prior to the meeting. General meetings shall be held quarterly on the call of the Administrative Judge or upon the signed request of ten or more general division Judges. New business shall not be acted upon unless it is noted upon the agenda and submitted by the Administrative Judge to all members of the division prior to the meeting. Only Judges present at the meeting shall have the right to vote.

Minutes of all general meetings shall be kept in a record of actions taken and shall be distributed to each Judge.

(B) Judicial Conference of the Eighth Appellate Judicial District:

(1) Purpose: There shall be held at such time and place as shall be designated by the Presiding Judge of this Court and the Chief Justice of the Court of Appeals for the Eighth Appellate Judicial District in collaboration with Municipal Court Judges within this district and with members of the Bar designated pursuant to this Rule, a Conference of all Municipal, Common Pleas Judges and Appellate Judges of Cuyahoga County, and representative members of the Bar within the District for the purpose of considering the state of business of the Courts, affording a forum for dialogue between the Courts and between the Courts and the Bar, and advising ways and means of improving the administration of justice within the District.

(2) Who Shall Attend: It shall be the duty of each judge of the Court of Common Pleas of Cuyahoga County to attend the Conference and, unless excused by the Presiding Judge, to remain throughout the Conference. Regular sessions of Court, including all hearings, arraignments and trials, except those determined by a Judge of this Court, in consultation with the Presiding Judge, to require immediate attention shall be suspended throughout the time the Conference is in session.

(3) State of Dockets: The first part of the Conference shall be for the Judges alone and shall be devoted to a discussion of matters affecting the state of the dockets and administration of justice in the District. Members of the Bar to be chosen as set forth in the succeeding paragraph to members of the Conference shall meet at the same time the meeting for judges alone is scheduled to consider such matters as may be referred for their consideration by the Judges of the Conference and as may be programmed by the Executive Committee of the Conference, and shall participate in its discussions and deliberations during the subsequent sessions of the Conference.

(4) Members of the Bar: Members of the Conference shall include lawyers of experience and prominence in the profession to be appointed annually by the Judges of the Conference, by representatives of the organized Bar, and as otherwise selected and designated in accordance with Rules for the Judicial Conference.

Effective 09/01/02

5.0 DOCKETS AND CALENDARS

The Clerk of the Court shall prepare and maintain for the use of the General Division judges the following dockets and calendars:

(A) A general Appearance Docket consisting of Civil, Domestic Relations and Criminal parts.

(B) A journal consisting of Civil and Criminal parts.

(C) A separate Execution Docket.

(D) A separate Special Cases Docket.

(E) The Clerk shall keep an index to the Appearance and Execution Dockets direct and reverse and to all other books direct.

(F) In addition to the above mentioned items, the Clerk of Courts in the performance of his duties he shall be under the direction of the Court.

(G) All attorneys filing cases in Cuyahoga County Common Pleas Court shall provide the Clerk of Court with a business e-mail address on the case designation form and within the signature block of all pleadings. All attorneys entering an appearance within the case thereafter shall also be required to provide the clerk with a business e-mail address. All subsequent Court notifications shall be sent to the e-mail address provided to the Court. All pro se litigants shall continue to receive postcard notifications by mail unless the litigant specifically requests e-mail notification.

Effective 7/1/08

6.0 OFFICIAL REPORTER AND ASSISTANTS

(A) The Official Reporter shall be responsible for the general supervision of the office of Court Reporters and for the assignment of reporters. Reporters shall report for duty at 8:30 a.m. each working day and shall not engage in any other employment.

(B) In every case reported by the official or an assistant reporter, the trial judge shall make an appropriate entry taxing the statutory fee for each day of service to be collected as costs in the case. The compensation of reporters for making transcripts and copies shall be paid forthwith to the reporter by the party for whom it is made. No bill for any transcript ordered by a judge shall be approved unless it bears a certificate by the Official Reporter and that the charge is fair and in conformity with law. Every transcript of proceedings filed in this Court shall bear the name, address and telephone number of the reporter preparing it. A reporter shall not be required to prepare a transcript for any party until satisfactory arrangements for payment have been concluded.

7.0 SECURITY FOR COSTS

(A) No civil action or proceeding shall be accepted by the clerk for filing unless the party or parties filing the action shall have first deposited a sum to secure the payment of the costs except as otherwise provided by law. Advance deposits shall be in accord with the following schedule:

Civil Complaint	$250.00 *
Civil Complaint - Foreclosure	$475.00 *
Administrative Appeal	$250.00
Cognovits	$175.00
Foreign Judgment	$125.00
Replevin	$250.00
Third Party/Intervening Complaint	$75.00
Counter Claim/ Cross Claim/ Amend Complaint	$75.00
Service by Publication (Civil Action / Foreclosure)	$150.00 / $250.00
Jury Trial	$0
Order of Sale	$600.00
Certificate of Judgment - Common Pleas	$25.00
Certificate of Judgment - Foreign Court	$20.00
Certificate for Transfer	$15.00
Release of Lien	$5.00
Exemplified Copy	$1.00
Certified Copy	$1.00
Motion to Modify, Revive, Vacate	$30.00
Order in Aid	$40.00
Garnishment - Other Than	$80.00 **
Garnishment - Personal Earnings	$85.00
Writ of Execution	$3.00
Writ of Possession	$0

** Special Project Fees included*

***Fee for one bank, $10 each additional bank*

Convenience Fees for Credit Card, Debit Card and Electronic Check Usage

The following credit cards will be accepted by the Clerk of Courts: American Express, Discover, MasterCard and Visa. The Clerk of Courts is authorized to collect convenience fees as outlined below. All convenience fees are to be paid to Point & Pay, the financial transaction provider for the Cuyahoga County Clerk of Courts. *See Ord. O2014-0025 of the Cuyahoga County Council.*

Credit Card Transaction Amount	Convenience Fee
$0.01 - $50.00	$2.00
$50.01 - $100.00	$2.95
$100.01 - $200.00	$4.95
$200.01 - $300.00	$6.95
$300.01 - $400.00	$8.95
$400.01 - $500.00	$10.95
$500.01 - $600.00	$12.95
$600.01- $700.00	$14.95
$700.01 - $800.00	$16.95
$800.01 - $900.00	$18.95
$900.01 - $1000.00	$20.95
$1000.01 - $1100.00	$22.95
$1000.01 - $1100.00	$22.95
$1100.01 - $1200.00	$24.95
$1200.01 - $1300.00	$26.95
$1300.01 - $1400.00	$28.95
$1400.01 - $1500.00	$30.95
$1500.01 - $1600.00	$32.95
$1600.01 - $1700.00	$34.95
$1700.01 - $1800.00	$36.95
$1800.01 - $1900.00	$38.95
$1900.01- $2000.00	$40.95
$2000.01 and up	$42.95 + $2.00 for each increase of $100.00 in payment amount
Electronic Checks Transaction Amount	**Convenience Fee**
Under $5,000.00	$2.95
Over $5,000.00 for each	$5.90

(B) On cases transferred to the Common Pleas Court in which the prayer of the cross-complaint exceeds the monetary jurisdiction of the municipal Court, the cross-complainant shall post security for costs in a sum equal to the amount required as if the case was originally filed in this Court.

(C) In newly files where the number of defendants exceeds ten, the Clerk of Courts shall require the standard deposit and a deposit of five dollars for each additional defendant. In cases with multiple parties where there are supplemental pleadings filed, the Clerk of Courts may require the party requesting service to advance an amount estimated by the Clerk.

(D) A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs and is subject to Court review at any stage of the proceedings.

Effective 10/15/14

8.0 ALL PLEADINGS AND MOTIONS SUBMITTED FOR FILING IN CIVIL & CRIMINAL CASES

(A) All pleadings and motions shall be typewritten or legibly printed on white paper approximately 8-1/2 x 11 inches, double-spaced, 12 pt font, securely bound at the top and unfolded. Copies produced by facsimile machines and the like, if offered as the original, will, sua sponte, be ordered stricken from the files, except as provided in (E), except for documents described in (F), and except for any indictment or criminal complaint with an electronic signature that is submitted by the County Prosecutor's Office to the Clerk of Courts in accordance with procedures adopted by the Court. 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. Every pleading, motion, brief or other paper filed in a cause shall be identified by title and shall bear the name of the individual attorney, the attorney's supreme court registration number, and e-mail address, if available, the firm, if any, office address and telephone number of counsel, or if there be no counsel, then of the party filing the pleading.

(B) The complaint shall state in the caption the general nature of the action. The Clerk is authorized to refuse to accept for filing any case that does not contain a Case Designation Form indicating the category of the cause and any related cases, pending or closed, or if the case has been previously filed and dismissed.

(C) Civil Rule 12, prescribing time requirements for pleadings, will be 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 prior extension has been granted, by filing with the Clerk a written stipulation approved by all counsel providing for an extension. The stipulation shall affirmatively state that no prior extension has been granted. Neither the stipulation nor any entry shall be submitted to the Court for the initial extension. If no 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.

(D) Pleadings and motions may be amended as provided in Ohio Civil Rule 15, but no pleadings or motion shall be amended by interlineation or obliteration except upon leave of Court. A motion to amend any pleading shall state with particularity the substance of the proposed amendment, as well as the grounds therefore, and a copy of the proposed amended pleading shall be attached as an exhibit to said motion. Upon the filing of an amended pleading or motion, the original or any prior amendment shall not be withdrawn from the files except upon leave of Court.

Upon granting a motion pursuant to this Rule, the amended pleading shall be served on all parties as provided in Civil Rule 5.

(E) In accord with Civil Rule 5(D), neither notices for interrogatories, depositions or other discovery requests, nor interrogatories, requests for admissions or the response shall be filed with the Court unless ordered. Whenever a party files a motion with the Court that relates to or involves interrogatories or requests for admissions, they shall be attached to the motion.

(F) In accordance with procedures adopted by the court, documents electronically submitted by the prosecutor's office to the clerk of courts that are created by the prosecutor as part of an internet-based criminal case discovery system to confirm defense counsel's electronic request for discovery from the state under crim. R. 16 or otherwise and that are created by the prosecutor giving notice of the provision

of initial discovery to the defendant and requesting reciprocal discovery from such defense counsel in the same case.

8.1 CIVIL PLEADINGS AND MOTIONS DOCUMENT FILING REQUIREMENTS

Any person who files a civil complaint with the Clerk shall, at the time of filing, provide the Clerk with an unbound copy of the case designation sheet, signed complaint and exhibits, or other attachments.

Any person who files with the Clerk in a civil case an original pleading, motion or other document that is bound **other than by a paper clip, binder clip, or three-ring binder**, shall, at the time of filing, provide the Clerk with an unbound copy of the signed pleading, motion or other filing.

The purpose of this rule is to assure the accurate and efficient electronic imaging of documents filed with the Clerk.

Passed by the Judges on September 18, 2013.

Comments will be accepted until November 22, 2013.

Effective 09/18/13

9.0 SERVICE OF COPIES AND NOTICE

See Civil Rules 4 and 5

10.0 ENTRY OF APPEARANCE AND WITHDRAWAL OF COUNSEL

(A) Entry of Appearance:

All entries of appearance of counsel in any action shall be in writing.

In civil cases, entry of appearance by counsel may be effected by signature of counsel on a pleading, motion or letter to the Court.

In criminal cases, entry of appearance by counsel shall be on a form provided by the Court or by letter to the Court signed by counsel.

Until an entry of appearance properly made and signed by counsel has been filed, counsel shall not be entitled to appear at any proceeding in the action.

(B) Withdrawal of Counsel:

It is contemplated that counsel who has entered an appearance in the case shall remain in the case until it is concluded.

However, upon written motion for leave to withdraw from the action and for good cause shown, the Court may permit counsel to withdraw. Prior to or contemporaneously with the filing of a motion for leave to withdraw as counsel, counsel shall serve the client with a copy of the motion by certified mail, return receipt requested. Additionally, counsel shall include in the motion a certificate of service that states the date and manner in which the client and all other counsel of record have been notified.

The Court in which a motion for leave to withdraw as counsel is filed may, in its discretion, set a hearing date on the motion and may require the attendance of all counsel and clients. If the Court requires the attendance of clients at the hearing, it shall be the responsibility of counsel to inform the client of the hearing date and time by certified mail, return receipt requested.

The provisions of DR 2-110, EC 2-29 and EC 2-31 of the Code of Professional Responsibility are incorporated herein.

Effective 05/01/99

11.0 HEARING AND SUBMISSION OF MOTIONS

(A) Motions, in general, shall be submitted and determined upon the motion papers. Oral arguments of motions may be permitted on application and proper showing.

(B) The moving party shall serve and file with the motion a brief written statement of reasons in support of the motion and a list of citations of the authorities. If the motion requires consideration of facts not appearing of record, the movant shall serve and file copies of all affidavits, depositions, photographs or documentary evidence which the movant desires to submit in support of the motion.

(C) Each party opposing the motion, except a motion for summary judgment, shall serve and file within seven (7) days thereafter, a brief written statement of reasons in opposition to the motion and a list of citations of the authorities which are relied upon. If the motion requires the consideration of facts not appearing of record, the respondent shall also serve and file copies of all affidavits, depositions, photographs or documentary evidence which the respondent desires to submit in opposition to the motion.

(D) Reply or additional briefs upon motions and submissions may be filed with leave of the Court only upon a showing of good cause.

(E) Objections to interrogatories shall include, immediately preceding any discussions and citation of authority, the interrogatory in full to which objection is made.

(F) 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 Rule 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 the party seeking discovery shall first advise the Court 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 participating parties. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

(G) 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.

(H) All pleadings and briefs containing references to statutes, or regulations, unpublished cases or cases from Courts outside of this state except U. S. Supreme Court decisions shall have attached a copy of the statute, regulations or case. A party who cites an unpublished opinion or case shall indicate any disposition by a superior appellate Court.

(I) Unless otherwise ordered by the Court,

(1) A party opposing a motion for summary judgment made pursuant to civil rule 56 may file a brief in opposition with accompanying evidentiary materials (as permitted by civil rule 56 (c)) within thirty (30) days of service of the motion the movant may file a reply brief in support of the

motion within ten (10) days of service of the brief in opposition. The movant's reply brief shall not refer to or include any additional evidentiary materials without agreement of the parties or leave of court.

(2) Unless otherwise ordered by the court, motions for summary judgment shall be heard on briefs and accompanying evidentiary materials (as permitted by civil rule 56 (c)) without oral argument.

Amended 07/01/2003

12.0 REPRODUCTION OF HOSPITAL RECORDS

(A) Upon motion of any party showing good cause and upon notice to all other parties and the individual who is the subject of the reports, the judge may order any hospital by any agent competent to act in its behalf, to reproduce all or any portion of designated hospital records, not privileged, which constitute or contain evidence pertinent to an action pending in this Court. The order shall direct the hospital to describe by cover letter the portion or portions of the records reproduced and any omissions and specify the usual and reasonable charges. The order shall designate the person or persons to whom such reproductions shall be delivered or made available.

(B) 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 or objections impliedly or specifically reserved unless the order expressly provides otherwise.

(C) Charges for reproduction of its records shall be paid directly to the hospital by the movant or movants.

(D) 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. Unless otherwise ordered by the Court, all original records shall be returned by the Court reporter to the hospital upon entry of judgment in this Court.

13.0 DEPOSITIONS

See Civil Rules 26, 27, 28, 29, 30, 31, 32, 37 and 45(D)

(A) Witnesses, parties and counsel shall conduct themselves at depositions in a temperate, dignified and responsible manner.

(B) Counsel are expected to make a timely and good faith effort to confer and agree to schedules for the taking of depositions. Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours. Except for good cause, counsel for the deponent shall not cancel a deposition or limit the length of a deposition to less than 1 day of 7 hours without stipulation of the examining counsel or order of the Court.

13.1 DEPOSITION CONDUCT

The following rules for the taking of depositions emphasize the expectations of the Court as to certain issues; they are intended to supplement Ohio R.Civ.P. 26, 30, 32 and 37:

(A) Decorum. Opposing counsel and the deponent shall be treated with civility and respect, and the questioner shall not engage in repetitive, harassing or badgering questioning. Ordinarily, the deponent shall be permitted to complete an answer without interruption by counsel.

(B) Objections. Objections shall be limited to:

(1) those which would be waived if not made pursuant to Ohio R.Civ.P. 32(D),

(2) those necessary to assert a privilege,

(3) those necessary to enforce a limitation on evidence directed by the Court,

(4) those necessary to present a motion under Ohio R.Civ.P. 30(D), those necessary to preserve a proper evidentiary objection should the deposition be used as evidence or for impeachment, or

(5) those necessary to assert that the questioning is repetitive, harassing or badgering.

No other objections shall be raised during the course of the deposition.

(C) Speaking Objections. Counsel may interpose an objection by stating "objection" and the legal grounds for the objection. Speaking objections which refer to the facts of the case or suggest an answer to the deponent are improper and shall not be made in the presence of the deponent. Counsel shall not argue the reasons for the objection on the record.

(D) Instructions Not to Answer. Counsel may instruct a deponent not to answer a question only when necessary to preserve a privilege, enforce a limitation on evidence directed by a court, present a motion under Ohio R.Civ.P. 30(D), or terminate repetitive, harassing or badgering questioning. In the event privilege is claimed, examining counsel may make appropriate inquiry about the basis for asserting the privilege.

(E) Irrelevant and Embarrassing Questions. If an attorney objects to a particular line of questioning on the ground that the questioning is being conducted in bad faith, or in such a manner as unreasonably to annoy, embarrass or degrade the deponent, the questioning Attorney should move on to other areas of inquiry, reserving the right to pursue the objected-to questions at a later time or date if the objecting Attorney agrees to withdraw the objection or if, as a result of a conference call by the Attorneys to the appropriate court, a motion to compel or a motion filed under Civil Rule 30(D), a court determines that the objected-to questions are proper.

(F) Conferring During Questioning. While a question is pending, counsel for the deponent and the deponent shall not confer, except for the purpose of deciding whether to assert a privilege.

(G) Documents. During the deposition, examining counsel shall provide opposing counsel and counsel for the deponent with copies of all documents shown to the deponent.

(H) Where a witness, party or counsel violates any of these rules at a deposition, the Court may order sanctions or other remedies, including those sanctions available under Civ.R. 26(C) or 37, as well as attorneys' fees.

(I) The Cuyahoga County Common Pleas Court recognizes the Ohio Supreme Court's Commission on Professionalism has issued its publication published "Deposition Do's and Don'ts." The Court Cuyahoga County Court of Common Pleas expects all attorneys practicing before the Court it to adhere to the best practices contained in this document incorporated herein.

14.0 DAILY LAW JOURNALS

(A) The "Daily Legal News and Cleveland Recorder," a daily law journal and newspaper of general circulation, is designated as the official publication of this Court. All official and legal notices required by law or ordered by the Court to be published may be published in the daily law journal. All charges for such publications shall be taxed as costs. For the publication of new cases, calendars, motions, dockets and notices the publisher of the daily law journal shall receive ten dollars ($10.00), to be paid in advance by the party filing a complaint, transcript for appeal or a lien, to be taxed in the costs and collected as other costs and as provided in O.R.C. 2701.09.

(B) The publisher of the daily law journal shall receive the sum of five dollars ($5.00) for each required entry in the daily law journal published in the "abstract," and the Clerk of Courts shall tax as costs the sum of five dollars ($5.00) for each entry made.

Effective 12/01/94

15.0 ASSIGNMENT OF CIVIL CASES FOR TRIAL

(A) All civil cases shall be assigned to a judge through a process either manual or electronic, which ensures a random selection of the judge and preserves the identity of the judge until selected.

(B) It shall be the duty of the assigned judge to handle all Court activity, including motions, emergency matters, case management conferences, pre trials, trials, and any post trial matters associated with the cases assigned to the docket.

(C) The scheduling of civil cases for case management conferences and pretrials may be handled by the Central Scheduling Office (CSO).

(D) The trial date for a case will be set by the judge to whom the case is assigned.

(E) The commitments of attorneys in any state Court of record, the U.S. District Court or other branches of this Court shall be honored by each judge when considering the setting of trial dates. (See Sup. Rule 41) If a scheduling conflict arises between the trial Court and an appellate Court, the appellate Court shall be deemed to have a priority.

(F) Attorneys with larger than average caseloads may, upon notification by the Administration Judge, be required to submit detailed calendar information on a regular basis and to comply with other orders that may promote the orderly and timely disposition of his caseload.

(G) (1) If a plaintiff, either in person or by counsel, fails to appear for a scheduled trial date, the judge may after notice enter an order dismissing the action for want of prosecution. If a defendant, either in person or by counsel, fails to appear, and the plaintiff appears, the judge shall order the plaintiff to proceed with the case and decide and determine all matters ex parte.

(2) If a party or counsel appears but shows good cause as to why he is not ready for trial, the Court shall make such order or orders it deems proper. If a party or counsel appears but indicates he is not ready for trial without showing good cause for his unreadiness, the Court, if such party is plaintiff, shall enter an order dismissing the action for want of prosecution or, if a defendant, order the plaintiff to proceed with the case and determine all matters ex parte.

(H) Pursuant to Civil Rule 42, when actions involving a common question of law and fact are pending in this Court, upon motion by any party, the Court may order a joint trial of any or all of the matters in issue; it may order all or some of the actions consolidated; and, it may make such orders concerning proceedings as may tend to reduce unnecessary costs or delay. The motion for consolidation shall be filed in all actions for which consolidation is sought. All Judges involved in the consolidation motion shall confer in an effort to expedite the ruling. The Judge who has the lower or lowest numbered case shall rule on the motion. In the event that the Judges cannot agree, the motions shall be referred to the Administrative Judge for ruling.

(I) All cases re-filled with the Clerk's Office which were dismissed without prejudice pursuant to Civil Rule 41A on a previous occasion shall be immediately assigned to the original docket identified on the case designation form. In the event a case is incorrectly assigned to a judge, an order transferring a previously

filed case or related case to another judge must be entered within 120 calendar days from the date of the filing of the new complaint in the new case.

(J) If a case disposed by an assigned judge is reversed and remanded by an appellate Court the case shall be returned to the docket of the assigned judge. If a case is disposed of by a visiting judge and the case is reversed and remanded by an appellate Court, the case shall be returned to the docket of the assigned judge who referred the case.

Effective 07/01/08

16.0 ASBESTOS LITIGATION SPECIAL PROVISION

(A) In an action involving any allegation for injury or death arising from exposure to asbestos, the rules of civil procedure governing a civil action shall apply except as provided by this rule.

(B) The caption of all legal papers filed in the action shall contain the designation "Civil Action -- Asbestos."

(C) Within twenty-eight (28) days after service of the complaint, the defendant shall enter an appearance which shall constitute:

(1) a denial of all averments of fact in the complaint;

(2) an allegation of all affirmative defenses; and

(3) a claim for indemnification and contribution from any other party.

By filing an entry of appearance, all averments of appearance, all averments of fact are deemed denied (subdivision (c)(1), all affirmative defenses are deemed alleged (subdivision (c)(2), and each defendant is deemed to have asserted a claim for indemnity and contribution against each other party (subdivision (c)(3).

Effective 12/01/97

17.0 PASSING AND DELAY OF CASES

(A) Continuances: the continuance of a schedule trial or hearing is a matter within the sound discretion of the trial Court for good cause shown.

(1) Motion to Continue: No party shall be granted a continuance of a trial or hearing without a written motion from the party or counsel stating the reason for the continuance, endorsed in writing by the party as well as counsel; however, the trial judge may waive this requirement upon a showing of good cause. Such motion shall be filed with the Clerk of Courts and received by the Court not later than seven (7) days before the date set for trial or hearing. If the motion is not approved by the trial judge, the case shall proceed as originally scheduled. No continuance shall be granted without first setting a definite date for the trial or hearing.

(2) Witness Unavailable: When a continuance is requested due to unavailability of a witness at the time scheduled for trial or hearing, the Court shall consider the feasibility of recording that testimony permitted by Civil Rule 30(B), and authorized for use by civil rule 32(A)(3).

(3) Military or Bankruptcy Stays: Cases stayed by reason of a party being on active duty in the military service or by order of Bankruptcy or other Court shall not be deemed included within the operation of this rule.

(B) Conflict of Trial Assignment Dates:

(1) When a continuance of trial or hearing is requested for the reason that counsel of record is scheduled to appear in another case, assigned for trial on the same date in the same or another trial Court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The Court should not consider any motion under this Rule unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than thirty (30) days prior to the scheduled trial.

(2) A continuance shall be granted upon request when a party, counsel or witness under subpoena is scheduled to appear on the same date at a hearing before the Board of Commissioners on Grievances and Discipline of the Supreme Court as a member of the Board, as a party, as counsel for a party, or as a witness under subpoena for such hearing.

Effective 12/01/97

18.0 DISMISSAL OF CASES

Each judge shall quarterly review all civil cases pending on that judge's civil docket, except cases awaiting trial assignment. Cases that have been on the docket for six months without any proceedings taken, shall, after notice, be dismissed for want of prosecution, unless good cause is shown to the contrary.

The Court may make such orders as may facilitate the prompt and just disposition of any action.

19.0 JOURNAL ENTRIES

(A) When ordered or directed by the Court, counsel for the party in whose favor an entry, order, judgment or decree is entered shall, within ten (10) days unless the time is extended by the Court, prepare a proper journal entry and submit it to opposing counsel who shall approve or reject it within three (3) days after its receipt and may file objections in writing with the Court.

In all cases where a final title report is required, the time for preparation of the journal shall commence from the date the final title report is filed.

The Court shall approve a journal entry deemed by it to be proper, sign it MANUALLY OR APPLY AN ELECTRONIC SIGNATURE TO THE JOURNAL ENTRY PURSUANT TO LOCAL RULE 19.1, and cause it to be filed with the Clerk, and notice of the filing of each journal entry for journalization shall on the day following such filing be published in the Daily Legal News.

(B) (1) When a request for findings of fact and conclusions of law is made, the judge may direct the party making the written request to prepare, within five (5) days, proposed findings of fact and conclusions of law and submit them to the opposing counsel. Within ten (10) days after receipt by the opposing counsel, the proposed findings shall be submitted to the Court with objections and counter proposals, if any, in writing; however, only those findings of fact and conclusions of law made by the Court shall form part of the record.

(2) Upon motion of a party made within ten (10) days after the filing of the findings, the Court may amend the findings, make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial. When findings of fact are made in actions tried by the Court without a jury, the question of the sufficiency of the evidence to support the findings may be raised whether or not the party raising the question has made an objection in the trial Court to such findings or has made a motion to amend or a motion for judgment.

19.1 ELECTRONICALLY SIGNED DOCUMENTS

(A) The following definitions shall apply to this rule:

(1) "Electronic" and "Electronic Signature" have the same meaning as used in section 1306.01 of the Ohio Revised Code.

(2) The term "Document" includes journal entries, notices, orders, opinions, and any other filing by a Judge or Magistrate of this Court.

(B) Electronic transmission of a document with an electronic signature by a Judge or Magistrate that is sent in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk of Court, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.

(C) Electronic transmission of an indictment with an electronic signature by a Grand Jury Foreperson that is sent in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk of Court, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.

Effective December 16, 2008

20.0 COURT FILES AND PAPERS

No person (except a judge of the Court) without consent of the Administrative Judge or the judge to whom the case is assigned shall remove any Court papers, files of the Court or any of the contents of a file from the custody of the Clerk.

21.0 CASE MANAGEMENT AND PRETRIAL PROCEDURE

For the purpose of insuring the readiness of cases for pretrial and trial, the following procedure shall be in effect. Within ninety (90) days after suit is filed, the case shall be set by the Court for a case management conference to establish case management procedures to prepare the case for an effective final pretrial. At that time the Court will take appropriate action on the service, leaves to plead, time limitations for discovery, scheduling a date for the pretrial hearing and any other steps warranted under the circumstances.

A pretrial conference shall be conducted in all civil cases prior to being scheduled for trial, except in actions for injunctions, foreclosures, marshaling of liens, partition, receiverships and appeals from administrative agencies.

PART I: Case Management Conference.

(A) In addition to the judge the case management conference may be conducted by the Bailiff or Judicial Staff Attorney, at the Court's option. The case management conference may be conducted in person or telephonically, according to the court's preference. All counsel attending must have full authority to enter into a binding case management order. Parties are not required to be present.

(B) Notice of the case management conference shall be given to all counsel of record by mail and/or telephone from the Court not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the Court to whom the case has been assigned.

(C) If chief trial counsel wishes to attend and is not available at the time scheduled by the Court, and if he or she is unwilling to send other counsel authorized to enter into a binding case management order, then counsel shall have the obligation to reschedule the case management conference to take place within 30 days of the originally scheduled case management conference with the concurrence of all counsel and the Court. Failure to obtain such concurrence will result in the case management conference being held as originally scheduled. A case management order may be entered binding all counsel.

(D) The following decisions shall be made at the case management conference and all counsel attending must have full authority to enter into a binding case management order:

(1) Each case shall be categorized in terms of type (i.e., personal injury, contract, malpractice, commercial, collection, products liability etc.); complexity of facts and legal issues presented; anticipated difficulty in obtaining and completing discovery; and dollar amount in controversy.

(2) Based on information determined by discussion of issues in (D)(1), above, a definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.

(3) Determination shall be made concerning immediate assignment of the case to arbitration upon agreement of counsel or upon order of the Court if the Court personally conducts the case management conference. The Court shall set a date certain as to when the case shall be referred to arbitration. The Court may also set a date for trial in the event an appeal is taken from the arbitration.

(4) A definite date for exchange of expert witness reports shall be determined pursuant to Rule 21.1.

(5) A definite date for the filing of all motions which date shall not be later than seven (7) days before the final pretrial conference.

(6) The date for the final pretrial conference shall be set by the Court.

(E) At the conclusion of the case management conference, a case management order shall be prepared and signed by all counsel and submitted to the Court for signature. This order shall include definite dates for Part I (D)(1)-(6) of this rule. This order shall be journalized and binding on all parties.

(F) If any new parties are added to the litigation subsequent to the case management order, then the Court shall set another case management conference with all parties following the requirements of Part l (A)-(E) of this rule. The new case management order shall supersede any prior case management order.

PART II: Final Pretrial Conference.

Upon order of the Court or request of any party, the Court shall set a day for a settlement conference within 30 days of the request.

The purpose of this conference is to effect an amicable settlement. Therefore, all parties must be present or, with permission of the Court, be available by telephone and have full settlement authority. All settlement conferences shall be conducted by the assigned judge.

A party shall be entitled to request only one settlement conference.

PART III: Final Pretrial Conference.

(A) The purpose of this conference is to effect an amicable settlement, if possible, to narrow factual and legal issues by stipulation or motions; and to set a date certain for trial. All final pretrial conferences shall be conducted by the assigned judge.

(B) All plaintiffs must be present or, with permission of the Court, be available by telephone with full settlement authority. Each defendant or a representative of each defendant must be present or, with permission of the Court, be available by telephone with full settlement authority. If the real party in interest is an insurance company, common carrier, corporation or other artificial legal entity, then the chosen representative must have full authority to negotiate the claim to the full extent of plaintiffs demand. Plaintiffs demand must be submitted to counsel for defendant at least 14 days prior to the final pretrial conference.

(C) Counsel attending the conference must have complete authority to stipulate on items of evidence and admissions.

(D) If the Court concludes that the prospect of settlement does not warrant further Court supervised negotiations, then the Court shall act on any other matters which come before it at that time and efforts shall be made to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The Court may enter a pretrial order to become part of the record of the case embracing all stipulations, admissions and other matters that have come before it. The Court shall at that time determine whether trial briefs should be submitted and shall fix a date when they are to be filed.

(E) Each party shall submit a pretrial statement at least seven (7) days in advance of the final pretrial setting forth the following:

(1) Statement of facts and legal issues;

(2) Statement of real factual and legal issues in dispute;

(3) Stipulations;

(4) List of non-expert trial witnesses with a brief summary of expected testimony;

(5) List of expert trial witnesses with reports attached;

(6) Special legal problems anticipated;

(7) Estimated length of trial;

(8) Pretrial motions contemplated;

(9) Special equipment needs for trial.

(F) If the Court shall determine that the case is suitable for arbitration at the pretrial, then the Court may so order the referral to the arbitration list. At the same time the Court may set a trial date in the event an appeal is filed from the arbitration award.

(G) A trial date shall be set by the Court not later than 180 days after the final pretrial.

(H) Any judge presiding at a pretrial conference or trial shall have authority:

(1) After notice, dismiss an action without prejudice for want of prosecution upon failure of plaintiff and/or his counsel to appear in person at any pretrial conference as required by Part III (B) of this Rule.

(2) After notice, order the plaintiff to proceed with the case and decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial, as required by Part III (B) of this Rule.

(3) The failure of an attorney to comply with the provisions of Part III (E) without good cause shown may subject the attorney to sanctions, including a fine of up to One Hundred Dollars ($100.00) to be paid by the attorney to cover the costs of opposing counsel's appearance at the pretrial.

(4) The failure of an attorney to appear within thirty (30) minutes of a scheduled settlement or pretrial conference may subject the attorney to sanctions in the amount of Two Hundred Fifty Dollars ($250.00) unless good cause is shown. If the Court awards sanctions, the attorney is personally responsible for payment of the sanction.

(5) The sanctions contained in (H)(1)-(4) should not be imposed until a reasonable attempt is made by the Court or opposing counsel present at the pretrial to contact the missing counsel by telephone to determine whether that counsel's non-compliance with these rules can be reasonably explained.

(I) In the event the judge is not present in Court within thirty (30) minutes of the time set for a settlement or pretrial conference, counsel and the parties scheduled for that conference may depart without sanctions.

Amended 07/01/2003

21.1 TRIAL WITNESS

PART I: Expert Witness

(A) Since Ohio Civil Rule 16 authorizes the Court to require counsel to exchange the reports of medical and expert witnesses expected to be called by each party, each counsel shall exchange with all other counsel written reports of medical and non-party expert witnesses expected to testify in advance of the trial. The parties shall submit expert reports in accord with the time schedule established at the Case Management Conference. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established at the Case Management Conference. Upon good cause shown, the Court may grant the parties additional time within which to submit expert reports.

(B) A party may not call a non-party expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the non-party expert's opinion. However, unless good cause is shown, all supplemental reports must be supplied no later than thirty (30) days prior to trial. The report of a non-party expert must reflect his opinions as to each issue on which the expert will testify. A non-party expert will not be permitted to testify or provide opinions on issues not raised in his report.

(C) All non-party experts must submit reports. If a party is unable to obtain a written report from a non-party expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert the subject of the expert's expertise together with his qualifications and a detailed summary of his testimony. In the event the non-party expert witness is a treating physician, the Court shall have the discretion to determine whether the hospital and or office records of that physician's treatment which have been produced satisfy the requirements of a written report. The Court shall have the power to exclude testimony of the expert if good cause is not demonstrated.

(D) If the Court finds that good cause exists for the non-production of a non-party expert's report, the Court shall assess costs of the discovery deposition of the non-complying expert against the party offering the testimony of the expert unless, by motion, the Court determines such payment would result in manifest injustice. These costs may include the expert's fee, the Court reporter's charges and travel costs.

(E) If the Court finds that good cause exists for the non-production of a report from a non-party treating physician, the Court shall assess costs of the discovery deposition of the physician equally between the plaintiff and the party or parties seeking discovery of the expert. These costs may include the physician's fee, the Court reporter's charges and travel costs.

(F) A party may take a discovery deposition of their opponent's non-party medical or expert witness only after the mutual exchange of reports has occurred. Upon good cause shown, additional time after submission of both sides' expert reports will be provided for these discovery depositions if requested by a party. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. Except upon good cause shown, the taking of a discovery deposition of the proponent's non-party expert prior to the opponent's submission of an

expert report constitutes a waiver of the right on the part of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.

PART II: Non-Expert Trial Witness

All parties are required to submit a trial witness list, including the full name and address of all witnesses expected to testify at the trial on their behalf, no later than seven (7) days prior to the final pretrial date. Thereafter, upon a showing of good cause, the opposing party may take the discovery deposition of any witness contained on the opposing trial witness list who has not been previously deposed during the normal discovery period. This extension of discovery cutoff is specifically restricted to depositions not previously taken of individuals listed on the opponent's trial witness list.

Effective 09/01/02

21.2 ALTERNATIVE DISPUTE RESOLUTION

It is the policy of the Court to encourage the use of Alternative Dispute Resolution ("ADR") methods. Any judge is authorized to facilitate the use of voluntary ADR by taking any one or more of the following actions at or after the Case Management Conference or at other reasonable times during the litigation:

(A) Suggesting that the parties engage in settlement negotiations and appropriately participate in such negotiations;

(B) Informing the parties about the availability of early neutral evaluation programs (including those offered by local bar associations) and, upon agreement of the parties, entering appropriate orders;

   (1) Referring the dispute to early neutral evaluation.

   (2) Staying proceedings in the litigation for up to sixty (60) days pending completion of the early neutral evaluation process.

   (3) Implementing the results of the process.

(C) Informing the parties of the existence and benefits of the Ohio Private Judging Act, Ohio Revised Code 2701.10 and, upon agreement of the parties to utilize that Act, to enter appropriate orders authorized there under; and

(D) Upon request of the parties to the litigation, evidenced by a written certification of agreement from all parties, entering such orders to refer the dispute to any other ADR method as the judge deems to be consistent with the interests of justice.

(E) MEDIATION

   (1) Eligible Cases

      (a) Any Business Case may be referred to mediation.

      (b) As used herein, "Business Case" means any case filed with the Court primarily involving one or more of the following areas of law: contract law, matters arising under or governed by the Uniform Commercial Code (as adopted in Ohio or in another jurisdiction), commercial and business torts, corporate law, securities law, trade secrets law, the law related to employment relations, the law of unfair competition and/or covenants-not-to-compete, construction law, maritime law, international business law, real estate law (except foreclosure actions), or an action or proceeding based upon a right conferred by statute if the injury associated with such right is purely economic in nature.

   (2) Selection of Cases

      (a) When Selected. A Business Case may be referred for mediation:

         (i) At the case management conference; or

         (ii) At any time by agreement of the parties with the approval of the Court

(b) How Selected. A Business Case may be selected for mediation:

(i) By the Court on its own motion;

(ii) By the Court, on motion of one of the parties; or

(iii) By stipulation of all parties, approval of the Court.

(c) Objection to Mediation.

(i) For good cause, a party may object to the referral to mediation by the Court motion by filing a written request for reconsideration within ten days of the date of the Court's Order.

(ii) Mediation processes shall be stayed pending decision on the request for consideration, unless otherwise ordered by the Court.

(d) Arbitration. If all parties advise the Court that they would prefer Court ordered arbitration to mediation, the Court may order the case to arbitration under Local Rule 29.

(e) Private ADR. If all parties advise the Court that they would prefer to use a private ADR process (including private arbitration or mini-trial) the Court may permit them to do so at the expense of the parties, subject to:

(i) The submission to the Court of an agreement executed by the parties, providing for the conduct including the termination within sixty (60) days of the ADR process, and;

(ii) The filing with the Court, within ten (10) days of the completion of the ADR process, of a written report, signed by the neutral ADR officer or by the parties if no neutral was used.

(3) List of Eligible Mediators

(a) Mediators in all cases referred to mediation shall be selected from the List of Eligible Mediators. The List of Eligible Mediators shall be maintained by the ADR Administrator and distributed to all judges of the Court. All Mediators whose names are placed upon the List of Eligible Mediators shall have all of the following minimum qualifications:

(i) They shall be admitted to the practice of law in the State of Ohio;

(ii) They shall have devoted a substantial portion of their legal practice to Business Cases for a period of not less than twelve (12) years prior to their selection; and

(iii) They shall be generally regarded as highly-reputable attorneys in the Greater Cleveland legal community.

(b) Mediators shall be selected by the Administrative Judge. Any person desiring to become a Mediator of the Court shall apply in writing to the ADR Committee. The Credentials of all applicants shall be reviewed by the Administrative Judge. A mediator's name may be removed from the list of Eligible Mediators for good cause.

(c) The mediator shall receive compensation of one hundred dollars ($100) for mediation hearings of four (4) hours or less. This fee shall be borne by the Court. Additional time

spent by the Mediator may be charged at the Mediator's normal hourly rate to be borne equally by the parties. Mediation sessions shall not exceed four (4) hours without the prior written consent of all parties.

(4) Administrative Procedure

(a) The file shall be sent to the ADR Administrator who shall promptly notify the parties in writing and shall include the names of three (3) proposed Mediators taken from the list of Eligible Mediators. Each party shall then rank the mediators in order of preference and shall, within ten (10) days of the date of the written notice, return the ranked list to the ADR Administrator who shall:

(i) Choose one party's list at random and "strike" the least preferred name on the list from consideration;

(ii) Go to the other party's list and "strike" the least preferred remaining name on that list from consideration;

(iii) Selected the remaining name as the Mediator.

(b) In the event of multiple parties not united in interest, the ADR Administrator shall add the name of one proposed mediator for each such additional party, and shall process the returned lists in the manner provided in section (a) above.

(c) The ADR Administrator, after conferring with the selected Mediator concerning potential conflicts of interest and scheduling, shall give or send written Notice of Designation to counsel for all parties (or to parties not yet represented by counsel) and to the Mediator.

(d) Promptly after receiving the Notice of Designation, the Mediator shall schedule the mediation conference which shall not be more than thirty (30) days from the date of the written Notice of Designation. The Mediator shall send written notice to all parties and to the ADR Administrator advising them as to the date, time and location of the mediation conference.

(e) Nothing in this Rule shall limit the right of the parties with notification to the Court, to select a person of their own choosing to act as a Mediator hereunder, provided such selection is made ten (10) days from the date of referral.

(5) Neutrality of Mediator

If at any time, the Mediator becomes aware of or a party raises an issue with respect to the Mediator's neutrality because of some interest in the case or because of relationship or affiliation with one of the parties, the Mediator shall disclose the facts with respect to the issue to all of the parties. If a party requests that the Mediator withdraw because of the facts so disclosed, the Mediator may withdraw and request that the ADR Administrator appoint another Mediator. If the Mediator determines that withdrawal is not warranted, the Mediator may elect to continue. The objecting party may then request the assigned Judge to remove the Mediator. The assigned Judge may remove the Mediator and choose another from the List of Eligible Mediators. If the assigned Judge decides that the objection is unwarranted, the mediation

conference shall proceed as scheduled, or, if delay was necessary, as soon after the scheduled date as possible.

(6) Written Submissions to Mediator

(a) At least five (5) days before the mediation conference, the parties shall submit to the Mediator.

(i) Copies of relevant pleadings and motions;

(ii) A short memorandum stating the legal and factual positions of each party respecting the issues in dispute; and

(iii) Such other material as each party believes would be beneficial to the Mediator.

(b) Upon reviewing such material, the Mediator may, at his or her own discretion or on the motion of a party, schedule a preliminary meeting with counsel.

(c) Written mediation memorandum shall not be filed and shall not be shown to the Court.

(7) Attendance at Mediation Conference

The attorney who is primarily responsible for each party's case shall personally attend the mediation conference and shall be prepared and authorized to discuss all relevant issues, including settlement. The parties shall also be present, except that when a party is other than an individual or when a party's interests are being represented by an insurance company, an authorized representative of such party or insurance company, with full authority to settle, shall attend in person and not by telephone. Willful failure of a party to attend the mediation conference shall be reported by the Mediator to the assigned Judge who may impose appropriate sanctions.

(8) Procedure at Mediation Conference

(a) The mediation conference, and such additional conferences as the Mediator deems appropriate shall be informal. The Mediator shall conduct the process in order to assist the parties in arriving at a settlement of all or some of the issues involved in the case.

(b) The Mediator may hold separate, private caucuses with any party or counsel.

(c) If the parties have failed, after reasonable efforts, to develop settlement terms, or if the parties request, the Mediator may submit to the parties a final settlement proposal which the Mediator believes to be fair. The parties will carefully consider such proposal and, at the request of the Mediator, will discuss the proposal with him or her. The Mediator may comment on questions of law at any appropriate time.

(d) The Mediator may conclude the process when:

(i) A settlement is reached; or

(ii) The Mediator concludes, and informs the parties, that further efforts would not be useful.

(e) The Mediator shall report the results of the mediation to the assigned Judge and the ADR Administrator by letter, with copies to counsel for each party (or if a party is not represented by counsel, to the party's representative), promptly within ten (10) days of

the close of the mediation conference. The report shall be limited to one or more of the following, as appropriate: advising the assigned Judge that the case has been settled and, if the settlement is as to less than all parties or issues in the case, which parties or issues have settled; that the case has not been settled; that further mediation efforts would or would not be useful; the failure of a party or the party's attorney to attend the mediation conference; and the Mediator's recommendation, if any, as to future processing of the case.

If a settlement agreement is reached, the Mediator, or one of the parties at the Mediator's request, shall prepare an appropriate written entry for the Court, which entry shall be signed by the parties and filed with the assigned Judge for approval by the Court.

(f) All mediations shall be concluded within sixty (60) days from the date of referral.

(9) Confidentiality

The entire mediation process is confidential. The parties and the Mediator may not disclose information regarding the process, including settlement terms, to the Court or to third persons unless all parties otherwise agree. Parties, counsel and Mediators may, however, respond to confidential inquiries or surveys by the persons authorized by the Court to evaluate the mediation program. Information provided in such inquiries or surveys shall remain confidential and shall not be identified with particular cases.

The mediation process shall be treated as a compromise negotiation for purposes of the Ohio Rules of Evidence. The Mediator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relating to the dispute, including actions between persons not parties to the mediation process.

Effective: 11/01/00

21.3 DISCOVERY OF ELECTRONICALLY STORED INFORMATION

(A) Definitions and Introduction

(1) "Electronically Stored Information" ("ESI") has the same meaning as does that term as used in Civ.R. 26 and 34.

(2) The intent and purpose of this Rule is to encourage parties to meet and confer on a regular basis, as needed, concerning issues involving ESI; to encourage parties to reach agreement on issues involving ESI wherever possible; to set out basic principles which should guide the parties in reaching those agreements and which should guide the Court in resolving any disputes concerning ESI; and to establish general procedures and guidelines for the resolution of any disputes concerning ESI. This Rule is to be read in conjunction with, and is subject to, Civ.R. 26(A) and (B)(4) and Civ.R. 34.

(B) General Principles Governing ESI

(1) Consistent with Civ.R. 26(B)(4), the scope of the production of ESI is generally limited to that which does not impose undue burden.

(2) The Court will honor agreements voluntarily entered into by the parties, including but not limited to, those with respect to the scope of preservation and production of ESI; the form and format of ESI; the preservation of privilege; and the confidentiality of any ESI, including agreements contemplated by section (E) of this Rule. Notwithstanding the preceding sentence, the Court will consider changed circumstances in evaluating any request to relieve a party from any agreement regarding ESI.

(C) Meet and Confer

(1) This section (C)(1) applies to the following civil cases: employment discrimination cases, non-competition cases, trade secret cases, cases assigned to the commercial docket, cases in which a party alleges the existence of a class certifiable under Civ.R. 23, and all other civil cases in which the parties or the Court believes ESI may be an issue. At least fourteen (14) days before the initial Case Management Conference required by Local Rule 21, or as otherwise agreed by the parties, counsel and unrepresented parties shall meet and confer to discuss the preservation and production of ESI. Counsel and unrepresented parties must be prepared to discuss, and shall discuss, whether discovery of ESI is reasonably expected to be required in the case. If so, then the parties shall also discuss, to the extent practical:

(a) The general nature of any ESI reasonably believed to be potentially relevant, the location where it is stored, the devices on which it is stored, and whether any party believes it should be preserved or should be subject to a litigation hold.

(b) The scope and nature of the efforts each party will take to identify and preserve potentially relevant ESI, including but not limited to whether the ESI will be preserved by forensic cloning or some other method.

(c) The scope of email discovery and any protocol for searching emails for production.

(d) The scope of production of metadata and embedded data.

(e) The scope of any search of, and production of ESI contained on, back-up or archival systems.

(f) Whether any ESI in a party's possession is not reasonably accessible or subject to production without undue burden.

(g) Who will bear the costs of preservation, collection, and production of ESI.

(h) The reasonably usable form and format in which ESI shall be produced.

(i) Whether the parties will enter into any confidentiality agreement, protective order, "quick peek" agreement or "clawback" agreement, as provided for in sections (B)(2) and (E) of this Rule.

(2) At least seven (7) days in advance of the initial Case Management Conference, the parties will submit a report to the Court, jointly if possible, outlining any agreement reached at the meet and confer and identifying any areas currently expected to require resolution by the Court. The report shall be in the form attached as Schedule A or in a substantially similar form.

(3) Counsel and unrepresented parties shall be prepared for the meet and confer. Counsel shall, in advance of the meet and confer, be reasonably informed regarding the issues likely to be in dispute in the case, their clients' information management systems, and their client's practices with respect to retention, destruction, purging, archiving and backing-up ESI reasonably expected to be potentially relevant.

(4) The Court, in its discretion, may direct counsel and unrepresented parties to meet and confer on any schedule the Court directs to address additional issues with respect to ESI.

(D) Preservation of ESI

(1) Whenever litigation is reasonably anticipated, threatened, or pending, parties must take reasonable steps to preserve ESI.

(2) Factors that may be considered in determining the scope of ESI that should be preserved include: (a) the nature of the issues raised in the matter; (b) the accessibility of the information; (c) the likelihood that the ESI contains information that is relevant and/or reasonably calculated to lead to the discovery of admissible evidence; that is reasonably likely to be requested during discovery; or that is the subject of a pending discovery request; and (d) the relative burdens and costs of preserving the information.

(3) If there is a dispute concerning the scope of a party's preservation obligations, the parties or their counsel must meet and fully explain their reasons for believing that additional efforts are, or are not, reasonable and proportionate. If the parties are unable to resolve a dispute over the preservation of ESI through personal consultation, then the dispute should be promptly raised with the Court in accordance with Local Rule 11(F).

(4) In resolving any dispute over any party's obligation to preserve ESI, the Court shall consider the factors listed in section (D)(2) above. The Court may, in its discretion, conduct an evidentiary hearing to assist it in resolving these matters. In resolving any dispute over the preservation of ESI, the Court may apportion some or all of the costs of preservation to the requesting party or to the producing party, or both.

(5) The Court may, in its discretion and with the consent of all parties, appoint a special master to aid it in the resolution of any dispute concerning the preservation of ESI.

(E) Preservation of Privilege

Civil Rule 26(B)(6)(b) applies to the production of ESI. To facilitate efficient, cost-effective, and timely production of ESI, the parties may agree to provide information for a "quick peek" without any waiver of privilege; to enter into a "clawback" agreement requiring the receiving party to return any information the producing party claims is privileged, regardless of whether the production was inadvertent; or to other forms of voluntary agreements relating to the attorney-client privilege and/or the work-product doctrine. The Court shall enforce such agreements, provided they are memorialized in writing.

(F) Production of ESI

(1) Local Rule 11(F) governs all motions concerning disputes regarding the production of ESI.

(2) If a party seeks production of ESI, and if the responding party opposes such production, then:

(a) The party opposing the production of ESI must demonstrate, in opposition to any motion to compel or in support of any motion for protective order, that the ESI is not reasonably accessible because of undue burden or expense.

(b) If the producing party meets its burden, as set forth in section (F)(2)(a), then the requesting party must demonstrate, either in its motion to compel or in its opposition to a motion for protective order, that good cause exists for the discovery of the ESI.

(c) The court shall consider the following factors when determining if good cause exists:

(i) Whether the information sought is reasonably accessible;

(ii) Whether the information sought can be obtained from some other source that is less burdensome;

(iii) Whether the costs of producing the ESI are proportionate to the case, taking into account the relative importance in the case of the issues on which the information is sought, including any legal issues and public policy concerns implicated in the case; the amount in controversy; the parties' resources; and the importance of the information in resolving the issues; and

(iv) All other factors (set forth or identified) in Civil Rule 26(B)(4).

(d) In resolving any dispute relating to the production of ESI, the Court may order that the discovery not be had, it may apportion some or all of the costs of the discovery to the requesting party, or it may compel the production at the producing party's cost. The Court may, in its discretion, conduct an evidentiary hearing to assist it in resolving these matters.

(e) The Court may, in its discretion and with the consent of all parties, appoint a special master to aid it in the resolution of any dispute concerning production of ESI.

(3) Consistent with Civ.R. 34(B)(3), ESI shall be produced in a reasonably usable form. If a party seeks re-production of ESI that has previously been produced in a different form than the form in which the party seeks production, the Court will consider:

(a) whether the previously-produced ESI was in a reasonably usable form;

(b) whether the previously-produced ESI was produced in a form to which the receiving party previously agreed;

(c) the receiving party's showing of any particularized need for re-production in a different form;

(d) whether inadequate preservation caused the request for re-production; and

(e) the feasibility, burdens and costs of re-production in a different form. If the Court orders re-production, it may apportion some or all of the costs of the re-production to the requesting party.

22.0 TRIAL PROCEDURES

(A) Under Superintendence Rule 9 and Local Rule 21.2 the Court may promote the use of any device or proceeding which would tend to facilitate the earlier disposition of cases, including reasonable restrictions on the volume of cases attorneys may undertake.

(B) The Court may provide for the selection of the petit jury outside the courtroom and establish the procedure for the examination of the prospective jurors.

(C) The Court may order that the parties exchange and mark all exhibits prior to the commencement of trial.

(D) At the trial of an issue of fact, only one attorney for each party shall examine or cross-examine any witness, unless otherwise permitted by the Court.

(E) 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.

23.0 CRIMINAL CASE MANAGEMENT

The purpose of this rule of criminal practice is to effect the expeditious administration of justice within the confines of the Ohio Rules of Criminal Procedure; the Ohio Revised Code; the Ohio Constitution; and the U. S. Constitution. This rule shall be construed and applied to eliminate delay, unnecessary expense and all other impediments to just determination in criminal cases. The rules of this Court for civil cases apply to criminal proceedings, except where clearly inapplicable.

PRESENTMENT OF MATTERS

(A) (1) It shall be the function of the Cuyahoga County Prosecutor's Office, in concert with the Clerk of Courts and the Sheriff's Department, to prioritize the presentment of matters to the Grand Jury commencing with the defendants being held in jail and thereafter, depending upon the severity of the alleged crime pursuant to the potential penalty per the Ohio Revised code. Capital cases shall have first priority. Crimes of violence and those involving harm to person shall take precedent over property crimes. Criminal case bound over for grand jury presentment shall be submitted within thirty (30) days of the bindover.

(2) Failure to act. Prisoners in the Cuyahoga County Jail who either have been bound over to the Cuyahoga County Grand Jury for indictment or are proceeding through the Court’s ECM process, shall be released by the Cuyahoga County Sheriff without the requirement of bond, if an indictment has not been returned within 30 days of the bind over, or, in the case of ECM prisoners, within 30 days of being booked into the Cuyahoga County Jail. Such a prisoner’s release without bond is mandatory at the expiration of 30 days, unless the Sheriff receives an order from the Administrative Judge of the Court of Common Pleas granting the Cuyahoga County Prosecutor for good cause shown additional time to obtain final Grand Jury action as to that prisoner. Upon release of an ECM prisoner for failure to indict within 30 days, the prisoner’s case number shall be terminated.

PRE-INDICTMENT

(B) The Cuyahoga County Sheriff's Department shall provide a list of its inmates to the Prosecutor's office, Clerk's Office, the Bond Commissioner, the Administrative Judge and the Court Administrator on a weekly basis to assist in insuring compliance with 23 (A).

PRE-ARRAIGNMENT

(C) The Clerk of Courts shall schedule arraignments within five (5) days of indictment, including weekends and holidays for all defendants being held in jail, within fourteen (14) days, including weekends and holidays, for all defendants released on bond. Arraignment lists shall be provided to the Prosecutor's Office, the Bond commissioner, the Administrative Judge, the Court Administrator and the Probations Department.

POST ARRAIGNMENT

(D) The Clerk of Courts shall forthwith transmit the file to the courtroom of the assigned judge to insure compliance with O.R.C. 2945.71 and 2945.72. It shall be the responsibility of the Prosecutor's Office to immediately notify the assigned Court of "time problem" cases.

PRETRIAL

(E) The Court shall schedule pretrials within seven (7) days of arraignment, including weekends and holidays, for all defendants being held in lieu of bond; within fourteen (14) days of arraignment, including weekends and holidays, for all defendants released on bond. The Court shall notify counsel for the state and defense for pretrial dates and times. Where practicable, it shall be the policy of the Court to conduct one (1) pretrial and, thereafter, schedule the trial pursuant to 23(F).

TRIALS

(F) Trials, where practicable, shall be scheduled within thirty (30) days of the pretrial.

WAIVERS

(G) All waivers of speedy trial shall be accepted in writing and incorporated by reference in the Court's docket. The Court shall not accept open ended waivers, but only waivers to a date certain.

CONTINUANCES

(H) No continuances will be granted except by way of written motions approved by the assigned judge and reflected in the Court's docket. Requests for continuances shall be signed by the counsel and, if requested by the defense, signed by the defendant.

TIME GUIDELINES

23.0 (A)(1) - Grand Jury Presentment - within thirty (30) days of bindover.

23.0 (C) - Arraignments:

Incarcerated - within five (5) days of indictment

Bonded - within fourteen (14) days of indictment

23.0 (E) - Pretrials:

Incarcerated - within seven (7) days of indictment

Bonded - within fourteen (14) days of indictment

23.0 (F) - Trial: within thirty (30) days of pretrial

Local Rule 23 - Criminal Case Management - is to have no effect on Court policy relative to probation violation hearings, shock and super shock hearings, post-conviction requests, time frames for procurement of presentence reports (jail v. bond), setting of sentencing dates, capias request unexecuted after thirty (30) days, bonding (C.S.R., cash, surety, personal, 10%), or disposition of defendants returned from institutions for cleanup cases.

Effective 09/24/92

Amendment to paragraph (A)(1) and the addition of paragraph (A)(2) effective April 14, 2008.

24.0 FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS

(A) In cases to quiet title, for partition, and for the marshaling and foreclosure of liens on real property the attorney for the plaintiff shall file with the Clerk, the original guaranteed evidence of the state of the record title to the property in question (Preliminary Judicial Report), including the names of the owners of the property, and a reference to the volume, and page and date of the recording of the next preceding recorded instrument by or through which the owners claim title, as the same shall have been prepared and extended by a responsible title and abstract company to a date not over thirty (30) days prior to the filing of the complaint. The Preliminary Judicial Report shall be filed within fourteen days after filing the complaint.

Upon failure of the attorney for the plaintiff to comply with the foregoing requirement, any interested party may procure leave to furnish and file such evidence of title within the ensuing thirty (30) days. Such evidence of title shall become and remain a part of the case file. Where the evidence of title indicates that necessary parties have not been made defendants the attorney for the party filing the case shall proceed without delay to cause such new parties to be added and served. Judges reserve the discretion to set case management orders and rules of procedure.

(B) When a motion is filed under Civ.R.55 or Civ.R.56, it should be accompanied by a Proposed Magistrate's Decision and a Final Judicial Report. The Final Judicial Report shall be prepared and filed in accord with the foregoing requirements, including a copy of the case docket showing the address and location of the property and the record state of title through the date of lis pendens. The Final Judicial Report must also have an effective date within six months of the date of judgment.

(C) Failure to comply with this rule may result in dismissal.

(D) The expenses of the title work required under this rule shall include a base search fee not to exceed $300.00, plus a premium on the Judicial Report issued, based on the fair market value of the property or in the case of a foreclosure, the final principal balance due on the first lien or such additional amount as may be allowed by the Court, for each property involved, and said costs shall be taxed as part of the costs in the case. The premium on the Judicial Report is that rate allowed by the Ohio Department of Insurance.

Amendments to sections A, B, C and deletion of section E effective 11/01/09.

25.0 PARTITION CASES

Plaintiff's attorney fees in partition cases may be allowed according to the following schedule:

Valuation - $10,000 or less $125 - $500

Valuation in excess of $10,000 Additional 3% to $55,000

Valuation in excess of $55,000 Additional 2%

(Valuation is defined to be that property value established by the appointed commissioners.)

26.0 RECEIVERSHIP

(A) As soon as practical after his appointment, and not more than thirty (30) days after taking possession of property, a receiver shall file an inventory of all property and assets in his possession unless otherwise ordered by the Court.

(B) A receiver shall file reports of receipts and disbursements with supporting documentation of his acts and transactions as receiver within three (3) months after the date of appointment and at regular intervals every three (3) months thereafter until discharged or at such other times as the Court may direct. Failure to file any report within thirty (30) days after the report is due or ordered shall be grounds for removal without notice and without compensation. Any persons removed as receiver shall be ineligible for any subsequent appointment.

(C) Applications for compensation of receivers or attorneys for receivers shall be made only upon prior notice to creditors and other persons in interest as the Court may direct. Such applications shall be heard at the convenience of the Court.

(Fee Schedule for Collection of Rents)

Single residence, Double and Miscellaneous Residence Properties -10% of gross monthly income.

Apartment Houses, Storerooms and Office Buildings - from 6% to 9% of the gross income.

A minimum fee of $60.00 shall be allowed in all cases to cover cost of bond and care of property.

(D) Where extraordinary repairs or construction are necessary and authorized, a receiver may be allowed additional compensation for supervision thereof to the extent of 10% of the amount authorized and expended. For the securing of new tenants an allowance from 25% to 50% of the first month's rent may be made. Notwithstanding the provisions of this paragraph, a judge may allow additional compensation to a receiver for extraordinary services rendered and not related to repairs or construction upon the filing of a detailed statement of such services. To entitle a receiver to compensation under the foregoing it shall be incumbent upon him to collect the rent and income of the properties in his charge, pay insurance premiums, pay utility bills and cause ordinary repairs to be made.

27.0 SHERIFF'S SALES

In every Sheriff's sale of real property the purchaser, except where an electing municipal corporation as defined by Section 5722.01 of the Ohio Revised Code is the purchaser, as soon as his bid is accepted, shall be required to deposit in cash or by certified check payable to the Sheriff ten percent (10%) of the amount of the accepted bid. Where the amount bid is $3,000.00 or less, the minimum amount of such deposit shall be $300.00. The maximum amount of a deposit in any case shall be $10,000.00. The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of sale. The purchaser shall be required to pay interest on unpaid balance of ten percent (10%) per annum from the date of sale to the date of payment of the balance unless the balance shall be paid within eight (8) days from the date of sale, fifteen (15) days from the date of sale of tax delinquent foreclosure property. 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.

Unless specifically exempted by this rule, there shall be no waiver of deposit for any Sheriff sale.

In the event a purchaser fails to pay the balance due on the purchase price within thirty (30) days after the date of the sale, he shall be in contempt of the Court and the Sheriff shall forthwith cause a citation to issue commanding such defaulting purchaser to appear before the assigned judge and show cause why he should not be punished. Upon a finding of guilt or contempt, the Court may further proceed in accord with O.R.C. 2327.04.

In the event that a party shall register a bid at a Sheriff's sale and such bid is accepted by the Sheriff as the successful bid, and the party offering the bid fails to deposit in cash or by certified check payable to the Sheriff ten percent (10%) of the amount of the accepted bid, the Sheriff shall disregard the bid, and shall immediately re-offer the property for sale as before.

The Sheriff shall conduct sales of real property on Mondays, except where a Monday is a legal holiday such sales will be conducted on the following day. One week from the date of a sale, the Sheriff shall make his return to the Court and have the sale confirmed and deed ordered. Sales relating to tax delinquency foreclosures may be conducted by the Sheriff on any day when the Court is in session. As to tax delinquency foreclosure sales, the Sheriff shall make his return two (2) weeks from the date of sale. On the day following such return and confirmation, the Clerk shall notify the Sheriff to issue the deed to the purchaser. Such deed shall be issued and recorded in conformity with R.C. 2329.36. In the event that the purchaser shall be an electing municipal corporation, such deed shall be delivered to the electing municipal corporation only upon receipt delivered to the Sheriff evidencing that the municipal corporation has paid the County Auditor all costs for the parcel, as determined by the Court, incurred in the proceeding instituted under Section 5721.18 of the Ohio Revised Code. In the event the attorney who files the writ of execution fails to prepare a deed or deliver the deed to the Sheriff within seven days of the confirmation of the Sheriff's sale as required by R.C. 2329.36(A), the Sheriff may cause a deed to be prepared and bill the attorney who filed the writ of execution an appropriate fee for preparing the deed.

The Court will not confirm any sheriff's sale until such time as the party ordering the sale has filed a certificate of service of notice of the sale stating that the notice of the sale has been sent to all parties who have appeared in the action, by ordinary mail to their last known address or attorney of record.

In each advertisement of sale, the Sheriff shall cause to be included notice that the full purchase price shall be paid within thirty (30) days from the date of sale and unless paid within eight (8) days after sale, fifteen (15) days for tax delinquent property, shall bear interest at ten percent (10%) until paid, otherwise, the purchaser shall be adjudged to be in contempt of Court. The Sheriff shall also keep a copy of this entire rule conspicuously posted at the place where he conducts sales and shall call attention to the rule before receiving bids.

Appraisal fees shall be based on the Auditor's last tax appraisal of the property as shown by his duplicates and the fees allowable shall be scaled as follows:

Up to $100,000 tax value, each appraiser .... $ 50.00

On all appraisals where the tax value exceeds $100,000, each appraiser shall receive $1.25 for each $5,000 or fraction in excess of the amount. In considering appraisals on commercial property for good cause shown, the Court may award fees in excess of the scale.

All appraisal fees of commercial property must be approved by the Court upon submission of supporting affidavits and other evidence which shall include the number of hours spent and statement of hourly rates. No person shall receive any compensation for any appraisal without approval of the Court.

Should an appraiser seek a fee in excess of the scale, the Sheriff will include at the top of the status form (to be signed by the Judge) a notice of the date, time and place of the sale. This information shall, in turn, be contained in the Clerk's postcard notice to all parties or their attorneys, and the sending of the notice shall be shown on the docket.

Amendment of paragraph two effective 2/01/09.

Amendments to paragraph five effective 11/01/09.

28.0 APPEALS TO THE COMMON PLEAS COURT

Except as otherwise provided by specific rules or statutes, all cases filed by way of appeal from administrative agencies, except Workers' Compensation cases, shall be governed by the same procedure.

(A) Within twenty (20) days after the filing of a complete transcript (of all the original papers, testimony and evidence offered, heard and taken into consideration in issuing the order appealed from) with the Clerk of Common Pleas Court, appellant shall file his assignments of error and brief.

(B) Within fifteen (15) days after filing of appellant's brief, appellee shall file his brief in opposition, and may file assignments of error on his own behalf.

(C) Within seven (7) days after filing of appellee's brief, appellant may file reply brief.

(D) The Court shall for good cause shown have and exercise the power to extend or shorten the time within which assignments of error or briefs shall be filed.

29.0 ARBITRATION

PART I: CASES FOR SUBMISSION

(A) A case shall be placed upon the Arbitration List if so ordered by a Judge after a case management conference, pretrial or settlement conference and the Court has determined that all parties to the case have made an appearance by filing a responsive pleading or otherwise.

(B) Judges should ensure that the case is appropriate for Arbitration.

(C) The amount actually in controversy, exclusive of interest and costs, is fifty thousand dollars ($50,000.00) or less per plaintiff and/or cross-claimant. Cases involving title to real estate or actions in equity are usually not suitable for Arbitration unless the determination of a sum of money is a matter at issue, and it will substantially dispose of an action. In such cases, the Court may in its usual referral order refer such an issue for determination by a panel, reserving other issues for the Court. Arbitration shall be ordered in cases where the monetary amount in controversy exceeds the sum specified in the Arbitration rule where all the parties to the action agree to Arbitration.

(D) All discovery must be completed before a case is referred to Arbitration. Timely motions must be ruled upon. The issues must be joined and the case must be ready for trial. No further pleadings, motions, discovery or delays will be permitted.

PART II: SELECTION OF ARBITRATORS

(A) ELIGIBILITY AND CLASSIFICATION OF PROSPECTIVE ARBITRATORS

(1) Chairpersons must have been admitted to the Ohio Bar and actively engaged in the practice of law for not less than three (3) years. Non-Chairpersons must have been so admitted for not less than one (1) year.

(2) Attorneys shall indicate to the ADR Administrator the type of dispute the attorney prefers to arbitrate and the area of the attorney's expertise, including prior experience.

(3) Where practical, the ADR Administrator will assign an Arbitrator to a case within that attorney's expertise.

(B) APPOINTMENT OF ARBITRATION PANEL

(1) The list of Arbitrators shall be divided into two (2) groups, Chairpersons and Non-Chairpersons. The ADR Administrator may designate an attorney as a Chairperson who has been actively engaged in the practice of law for not less than three (3) years and has requested such designation. Appointments to each Panel shall be made by the ADR Administrator and consist of one member from the list of Chairpersons and two members from the list of Non-Chairpersons. Where feasible, appointments shall be made in alphabetical order with consideration given to the attorney's expertise or practice so as to achieve a balanced panel.

(2) Not more than one member of a law partnership or an association of attorneys shall be appointed to the same Panel, nor shall an attorney be appointed to a Panel who is related to any party to the case or to any attorney of record in the case, or has any bias or prejudice that may effect the outcome of the case.

PART III: ASSIGNMENT OF CASES

(A) A case shall be assigned by the ADR Administrator to a Panel upon referral by a Judge.

(B) No disclosure shall be made to the Arbitrators prior to the filing of the report and award referred to in Part VI of any offers to settle made by either party. Prior to the delivery of the Court file to the Chairperson of the Panel of Arbitrators, the ADR Administrator shall remove from the file and retain all papers referring to demands or offers for settlements and any notations containing the Court's subjective impressions of the case.

(C) In all cases subject to Arbitration and where all parties to the action agree, the Court may, in its usual referral order, refer the matter for determination to a single, special Arbitrator in lieu of a Panel of Arbitrators. The Court may select as special Arbitrator a lawyer named on the Arbitration List or a lawyer experienced (and who would qualify as an expert) in the area of practice which is the subject of the action to be referred to Arbitration. The special Arbitrator shall receive the same compensation as the Chairperson of a Panel of Arbitration. Except that the special Arbitrator shall act and make a decision as a single Arbitrator, in all other respects, the procedures in Rule 29 shall be in full force and effect until further order of Court.

PART IV: ARBITRATION REFERRAL ORDER

The Entry referring a case to Arbitration shall read as follows:

> *All discovery is complete. All timely motions have been ruled upon. The issues are joined and the case is ready for trial. No further pleadings, motions, discovery or delays permitted. Case referred to Arbitration. Arbitration hearing shall be held and concluded within ninety (90) days from the date of referral.*

If a continuance of a hearing within the ninety (90) days is agreed to by the Chairperson of the Arbitration Panel upon request of an attorney for a party, the party so requesting the continuance shall have the responsibility for contacting all parties and Arbitration Panel members to obtain a date and time for the new hearing which is agreeable to all involved and notifying all parties, panel members, and the ADR Administrator in writing of the new time and place of the hearing. Continuances should be granted by the Chairperson only in situations of extreme hardship.

Requests for continuance beyond the ninety (90) days from the date of referral must be made to the Judge assigned the case by written motion in compliance with this rule.

PART V: HEARINGS: WHEN AND WHERE HELD; NOTICE

(A) Hearings shall be held at a place provided by the Chairperson of the Panel of Arbitration. This may be in a private office, the hearing room at the office of the ADR Administrator, or a Bar Association office. Unless counsel for all parties and the entire Panel agree, the place shall be one of central city location. Should the Chairperson be unable to provide a place for the hearing, request shall be made to another member of the Panel to make such provision. Within fourteen (14) days of the appointment, the Chairperson shall fix a time for the hearing within ninety (90) days of the referral date by the Court, and the Chairperson shall notify the Arbitrators and the parties or their counsel in writing at least ten (10)

days before the hearing of the time and place of the hearing. No hearings shall be fixed for Saturdays, Sundays, legal holidays or evenings, except upon agreement by counsel for all parties and the Arbitrators.

Whenever there is a settlement, or dismissal, written notice, or if there is insufficient time for written notice to reach all parties, arbitrators and the ADR Department, oral notice shall be given to the ADR Department and all the members of the Arbitration panel that the case has been settled or been dismissed. In the event that a case shall be settled or dismissed prior to the date scheduled for the hearing, the Panel members shall not be entitled to a fee. In the event that a case has been settled or dismissed and the parties have failed to notify the Panel members, and the members do appear on the date of the hearing, the Panel members shall be entitled to receive a fee. A failure to so notify the Panel members shall be reported to the assigned Judge who may impose sanctions in the amount of the arbitrators' fees hereinafter provided in Part VII (D). *(this paragraph added 12/01/97)*

(1) There shall be no communications by counsel or the parties with the Arbitrators concerning the merits of the controversy prior to the commencement of the hearing.

(2) Any motion that inadvertently has not been ruled on prior to the reference of the action to Arbitration or has been filed subsequent to the reference shall be disregarded by the panel and, for the purposes of Arbitration, treated as a nullity.

(3) Whenever there is a request to continue an Arbitration hearing to a date beyond ninety (90) days from the date of referral, a written motion must be made to the Judge assigned the case. The Judge shall have the power to make any appropriate order, including an order of dismissal for want of prosecution, or an order that the case be again assigned to a Panel of Arbitration and be heard and an award made, whether or not a party appears.

(B) DEFAULT OF A PARTY

(1) The Arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. An award shall not be made solely on the default of a party. The Panel of Arbitration shall require the other party to submit such evidence as they may require for the making of an award.

(2) The failure of a party to appear either in person or by counsel and participate in an Arbitration proceeding shall be considered as a waiver of the right to file an appeal de novo (Part VII hereof) and a consent to the entry by the Court of judgment on the report and award of the panel.

(3) The Court to whom a case is assigned may, upon motion filed with the ADR Administrator acting for the Clerk of Courts within thirty (30) days of filing of the report and award and for good cause shown, grant leave to file an appeal de novo as hereinafter provided in Part VII to a party who has failed to appear and participate in a hearing.

(C) CONDUCT OF HEARING

(1) General Powers

(a) The Chairperson should rule on evidentiary matters with the advice of the other panel members. Strict conformity to the legal Rules of Evidence shall not be necessary. All evidence shall be taken in the presence of the Arbitrators and all of the parties except where any of the parties is absent, in default, or any of the parties has waived the right

to be present. The Panel may receive the evidence of witnesses by sworn testimony or by affidavit or written report, including police reports, sheriff's reports and highway patrol reports, and shall give it such weight as they deem it is entitled to after consideration of any objection made to its admission. Expert reports (medical or otherwise) shall be received into evidence when they are on the expert's letterhead and signed.

(b) Counsel shall, upon request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

(2) Specific Powers

The Panel of Arbitration, by a majority, shall have the general powers of a Court, including, but not limited to, the following powers:

Subpoenas. Subpoenas are to be issued as provided in Civil Rule 45 through the Clerk's Office as in any other case filed in Common Pleas Court. The subpoena forms should be altered to show the correct place of hearing.

Production of Documents. The Panel has the power to compel the production of all books, papers and documents which are material to the case.

Should a party or witness fail to produce documents or to testify as to a matter after being ordered to do so by a panel, the panel may treat that particular matter as uncontroverted and proceed to make a final award without the necessity of issuing a citation for contempt.

Administering Oaths; Admissibility of Evidence. The Panel has the power to administer oaths of affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions, and to decide the law and the facts of the case submitted to it.

Medical Bills, Property Damage Bills or Estimates. In actions involving personal injury and/or damage to property, the following bills or estimates may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charge for services, labor and material, or items contained therein and, where applicable, the necessity for furnishing the same, accompanied by a copy of the bills to be offered in evidence:

(a) Hospital Bill. Hospital bills on the official letterhead of the hospital, when dated and itemized.

(b) Bills of Doctors and Dentists. Bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charges.

(c) Bills of Nurses, etc. Bills of registered nurses, licensed practical nurses, or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges.

(d) Bills for Medicines, etc. Bills for medicines, eyeglasses, prosthetic devices, medical belts, or similar items.

(e) Property Repair Bills or Estimates. Property repair bills or estimates, when identified and itemized, setting forth the charges for labor and material used in the repair of the property.

(f) Procedure in Case of Estimate. In the case of an estimate, the party intending to offer the estimate shall forward with his notice to the adverse party, together with the copy of the estimate, a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or part, attaching a copy of the receipted bill showing the items of the repair made and the amount paid.

(3) Collateral Sources

(a) The Panel of Arbitration shall not consider collateral source benefits a claimant has received or may be entitled to receive.

(b) Although a stipulation between the parties as to the amount of a set-off is encouraged, a party seeking an adjustment for collateral benefits pursuant to O.R.C.2744.05 (B) and O.R.C.2305.27 must file a motion with the assigned Judge within ten (10) days of the posting of the report and award and hand deliver a copy of the motion to the office of the ADR Administrator. A brief in opposition shall be filed within seven (7) days of the filing of the motion and a copy shall be hand delivered to the office of the ADR Administrator. The ADR Administrator shall forward the motion and brief in opposition to the Judge for ruling and the filing of the motion shall stay the entering of judgment on the report and award. However, in no event shall filing the motion extend the time for filing an appeal de novo. After such time that the Judge renders a ruling on the motion and informs the office of the ADR Administrator, the report and award will be reduced to judgment in accordance with that ruling.

(D) SUPERVISORY POWERS OF THE COURT

The assigned Judge shall have full supervisory powers with regard to any questions that arise in all Arbitration proceedings and in the application of these rules.

(E) WITNESS FEES

Witness fees in any case referred to a Panel of Arbitration shall be in the same amount as provided for witnesses in trials in the Common Pleas Court of Cuyahoga County, Ohio, and may be ordered taxed as costs in the case. The costs in any case shall be paid by the same party or parties by whom they would have been paid had the case been tried in the Common Pleas Court of Cuyahoga County, Ohio.

(F) TRANSCRIPT OF TESTIMONY

The Arbitrators shall not be required to make a transcript of the proceedings. If any party shall desire a transcript, that party shall provide a reporter and cause a record to be made. The party requesting the same shall pay the costs which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided a copy by the reporter upon payment, based upon the usual charges made for a copy of a deposition plus one-half (½) of the cost of the reporter at the hearing.

PART VI: REPORT AND AWARD

(A) Within seven (7) days following the hearing, the Panel of Arbitration shall file a report and award in the office of the ADR Administrator acting for the Clerk of Courts, and on the same day shall mail or

otherwise forward copies to all parties or their counsel. An award may not exceed fifty thousand dollars ($50,000.00) per plaintiff and/or cross-claimant, exclusive of interest, unless the parties have waived the monetary limits. The report and award shall be signed by all of the members of the Panel. In the event all three (3) members do not agree on the finding and award, the dissenting member shall write the word "dissents" before the signature. A minority report shall not be required unless the dissenting Arbitrator elects to submit a report due to unusual circumstances. The ADR Administrator shall make a notice of the report and award on the docket and file the original report with the Clerk of Courts.

(B) LEGAL EFFECT OF REPORT AND AWARD; ENTRY OF JUDGMENT

The report and award, unless appealed, shall be final and shall have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified, the Court shall enter judgment. After entry of judgment, execution process may be issued as in the case of other judgments.

PART VII: APPEALS

(A) RIGHT OF APPEAL DE NOVO

(1) Any party may appeal from the action of the Panel of Arbitration to the Common Pleas Court of Cuyahoga County. No appeal can be withdrawn without consent of all parties. The filing of a single appeal shall be sufficient to require a de novo trial of the entire case on all issues and as to all parties without the necessity of each party filing a separate appeal de novo. The right of appeal shall be subject to the following conditions, all of which shall be complied with within thirty (30) days after the entry of the award of the Panel.

(a) Notice of Appeal and Costs.

A notice of appeal de novo, together with an affidavit that the appeal is not taken for delay but upon the belief an injustice has been done, shall be filed by the appellant in the office of the ADR Administrator acting for the Clerk of Courts. The sum mentioned in (1)(b) below shall be filed with the notice and affidavit.

(b) Repayment of Arbitration Fees

The appellant shall repay to Cuyahoga County, Ohio by depositing with the Clerk of Courts all fees received by the members of the Panel of Arbitration in the case in which the appeal is taken. The sum so paid shall not be taxed as costs in the case and shall not be recoverable by the appellant in any proceeding.

(c) Poverty Affidavit and Notice.

A party desiring to appeal an award may, concurrently with the filing of a notice of appeal de novo, file a written motion with affidavit averring that by reason of poverty the party is unable to make the payments required for an appeal, and request the Court allow an appeal de novo without payment of the amount specified in (1)(b). If after notice to the opposing parties the Judge is satisfied of the truth of the statements in the affidavit, an order shall be entered that the appeal of such party be allowed without payment of the required fee.

(B) RETURNED TO ASSIGNED JUDGE

The case shall be returned to the docket of the originally assigned Judge for trial.

(C) APPEAL DE NOVO

All cases which have been duly appealed shall be tried de novo.

(D) TESTIMONY OF ARBITRATORS ON APPEAL

In the event of an appeal from the award of the decision of the Panel of Arbitration, the Arbitrators shall not be called as witnesses as to what took place before them in their official capacity as Arbitrators upon any hearing de novo.

(E) EXCEPTIONS AND REASONS THEREFORE FOR ARBITRATOR MISCONDUCT

(1) Any party may file exceptions with the Clerk of Courts at the office of the ADR Administrator from the decision of the Panel of Arbitration within thirty (30) days from the filing of the report and award for either or both of the following reasons, and for no other:

(a) That the Arbitrators misbehaved themselves in the conduct of the case;

(b) That the action of one or more of the Arbitrators was procured by misconduct or corruption.

(2) Copies of said exceptions shall be served upon each Arbitrator and the ADR Administrator within forty-eight (48) hours after filing and shall be heard by the assigned Judge forthwith.

(3) If such exceptions are sustained, the report of the Panel shall be vacated by the Court and the case set for trial. The filing of exceptions shall toll the running of the thirty (30) day appeal period provided in (A) above until a determination of the exceptions by the Court.

PART VIII: COMPENSATION OF ARBITRATORS

(A) Each member of a Panel of Arbitration who has signed an award or files a minority report shall receive as compensation for services in each case a fee of seventy-five dollars ($75.00). When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered one case insofar as compensation of the Arbitrators is concerned. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Administrative Judge, on motion of the members of the Panel and for cause shown, may allow additional compensation. The members of the Panel shall not be entitled to receive their fees until after filing the report and award with the ADR Administrator. Fees paid to Arbitrators shall not be taxed as costs nor follow the award as other costs.

(B) The Chairperson shall receive as compensation the sum of twenty-five dollars ($25.00) for each case heard by the Panel, in addition to the compensation fixed for members of the Panel of Arbitration.

(C) All compensation for Arbitrators shall be paid upon proper warrant from funds of Cuyahoga County, Ohio which have been allocated for the operation of the General Division of Common Pleas Court of Cuyahoga County.

(D) In the event that a case shall be settled or dismissed more than two (2) days prior to the date scheduled for the hearing, the Panel members shall not be entitled to a fee.

Effective 05/01/99

30.0 ASSIGNMENT OF CRIMINAL CASES

Local Rule 30 (as amended)

The Judge presiding in the Arraignment Room shall be chosen by lot and shall serve for a period of two weeks.

All motions for continuance will be made in writing and may only be granted by the Arraignment Room Judge upon a showing of good cause. A second continuance may only be granted by the Administrative Judge.

All cases shall be assigned to a Judge by lot, upon arraignment of the defendant, in accord with Rules 4 and 36 of the Rules of Superintendence of the Courts of Ohio. There will be a random assignment of cases to Judges through an objective and impartial system that ensures the equitable distribution of cases among Judges.

The following procedure will be used:

(A) Notwithstanding paragraph (E) below, a red ticket shall be drawn in all capital cases; Provided however, when a case is initially indicted without capital murder specifications but is later re-indicted based on essentially the same set of facts and circumstances which adds a capital murder specification. The originally assigned Judge will remain on the case until final disposition and said Judge shall be correspondingly credited with receiving a capital case assignment.

(B) Cases will be randomly assigned to the docket of a Judge where the defendant has no pending case[s], is not on probation or community control at the time of the offense, there is no co-defendant[s] with a pending case or probation or community control cases, or the defendant pleads guilty at arraignment, except where a defendant has a confirmed serious mental illness or is developmentally disabled as defined in local rule 30.1 (a)(1) or (a)(2).

(C) Where a defendant has a confirmed serious mental illness or is developmentally disabled as defined in local rule 30.1 (a)(1) or (a)(2), cases will be randomly assigned to Judge's dockets pursuant to local rule 30.1 (c). where a defendant's mental status is unconfirmed at arraignment, the case shall be assigned pursuant to section (b) of this rule. If after arraignment it is determined that the case should have been assigned to a Mental Health Court Docket, the case may be reassigned pursuant to Local Rule 30.1 (c)(2).

(D) In capital cases where the defendant has in open Court already made a knowing, intelligent, and voluntary waiver of the right to a jury trial and has made the decision to have a trial before a three Judge panel or a plea required to be heard by a three Judge panel. The Administrative Judge shall assign the remaining panel members by random selection. If the Administrative Judge determines an assigned Judge is unavailable, the Administrative Judge will randomly select another Judge to replace that Judge.

(E) Cases will be re-assigned to Judges when:

   (1) A single defendant commits a new offense while on probation or community control. The case shall then be assigned to the docket of the Judge with such prior case.

   (2) A single defendant has a pending case. The case shall then be assigned to the docket of the Judge with the pending case.

(3) A defendant has co-defendant[s] on this case or has co-defendant[s] with a prior pending case, then the case shall be assigned to the docket of the Judge who was assigned the pending case. If two or more defendants have pending cases, the case shall be assigned to the docket of the Judge with the lowest numbered case.

(4) A defendant has co-defendants where one co-defendant has a pending case and the other defendant has a probation or community control case. The case shall then be assigned to the docket of the Judge with the pending case.

(5) A defendant has co-defendant[s] where no co-defendant has a pending case but a co-defendant[s] is on probation or community control, then all defendants shall be assigned to the docket of the Judge who has a co-defendant on probation or community control. Where there is more than one co-defendant on probation or community control, the case shall be assigned to the docket of the Judge with the lowest numbered case.

Passed by Emergency Vote on 5/20/2015

30.1 ASSIGNMENT OF CRIMINAL CASES TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS

(A) ELIGIBILITY FOR MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES (MHDD) DOCKET

Defendants with a confirmed severe mental illness with a psychotic feature or developmental disabilities, as determined by the Court's guidelines set forth in the Appendix C hereto are to be assigned to an MHDD docket.

(B) APPOINTMENT OF JUDGES TO PRESIDE OVER MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS

The Administrative Judge will select the chairperson and members for the MHDD docket. The judges will serve for a period of three years from the date of assignment. Upon approval of the Administrative Judge, the judges may be reappointed to successive terms.

(C) ASSIGNMENT OF CASES TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS

(1) At arraignment, except as otherwise provided for in paragraph (D) of this rule, there will be a random assignment of identified of identified MHDD defendants to MHDD judges.

(2) Transfer of cases to MHDD Dockets Post Arraignment

(a) In cases where it is determined after assignment to a non-MHDD judge that the defendant qualifies for the MHDD docket, the assigned judge may apply to the Administrative Judge for transfer of the case to the MHDD docket. Upon approval for transfer, the MHDD judge will be assigned randomly. The MHDD judge receiving the case will be exempted from receiving one new case for assignment from the regular arraignment room draw for each case transferred.

(b) Once a Common Pleas Court has been formally notified of a defendant's MHDD docket eligibility, no transfer of defendant's case will be permitted after 30 days from the formal notification and it must be prior to any plea. Eligible defendants may also be transferred following sentencing to a community control sanction.

(c) In cases involving multiple defendants, if one or more of the defendants, but not all, are determined to be eligible for the MHDD docket, the transfer of those eligible defendants may only occur following sentencing to a community control sanction.

(d) In cases where it is determined after assignment to a non-MHDD judge, that the defendant qualifies for the MHDD docket and has been opined Incompetent To Stand Trial but Restorable or in need of a 20-day evaluation, the non-MHDD judge shall first issue an order for restoration/20-day evaluation and thereafter, may apply for transfer of the case as set forth in (a) above.

(e) In cases where a defendant has been found incompetent to stand trial, unrestorable (ISTU) or not guilty by reason of insanity (NGRI), a Court may apply to transfer the case only after it has been concluded and is subject to the continuing jurisdiction of the Court.

(D) CASES WILL NOT BE ASSIGNED TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS WHEN:

(1) A defendant is charged with a new offense while on probation or community control. The case shall then be assigned to the docket of the judge with such prior case.

(2) A defendant has a pending case. The case shall then be assigned to the docket of the judge with the pending case.

(3) A defendant has co-defendant(s) with a prior pending case. The case shall be assigned to the docket of the judge who was assigned the pending case. If two or more defendants have pending cases, the case shall be assigned to the docket of the judge with the lowest numbered case.

(4) A defendant has co-defendants where one co-defendant has a pending case and the other defendant has a community control case. The case shall then be assigned to the docket of the judge with the pending case.

(5) A defendant has co-defendant(s) where no co-defendant has a pending case but a co-defendant(s) is on community control, then all defendants shall be assigned to the docket of the judge who has a co-defendant on community control. Where there is more than one co-defendant on community control, the case shall be assigned to the docket of the judge with the lowest numbered case.

Passed by emergency vote and effective: 03/15/2017

30.2 ASSIGNMENT OF CRIMINAL CASES TO DRUG COURT DOCKETS

(A) Purpose. The Drug Court docket is established in order to reduce substance abuse and recidivism by utilizing treatment and community control alternatives. Drug Court is intended to supplement, but not replace, existing diversionary programs that treat offenders with drug dependencies. Drug Court is established to target low risk/high need offenders utilizing the Court's current risk assessment tool. The defendant must also satisfy the eligibility requirements of Section (C) of this rule.

(B) Appointment of judges to preside over Drug Court. The Administrative Judge will select Common Pleas Court General Division judge(s) for Drug Court docket(s). The judge(s) will serve for a period of three years from date of appointment. Upon approval of the Administrative Judge, the judge(s) may be reappointed to successive terms. Thereafter, any Common Pleas Court General Division judges who desire to preside over a Drug Court docket may submit their names to the Administrative Judge for consideration.

(C) Eligibility. Drug Court will be available to participants who are arrested for or pleading guilty to:

(1) Either:

(a) Any felony drug (non-trafficking) offense of the third, fourth or fifth degree; or

(b) Any non-violent felony theft or theft related offense of the third, fourth or fifth degree where the offender is determined to be a drug dependent person or in danger of becoming a drug dependent person and would benefit from treatment; and

(2) Upon consideration of the following factors:

(a) The defendant is eligible for community control on the current charge.

(b) There is no criminal history of sexually oriented or violent behavior.

(c) Defendant has three or fewer prior non-violent felony convictions.

(d) Defendant has no prior drug trafficking convictions.

(e) Defendant has no other pending case(s) in which charges are pending that may lead to convictions for a violent felony, sexually oriented felony, or drug trafficking.

(f) The current and majority of past criminal behavior is drug-driven.

(g) The defendant must demonstrate a sincere willingness to participate in a long-term treatment process.

(h) No acute health condition currently exists.

(i) Preference will be given to residents of Cuyahoga County.

(D) Diversionary and Non-Diversionary Track. The Drug Court docket will have two tracks, one diversionary and one non-diversionary. Defendants on both tracks will gain the benefit of enhanced treatment resources to treat their drug dependency. Defendants seeking placement on the Diversionary track will need to obtain the approval of the Cuyahoga County Prosecutor's Office. Unless the Prosecutor's Office assents to Diversionary status prior to the defendant's plea of guilty to the underlying offense, the defendant shall be on the non-diversionary tract.

(E) Procedure of Admission. Drug Court will admit defendants at any stage of the criminal process. Diversionary defendants must be admitted prior to their plea according to the provisions of Section (D). Non-diversionary defendants may be admitted at any point during the criminal process. Defendants seeking admission to Drug Court must undergo an assessment with a Pretrial Services admission specialist in the Common Pleas Probation Department.

(F) Effect of Transfer. When a case is transferred to a Drug Court docket, the assigned Drug Court judge shall acquire full jurisdiction over that transferred case. If a defendant is deemed ineligible for Drug Court prior to their plea, the transferred case shall be returned to the active docket of the originally assigned judge.

Effective 2/4/2010

30.3 ASSIGNMENT OF CRIMINAL CASES TO VETERANS TREATMENT COURT DOCKET

(A) **Purpose.** The Veterans Treatment Court is established for defendants presently serving on active duty in the military, the Reserves, and the National Guard, or for veterans who served in the United States Armed Forces. Hereafter, defendant(s) refers to such individuals. The Veterans Treatment Court is committed to providing community services that seek to develop self-sufficiency, reduce recidivism, promote public safety, and provide alternatives to incarceration. To accomplish these purposes, the Veterans Treatment Court will utilize the shared military experience of other veterans to assist these defendants. The Veterans Treatment Court will work closely with the Veterans Administration (VA) and other agencies to accomplish these purposes.

(B) **Appointment of Judge(s) to Preside Over Veterans Treatment Court.** The Administrative Judge will select a Common Pleas Court, General Division Judge(s) to preside over the Veterans Treatment Court docket. The Judge(s) will serve for a period of three years from the date of appointment. Upon approval of the Administrative Judge, the Judge(s) may be reappointed to successive terms. Any Common Pleas Court, General Division Judge who desires to preside over the Veterans Treatment Court docket may submit his or her name to the Administrative Judge for consideration.

(C) **Eligibility.** A defendant is eligible for transfer to the Veterans Treatment Court when charged with a felony described in paragraph (D), provided the defendant presents evidence of military service with military form, DD-214. A defendant's discharge status does not necessarily affect eligibility. A defendant with a bad conduct or a dishonorable discharge, or a defendant with a discharge of other than honorable conditions from the National Guard must present compelling circumstances to warrant acceptance by the Veterans Treatment Court Judge.

(D) **Permitted Felonies.** Any felony offense for which a defendant may receive a sentence of community control sanctions (CCS) makes that defendant eligible to transfer to the Veterans Treatment Court, subject to the approval of the Veterans Treatment Court Judge. A defendant who receives a sentence of CCS for a sexually-oriented offense or a gang-related offense, or who has a criminal record of such crimes, must present compelling circumstances to warrant acceptance by the Veterans Treatment Court Judge. At any point after arraignment, a defendant may be referred to the Veterans Treatment Court, but when a defendant is convicted of or pleads to a felony of the first or second degree, or of the third degree that is subject to high tier sentencing under R.C. 2929.14(A)(3), the assigned Judge shall sentence the defendant before transfer to the Veterans Treatment Court.

(E) Additional Participation Factors.

(1) **Diversion-Related Cases and Re-Entry Cases:** A defendant who qualifies for diversion, intervention in lieu, early intervention program (collectively, diversion-related programs), or judicial release including this Court's re-entry program is also eligible for the Veterans Treatment Court, subject to approval by the Veterans Treatment Court Judge. A plea involving a diversion-related program must be entered by the assigned Judge before transfer to the Veterans Treatment Court.

(2) **Targeted Risk Level:** Priority acceptance to the Veterans Treatment Court will be given to:

(a) the defendant with a high risk/high need assessment, or

(b) the defendant with a demonstrated trauma-related circumstance or injury whether or not service connected, such as post-traumatic stress disorder, traumatic brain injury, or military sexual trauma.

(3) **Service-Connected Condition Not Required:** Eligibility to participate in the Veterans Treatment Court is not limited to a defendant who has a service-connected injury or disability.

(4) **VA Benefits Not Required:** For a defendant eligible for VA medical benefits, that defendant will utilize those benefits for CCS treatment programs. For a defendant not eligible for VA medical benefits, that defendant may be eligible for community treatment programs available to individuals on CCS. Supplemental benefits provided by the Cuyahoga County Veterans Service Commission that are not provided by the VA or other community agencies may be available to an eligible defendant as determined by such agency.

(F) **Procedure for Admission.** A defendant must enter into a Participation Agreement with the Veterans Treatment Court; must undergo a clinical and administrative assessment to determine eligibility; and must be approved by the Veterans Treatment Court Judge.

(G) **Effective of Transfer.** When a case is transferred to the Veterans Treatment Court, the Veterans Treatment Court Judge shall acquire full jurisdiction over that transferred case. If a defendant is found ineligible or is not approved for Veterans Treatment Court, the transfer shall not be completed and the case shall be returned to the docket of the original assigned Judge.

(H) **Sanctions and Termination.** A defendant may be sanctioned to the extent permitted by law for CCS violations, including termination from the Veterans Treatment Court for violations stated in the Participant's Handbook and the Participation Agreement. The Veterans Treatment Court Judge retains jurisdiction over the defendant to determine the appropriate sanction.

Effective 01/21/2015

Adopted by Emergency Vote

30.4 ASSIGNMENT OF CRIMINAL CASES TO THE RE-ENTRY COURT (REEC)

(A) **Purpose.** The Cuyahoga County Re-Entry Court (REEC) is an intensive form of judicial release supervision committed to working with defendants to end the cycle of incarceration. The Court identifies eligible defendants, assesses their needs and links them to services specific to those needs to increase the likelihood of their rehabilitation and successful return to the community.

(B) **Appointment of Judge(s) to Preside Over Re-Entry Court.** The Administrative Judge will select a Common Pleas Court, General Division Judge(s) to preside over the Re-Entry Court. The REEC Judge(s) will serve for a period of three years from the date of appointment. Upon approval of the Administrative Judge, the Judge(s) may be reappointed to successive terms. Any Common Pleas Court, General Division Judge who desires to preside over the Re-Entry Court may submit his or her name to the Administrative Judge for consideration.

(C) Eligibility.

(1) The defendant must be statutorily eligible for judicial release under R.C. 2929.20 or R.C. 2929.201;

(2) The defendant must be serving a prison term imposed in this Common Pleas Court;

(3) The defendant must intend to reside in this county or have a stable residence in an county adjacent to Cuyahoga County;

(4) The defendant may be currently serving prison terms on no more than two criminal case numbers from this Common Pleas Court;

(5) The defendant may be currently serving no more than his or her fourth prison term;

(6) The defendant cannot have any outstanding felony or misdemeanor arrest warrants, except on minor traffic matters;

(7) Defendants currently serving prison terms for contact sex offenses are ineligible, but those serving terms for non-contact offenses, namely, R.C. 2907.07, 2907.08, 2907.06, 2907.323(A)(3), 2907.32, 2907.21, 2907.321, 2907.322, and 2907.323(A)(1)-(2) are eligible;

(8) Defendants with any pending felony charges or open felony cases in any court are ineligible;

(9) The defendant must complete the entire application and questionnaire; incomplete applications and questionnaires will not be considered.

(D) Procedure for Admission. Defendants may make application for Re-entry Court or file a judicial release motion. Both will be reviewed by the REEC Judge for all participating Sentencing Judges. The REEC Judge will review each application and motion and consider each defendant's suitability for participation and, if warranted, grant acceptance into the Court and notify the Sentencing Judge. The Sentencing Judge retains the discretion to determine whether or not to transfer the defendant's case to REEC and if so, the Sentencing Judge will request the Administrative Judge to reassign the case to the REEC Judge. Upon reassignment, the REEC Judge will assume all supervision of the defendant in his or her prison case number(s) and receive any new felony case(s) against the defendant during such supervision.

Effective 3/11/2015
Adopted by Emergency Vote

31.0 GRAND JURY

(A) Members of any Grand Jury and alternate members shall be selected as provided by statute or by such rules as may be promulgated by the Supreme Court. In the event of a vacancy on the grand jury and arising from disability, death, resignation or other cause, a successor or successors shall be chosen from other resident electors.

(B) At the beginning of each term of Court a Grand Jury shall be in session from 9:00 a.m. to 12:00 n. and from 1:15 p.m. to 4:15 p.m. on such days and times as ordered by the administrative judge or the presiding judge in charge of said grand jury until accumulated business has been disposed.

(C) (1) All proceedings of the Grand Jury including all testimony and evidence offered to the Grand Jury, comments of the Prosecuting Attorney, and instructions of the Court and Prosecuting Attorney, except as otherwise provided, shall be recorded verbatim, by the official Cuyahoga County Court Reporter, or an official assistant reporter.

(2) Except as otherwise provided by law and Section (3) of this rule, all Grand Jury proceedings shall remain secret, and the notes of the official Cuyahoga County Court Reporter shall remain in the sole possession and custody of the official Court Reporter unless ordered by a Court of competent jurisdiction.

(3) The Cuyahoga County Prosecutor may obtain transcripts of Grand Jury proceedings from the official Cuyahoga County Court Reporter at any time, without court order, for use as provided by law.

(4) The deliberations of the Grand Jury shall remain secret and shall not be recorded.

32.0 PROBATION DEPARTMENT

No defendant who has pled guilty or has been found guilty of a felony shall be placed on probation until a written presentence investigation report has been prepared by a probation officer and submitted to the Court.

Upon receipt of an order of investigation by the Court to the department, the department shall investigate and shall complete a report in writing to the Court. Such written report of investigation shall not be made available to any person for inspection without express authorization by such judge.

If the Court grants probation, the Court shall cause the sentence to be journalized, and the defendant shall immediately report and be placed under the control and supervision of the department. The department will instruct the defendant on the general rules of probation and any special conditions imposed by the Court.

Upon failure of any probationer to comply with the imposed rules and conditions, the department shall report the fact to the Court.

33.0 ASSIGNMENT AND COMPENSATION OF COUNSEL TO DEFEND

PART I.

(A) No attorney will be assigned to defend any indigent person in a criminal case unless his or her name appears on one of the approved trial counsel lists as designated in paragraphs (a)(1)-(7) and meets the minimum requirements in paragraph (8) of this part. Any lawyer admitted to practice by the highest Court of any state of the United States is eligible to have their name entered on the appropriate list after approval of their application. The application shall identify the cases in which the applicant served as counsel, including the names of the parties, the Courts in which the cases were tried, the Court docket numbers, the names of the trial judges, the trial dates and other information as may be required by the Court. The applications will be reviewed by the Appointed Counsel Review Board which shall make the final determination.

The approved trial counsel lists shall be in effect for a period of two years consistent with counsel's biennial continuing legal education reports and will end on January 31 of the following year. Counsel whose name appears on the approved trial counsel lists may file an application for renewal to serve as appointed counsel to sustain eligibility. The renewal application shall be filed no earlier than three months prior to, and no later than, the expiration of the approved trial counsel list then in effect. Counsel who fails to timely file an application for renewal, shall be removed from the new approved trial counsel lists. Applications for reinstatement may be filed at any time. Reinstatement shall occur upon the filing of an original application to serve as assigned counsel and final approval by the Administrative Judge.

In the interest of justice in a specific case, for good cause, the trial Judge or the appointed Counsel Review Board may remove an assigned attorney as defense counsel.

The following experience and qualifications shall be the minimum requirements for the inclusion of a lawyer on the lists designated below:

(1) OVI cases:
   (a) Attorneys appointed to represent indigent clients in OVI cases must have completed a minimum of six hours of continuing legal education, certified by the Ohio Supreme Court commission on continuing legal education, focused on OVI practice and procedure.
(2) Felonies of the fourth and fifth degree and unspecified felonies other than murder:
   (a) Service as assistant trial counsel in two criminal jury trials.
(3) Felonies of the third degree without life sentences:
   (a) Service as trial counsel in at least one criminal jury trial and service as assistant trial counsel in at least two criminal jury trials.
(4) Felonies of the first and second degree without life sentences:
   (a) Within five years preceding the appointment, service as trial counsel in at least two previous felony jury trials; or
   (b) Service as trial counsel in any five previous felony trials, of which at least three must be jury trials.

(5) Life sentences:

(a) Within ten years preceding the appointment, service as trial or trial assistant counsel in at least two prior life sentences trials, and trial counsel in four felony jury trials which were first or second degree felony trials.

(6) Death Penalty:

(a) Qualification for assignment for cases charging aggravated murder with a death penalty specification shall be solely governed by The Rules for Appointment of Counsel in Capital Cases.

(7) Mental Health: Assigned counsel for defendants having a confirmed serious mental illness or a developmental disability as defined in Local Rules 30.1(A) and 30.1(A)(2):

(a) Trial counsel shall meet established criteria for the appropriate offense as set forth in paragraphs (a)(1)-(7) of this part; and

(b) During each application period, trial counsel shall receive specific training, as approved by the judges assigned to the mental health dockets, on representing clients that have a mental illness or are developmentally disabled. The application period will be every two years consistent with counsels' biennial continuing education reporting and will end on January 31 of the following year.

(8) Minimum Requirement for the Assigned Counsel Lists:

(a) Admitted in Ohio and in good standing;

(b) Proof of legal malpractice insurance;

(c) Proof of having obtained twelve hours of Continuing Legal Education credits in criminal practice and procedure during the two years of counsel's biennial continuing education period which courses may include subject matter such as trial practice, evidence, voir dire, criminal rules, capital cases, and case law updates; and

(d) Proof of having completed the Court's mental health training seminar.

(B) Appointed Counsel Review Board:

(1) Statement of Purpose:

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Cuyahoga County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Cuyahoga County and all other litigants that come before it. To that end, the following rules are designed (l) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

(2) Appointed Counsel Review Board:

There is hereby created an Appointed Counsel Review Board. The members of the Appointed Counsel Review Board shall include the Administrative Judge, the Chairman of the Criminal Rules Committee and the Senior Judge from the General Division. For purposes of this rule, the Senior Judge is the judge with

the most years of continuous service on The Cuyahoga County Common Pleas Court, General Division. Any vacancies on the committee will be filled by appointment by the Administrative Judge. The duties and responsibilities of the Appointed Counsel Review Board shall be:

(a) To approve a Trial Counsel List from which private counsel shall be selected to represent indigent defendants in criminal cases;

(b) To approve an application form and process to be used by private counsel seeking to be listed on the Trial Counsel List;

(c) To approve applications from private counsel for listing on the Trial Counsel List;

(d) To approve applications from counsel accepted to practice in Ohio through reciprocity from another state.

(e) To evaluate the performance of private counsel representing indigent defendants in criminal cases against the standards set forth in section (A) of this rule;

(f) To remove private counsel from the Trial Counsel List;

(g) To require private counsel, when appropriate, to undertake remedial action in order to remain on the Trial Counsel List; AND

(h) To require private counsel to undertake appropriate continuing legal education.

(3) Action by Appointed Counsel Review Board:

Any action taken by the Appointed Counsel Review Board to include an attorney or to exclude an attorney from the Trial Counsel List shall be approved by a majority of the judges.

(4) Mentors:

Each applicant for inclusion on the Trial Counsel List not already meeting the requirements for inclusion must have a designated mentor. The mentor will co-sign the private counsel's application for inclusion on the Trial Counsel List, agreeing to act as an advisor to and resource for the applicant until the applicant has met the experience criteria set by the Appointed Counsel Review Board. In order to serve as a mentor, a criminal practice attorney must be approved counsel on the Trial Counsel List with the capability of being assigned all levels of criminal cases with the exception of capital cases.

Further, an attorney who qualifies as a mentor may only mentor a maximum of three applicants at any one time. Any criminal attorney, who meets the qualifications to serve as a mentor, but refuses to do so, may be excluded from the Trial Counsel List.

(5) The Application Process:

The Appointed Counsel Review Board shall meet as frequently as necessary in order to review applications for inclusion on the Trial Counsel List. After review of the pending applications, the Board shall recommend those attorneys it deems qualified for inclusion on the Trial Counsel List. These recommendations shall be presented at the next monthly meeting of the judges. A majority of the judges shall either approve or disapprove the recommendations of the Board. The names of those attorneys approved by a vote of the judges shall be placed on the Trial Counsel List.

(6) Orientation Program for New Attorneys:

In May and in November each year, the Court shall conduct a four-hour new attorney orientation program. Educational presentations shall be made by the following categories of court personnel:

(a) Judge

(b) Prosecutor
(c) Public Defender
(d) Bailiff
(e) Court Reporter
(f) Private Defense Counsel
(g) Court Administration
(h) Representative from the Criminal Clerk's Office.

(7) Grounds for Removal from the Trial Counsel List:

Any private counsel may be removed from the Trial Counsel List for the following conduct:

(a) Failure to comply with the Code of Professional Responsibility; the Ohio Rules of Criminal Procedure; the Rules of Practice of the Cuyahoga County Court of Common Pleas.
(b) Refusal to accept appointments.
(c) Failure to follow the Court's billing procedures such as:
  (i) refusal to complete request for reimbursement forms;
  (ii) inaccurately completing the required request for reimbursement forms;
  (iii) failing to file timely request for reimbursement forms;
  (iv) Excess billing; and
  (v) repeated submissions seeking fees in excess of the fee schedule.
(d) Unprofessional behavior such as lack of preparation, tardiness, contentiousness, failure to follow through with responsibilities, or failing to treat court personnel with respect.
(e) Repeated conflicts with indigent defendants necessitating the appointment of other counsel;
(f) Accepting fees for representation of a defendant but only appearing in his behalf at arraignment necessitating the appointment of private counsel for the remainder of the case;
(g) Accepting an appointment but sending other counsel to appear in behalf of the indigent defendant;
(h) Having a case reversed by the Court of Appeals for ineffective assistance of counsel;
(i) Seeking to withdraw, without cause, prior to the completion of the case;
(j) Failure to timely file necessary paperwork; and
(k) A pending disciplinary action before a local bar association or the Disciplinary Counsel.

(8) Procedure for Removing an Attorney from the Trial Counsel List:

Anyone can file a complaint against a private attorney who is listed on the Trial Counsel List. The following procedure will be used to remove an attorney from the Trial Counsel List.

(a) File a written complaint with the Court Administrator setting forth the reasons why the subject attorney should be removed from the Trial Counsel List.
(b) The Appointed Counsel Review Board shall investigate the complaint and recommend that the private attorney:
  (i) be removed from the Trial Counsel List;
  (ii) remain on the Trial Counsel List; or
  (iii) be suspended from the Trial Counsel List until remedial action is undertaken to correct his conduct.

(c) The recommendation of the Appointed Counsel Review Board shall be presented to the judges at their next scheduled monthly meeting. The judges shall vote to adopt the recommendation of the Board or take such other action as a majority of them so determine to be appropriate.

(d) Immediately following the vote by the judges, the attorney will be notified in writing of the action taken.

(9) Removal from the Trial Counsel List:

Any attorney removed from the Trial Counsel List may apply for reinstatement after one year providing the attorney completes the application process as set forth in the Local Rule.

(10) Remedial Action:

An attorney suspended from the Trial Counsel List may seek reinstatement after completing the remedial action recommended by the judges. Possible remedial action may include:

(a) Attendance at the orientation program for new attorneys;
(b) The assignment of a mentor;
(c) Completion of applicable continuing education courses;
(d) A reduction in the class of felonies for which the attorney can receive appointments;
(e) Assignment as assistant trial counsel on a non-fee basis in cooperation with regularly retained or assigned counsel in a criminal case; OR
(f) Substance abuse counseling.

(C) Assignments of counsel for indigent defendants, not represented by the Cuyahoga County Public Defender, shall be made by the Judge assigned to the Arraignment Room and appointments of counsel for defendants, not represented by the Cuyahoga County Public Defender will be distributed as widely as possible among the attorneys on the Court Assigned Counsel List designed to pair the defendant's level of offense with any attorney who meets the qualifications for assignment. The Court may exercise its discretion in making appointments from the list in order to avoid conflicts of interest, conflicts with counsel's schedule, conflicts with the Court's schedule, and in instances where the gravity of the offense requires counsel with greater experience than the next attorney on the Trial Counsel List. Any attorney appointed must be qualified for all counts in the indictment.

The office of the Cuyahoga County Public Defender shall be assigned thirty five per cent (35%) of cases for which counsel are selected for indigent defendants, including all criminal assignments whether or not processed through the Arraignment Room. The Assistant Public Defender, before being assigned to represent an indigent defendant, shall also meet the established criteria.

In cases requiring the appointment of new counsel for defendants, i.e., defendants not having retained counsel and defendants without a pending case with counsel previously appointed, (i) if the case number ends in 1, 3, 5, or 7, the arraignment room judge shall appoint the public defender's office as counsel; provided however, if the defendant has co-defendant in this case whom the public defender's office currently represents, then such defendant shall have a private counsel appointed instead of the public defender's office; and (ii) if the case number ends in 2, 4, 6, 8, 9 or 0 then in compliance with this local rule, the arraignment room judge shall appoint the public defender's office or private counsel as the judge determines.

(D) When a case for arraignment contains multiple counts, assignment will be made to counsel qualified for the charge containing the longest potential sentence.

(E) In all cases where a defendant has a confirmed serious mental illness or has a developmental disability as defined in local rules 30.1 (A)(1) and 30.1 (A)(2), the arraignment room judge:

(1) Where municipal court has assigned counsel meeting established criteria as set forth in paragraph (A)(1)-(7) of this part, shall assign the same counsel to represent the defendant; or

(2) May assign the public defender's office. The assistant public defender, before being assigned to represent an indigent defendant, shall meet the established criteria as set forth in paragraph (A)(1)-(7) of this part; or

(3) May assign private counsel meeting the established criteria as set forth in paragraph (A)(1)-(7) of this part.

(F) As a general rule, only one attorney shall be assigned to all of an indigent defendant's pending cases. The attorney's assignment shall continue until the disposition of all of the defendant's pending cases. While such cases are pending, the same attorney will be assigned as counsel for each of an indigent defendant's subsequently arraigned cases except: should the defendant be arraigned on a charge on which original counsel is not eligible for assignment, then an eligible attorney shall be assigned for such case.

PART II.

(A) Upon arraignment or subsequent thereto, where it appears to the Court that the defendant is without counsel and desires to have the Court assign counsel, the Court, before doing so, may require from the defendant receipt of a duly executed affidavit upon the form provided by the Court regarding his or her general background and financial status.

(B) Assigned counsel shall receive compensation for professional services and shall be reimbursed for expenses in accordance with O.R.C.2941.51. In all cases upon completion of the service, it shall be the duty of such assigned counsel to submit a completed affidavit and entry for assigned counsel fees. The trial judge, after due consideration, shall determine the amount of compensation within the statutory limit in accordance with the following schedule:

ASSIGNED COUNSEL FEE SCHEDULE – *Effective February 1, 2014*

GENERAL DIVISION

TYPE	**MINIMUM COMPENSATION**	**MAXIMUM COMPENSATION**
Aggravated Murder without Specifications One Attorney Two Attorneys	$1,406	$4,500 $8,000
Murder	$1,667	$4,000
Rape Victim Under Age 13		$4,000
Felony with Possible Life Sentence / Repeat Violent Offender / Major Drug Offender		$3,500
First Degree Felonies	$480	$1,500

Second Degree Felonies	$435	$1,125
Third Degree Felonies	$367	$1,000
Fourth Degree Felonies	$256	$800
Fifth Degree Felonies	$195	$750
Sexual Predator Hearing	$305	$525
Misdemeanors (Degrees 1-4)		$150
General Division Hourly Rate In Court Out of Court	 $60 $50	 $60 $50

GENERAL DIVISION

Post Conviction Proceedings:

TYPE	MINIMUM COMPENSATION	MAXIMUM COMPENSATION
With Evidentiary Hearing	$0	$170
Without Evidentiary Hearing	$0	$100
Habeas Corpus, Parole, Probation and All Other Proceedings Not Elsewhere Classified; Habeas Corpus with Evidentiary Hearing; Habeas Corpus without Evidentiary Hearing	$0	$100

JUVENILE PROCEEDINGS:

(Delinquency Offense)

TYPE	MINIMUM COMPENSATION	MAXIMUM COMPENSATION
Murder	$1,250	$2,750
All Manslaughter / Homicide	$500	$1,000
First Degree Felonies	$320	$750
Second Degree Felonies	$290	$580
Third Degree Felonies	$220	$440
Fourth Degree Felonies	$160	$330
Fifth Degree Felonies	$40	$250
Misdemeanors	$0	$250
Traffic Offenses	$0	$250

Guardian Ad Litem	$0	$500
Bindovers	$0	$350
Guardian Ad Litem-Custody Reviews	$0	$200
All Other (non-delinquency)	$0	$250
Temporary Custody		$400
Permanent Custody		$800
Juvenile Hourly Rate In Court Out of Court	 $50 $40	 $50 $40

COURT OF APPEALS

Appellate Proceedings:

TYPE	**MINIMUM COMPENSATION**	**MAXIMUM COMPENSATION**
Aggravated Murder – Death Sentence	$1,050	$15,000
Aggravated Murder with Specifications	$1,050	$4,500
Aggravated Murder without Specifications	$1,050	$4,500
Murder	$700	$2,250
Felonies Other than Below	$0	$1,125
Voluntary Manslaughter, Involuntary Manslaughter and Negligent Homicide	$350	$1,250
Aggravated Vehicular Homicide and Vehicular Homicide	$350	$1,250
Misdemeanors Except Those Noted Above	$0	$875
Other / Juvenile	$0	$875
Appellate Proceedings Death Sentence Hourly Rate In Court Out of Court	 $45	 $95 $60 $50

Provided however, where a sexually violent predator specification under R.C. 2941.148(A) increases the potential penalty for any offense to a life sentence, the maximum compensation under this schedule shall be increased by one thousand dollars ($1,000).

The compensation to be paid for such services shall not exceed the amount listed in the compensation schedule except in extraordinary cases when upon motion it shall be determined by the trial judge, the administrative judge and another judge to authorize additional payment. The motion should set forth in

detail the basic reasons such request, the amount in excess of the fee schedule requested and an itemized statement of services rendered. Motions for extraordinary compensation shall be filed simultaneously with the usual affidavit and entry for assigned counsel fees.

Individuals appointed as Guardian Ad Litem may request payment of fees exceeding this schedule using the above procedure.

(C) Unless a defendant on probation or community control sanctions knowingly and intelligently, orally and in writing, waives his right of counsel at a probation violation hearing. The defendant shall be entitled to counsel at such hearing retained or assigned. Assigned counsel shall be compensated in accordance with the fee schedule for habeas corpus, parole, probation, community control sanctions, and all other proceedings not elsewhere classified in Part II (B) of Rule 33.

(D) Defendants returned to this Court for a hearing pursuant to O.R.C.2945.40, shall be represented by counsel who shall be appointed and compensated as provided in part (C) of this rule.

(E) It is intended that counsel assigned to represent indigent defendants shall themselves investigate cases to which they have been assigned.

Investigators shall not be employed by defense counsel except by leave of Court, and then only in cases where the defendant is charged with aggravated murder or murder. Only individuals licensed by the State of Ohio as a private investigator under a Class A or Class B license shall be appointed and paid under this section. In these cases, counsel shall make application for the use of such investigator in writing at least 30 days before trial. The application should set forth in detail the basic reason for the need for such request and the approximate amount that would be incurred if the request was granted, including written verification that the investigator currently holds a valid Class A or Class B license issued under O.R.C. Chapter 4749.

The trial Court shall journalize its decision.

The compensation to be paid for such investigation shall not exceed $500.00 except in extraordinary cases when it shall not exceed $1,000.00. Extraordinary fees shall be determined by the trial judge, the administrative judge and another judge. In every case, the investigator shall submit an itemized statement of services rendered. Investigators shall not receive compensation at a rate greater than twenty-five dollars ($25.00) per hour.

Bills for such investigation shall be filed with defense counsel's application for attorney fees and shall be paid as part of counsel's expenses.

(F) Counsel assigned pursuant to Local Rule, Part I (D) to multiple pending cases for a single defendant shall receive compensation for professional services as follows: no more than one maximum fee for one case containing the highest degree offense plus the minimum fee for each of all other cases assigned to counsel for that defendant.

(G) This Court shall not consider approval of or payment for and shall not approve or pay any amount for any expert or specialist relating to psychological, mitigation or similar services under R.C. 2929.024 or otherwise in a criminal action unless there is filed with the Clerk of Courts or Court an application by counsel for the defendant which expressly provides, with specificity, the following information:

(1) The name of the individual(s) sought to be appointed, his/her professional qualifications or credentials demonstrated by an attached resume or curriculum vitae;

(2) The services sought to be provided including, but not limited to, research, investigation, testimony and/or consultation;

(3) The hourly rate to be charged by such individual for each service and the estimated number of hours;

(4) Any additional expense anticipated in connection with such services; and

(5) The total projected expense anticipated for each individual.

The above described application may be filed under seal and/or ex parte with the prior permission of the trial judge to whom the case is assigned.

Effective 09/19/2018

34.0 BAIL AND RECOGNIZANCE

(A) RIGHT TO BAIL AND PURPOSE OF BAIL

All persons are entitled to bail. The purpose of bail is to insure that the defendant appears at all stages of the criminal proceedings.

(B) CONDITIONS OF PRETRIAL RELEASE

Where summons has issued and the defendant has appeared the judge may release the defendant on his personal recognizance.

Any person who is entitled to release under subdivision (A) may be released on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judge, unless the judge determines that such release will not assure the appearance of the person as required. Where a judge so determines he shall, either in lieu of or in addition to the preferred methods of release stated above, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial, or if no single condition gives that assurance any combination of the following conditions:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of an appearance bond in a specified amount and the deposit with the Clerk of the Court before which the proceeding is pending a sum of money equal to ten percent of the amount of the bond, but in no event shall such deposit be less than $25.00 which deposit is to be returned upon the performance of the conditions of the appearance bond;

(4) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash or the securities allowed by law in lieu thereof, or;

(5) Impose any other constitutional condition deemed reasonably necessary to assure appearance.

(C) CONDITIONS OF RELEASE AFTER CONVICTION

A person who has been convicted and is either awaiting sentence or has filed a notice of appeal shall be treated in accord with the provisions of subdivision (B), unless the judge has reason to believe that the person will flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be ordered detained.

(D) CONDITIONS OF RELEASE: BASIS

In determining which conditions of release will reasonably assure appearance, the judge shall consider the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his appearing at the trial.

(E) ORDER

The judge who releases a person under this rule shall make an appropriate written order stating the conditions of release.

(F) AMENDMENTS

Subject to the provisions of subdivisions (B) and (E), a judge ordering the release of a person on any condition specified in this rule may at any time amend his order to impose additional or different conditions of release.

(G) INFORMATION NEED NOT BE ADMISSIBLE

Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a Court of law.

(H) CONTINUATION OF BONDS

Unless application is made by the surety for discharge, the same bond shall continue as a matter of right until the final disposition of the case in the trial Court. Final disposition shall mean the return of a verdict by a jury or judgment by the Court. In the discretion of the trial Court, and upon notice to the surety, the same bond may also continue after final disposition in the trial Court and pending sentence or pending disposition of the case on review. Any provision of a bond or similar instrument which is contrary to this rule is void.

(I) SANCTIONS

Any person, having been released pursuant to any provision of this rule, who fails to appear before any Court as required, shall be subject to any punishment provided by law and shall incur a forfeiture of any bail which was given for his release.

(J) JUSTIFICATION OF SURETIES

Every surety, except a corporate surety which is licensed as provided by law, shall justify by affidavit and may be required to describe in the affidavit the property by which he proposes to justify and the encumbrances on it, the number and amount of other bonds and undertakings for bail entered into by him and remaining undischarged and all his other liabilities. He shall provide such other evidence of financial responsibility as the Court or clerk may require. No bond shall be approved unless the surety or sureties appear, in the opinion of the Court or clerk, to be financially responsible in at least the amount of the bond. No licensed attorney of law shall be a surety.

(K) FORFEITURE OF BONDS

If there is a breach of condition of a bond, the Court shall declare a forfeiture of the bail. Forfeiture proceedings shall be promptly enforced as provided by law.

(L) EXONERATION

The obligor shall be exonerated as provided by law.

(M) VERIFICATION OF BOND INFORMATION

Before accepting any bond for bail or recognizance, the Clerk shall make certain that the affidavit of justification for suretyship shall contain all of the information required by R. C. 2937.24 and such additional information as the Court may require to be set forth. The Clerk shall also require compliance with every direction contained in R. C. 2937.21, et seq. Whenever the Clerk shall be in doubt as to the validity of the signature of any bondsman, he shall refer the matter to the Sheriff who shall promptly cause the subject to be investigated and make a report to the Clerk.

(N) NOTIFICATION OF LAW ENFORCEMENT

Whenever a capias is issued by the Court, the Clerk shall promptly forward it to the Sheriff who shall immediately inform the police department or other law enforcement agency whose information led to the indictment of the defendant of the Court's action. The Sheriff is further directed to alert other law enforcement agencies as to such Court action.

(O) BOND FORFEITURE JUDGMENTS

The Clerk of Courts shall forward to the Prosecuting Attorney a copy of every bond forfeiture judgment entry. Every bond forfeiture judgment entry shall include the following language: "It is further ordered by the Court that if the aforesaid judgment is not satisfied within sixty (60) days, the Clerk of Courts is instructed to accept no further recognizance from said surety."

Further the Clerk of Courts shall notify the Prosecutor at such time that a judgment is satisfied. If the judgment is not satisfied at the end of the sixty (60) day period, the Prosecuting Attorney shall immediately take the necessary action to collect the judgment.

When a bond forfeiture has been ordered in a criminal case with a judgment taken thereon, and a bondsman files a motion to vacate said judgment to remit all or part of the money paid or payable, the following procedure will be followed.

When the defendant has been returned to this jurisdiction, or where it has been ascertained that he is being detained in another penal institution outside of this jurisdiction, and the Court partially grants the motion, the following sums shall be deducted from the money to be remitted:

(1) All Court costs.
(2) All costs of extradition sustained by the County or State.
(3) Ten percent (10%) of the total bond where the order is made within one year of the date of the bond forfeiture.
(4) Where the order is made one year or more subsequent to the date of the bond forfeiture, such sum, if any, in excess of ten percent (10%) of the bond as the judge deems appropriate.
(5) If good cause by production of the body of the accused or full payment of the reduced judgment is not made within thirty (30) days, the face amount of the bond or the full judgment will be reinstated.

Effective 11/01/00

35.0 SELECTION AND GOVERNANCE OF PROSPECTIVE JURORS

(A) The jury commissioners appointed by the Court pursuant to R. C. 2313.01 shall, on or before the first day of August of each year, select such number of prospective jurors as the Court may determine. Pursuant to R. C. 2313.21(C) the Court authorizes and directs the Commissioners of Jurors to conduct the drawing of the jurors by the use of automated data processing and by employing such procedures that shall include the random selection of names of prospective jurors, return of names of persons selected but not used as jurors, public viewing by designated officers or their representatives of the selection process, the printing of venires containing the names and addresses of the persons drawn, the Court, and the term for which they were drawn, and safeguards against unlawful tampering or activation of the automated system.

(B) The names of prospective jurors shall be selected from the registration and polling lists of the county and/or the driver licenses according to a key number designated by the jury commissioners and in such number and manner that each ward in each city and each township in the county shall be represented in proportion to their respective populations.

(C) The jury commissioners shall cause an examination to be made in a form and manner approved by the Administrative Judge as to assignment or exemption for jury service. They shall keep a separate record of all such prospective jurors who fail to respond and promptly send additional notice by registered or certified mail to such persons and any failure to respond to such second notice shall be reported to the Administrative Judge for appropriate action. They shall keep a complete and accurate record of all persons examined for jury service, accepted or excused.

(D) When the required number of persons, competent to serve as jurors, has been chosen and the names approved by the jury commissioners, they shall prepare in triplicate an alphabetical list of prospective jurors by name. One copy of this list shall be given to the Administrative Judge, one to the Clerk of Courts and one shall be retained by the jury commissioners. Each such list shall bear the endorsement of both commissioners.

(E) The Sheriff shall issue summons by mail in the manner provided by law to persons whose names are drawn.

(F) On the day that the persons summoned appear to serve as jurors, the jury commissioners shall prepare triplicate lists of the persons appearing. One list shall be retained by the jury commissioners and two shall be sent to the jury bailiff. The jury bailiff shall employ procedures to randomly select jurors to be used as panels for voir dire. The panel lists shall be in a form approved by the administrative judge.

(G) The jury bailiff shall withdraw from service the names of jurors that have been excused or have completed their term of service.

(H) In the absence of the jury bailiff, the duties herein prescribed shall be performed by one of his assistants.

(I) When not engaged in the trial of a case, all jurymen shall report to the jury bailiff each morning at 9:00 o'clock in order that their attendance may be credited. Jurymen shall remain in the jury quarters during Court hours and shall not leave except at the direction of the jury bailiff.

(J) When jurors are discharged from or excused from the panel of a case, they shall immediately report to the jury bailiff.

(K) Jurymen shall not be excused and depart from the building without notice to the jury bailiff.

(L) Any juryman failing to answer the call of the jury bailiff in compliance with the above regulation shall be reported to the Administrative Judge who shall take proper action.

36.0 MEDICAL MALPRACTICE ARBITRATION

(A) SELECTION OF ARBITRATORS

(1) Before reference is made to a medical malpractice panel, a case management or pretrial conference shall be held according to Rule 21. Before a scheduled pretrial, the plaintiff (or plaintiffs) shall select one arbitrator and the defendant (or defendants) shall select one arbitrator, to be known as the co-arbitrators. The identities of the co-arbitrators shall be made known to the Court at the pretrial and the parties shall also at the pretrial settle upon a mutually agreeable date or dates for the arbitration and the estimated time the arbitration will take. Co-arbitrators need not be attorneys. The Court shall journalize the selection of the co-arbitrators and shall forward the file to the Arbitration Commissioner with the names of the two Arbitrators. On the basis of the information given to the Court at pretrial, the Court shall then select a panel chairman from a list of medical malpractice arbitration panel chairmen consisting of attorneys authorized to practice law in Ohio, who have previously consented to serve, and who have been approved by the Civil Courts Committee. This list shall be maintained and kept current by the Arbitration Commissioner and shall be made available to the Court. The Court shall also journalize the selection of the chairman. The Commissioner shall process the file, verify the hearing date and deliver the file to the Arbitration Chairman prior to the hearing. The parties may agree upon a single arbitrator. In such a case that single arbitrator shall be qualified to be an arbitration chairman.

(2) Not more than one member of a legal, medical, or osteopathic professional firm shall be appointed to the same panel, nor shall an attorney be appointed who is a law partner or an associate of any attorney of record in the case.

(3) If there is a failure by one or more parties to appoint a co-arbitrator in the manner provided, the Court shall make the appointment.

(B) EXCEPTIONS TO APPOINTMENT OF ARBITRATORS

Exceptions to a chairman or co-arbitrators shall be raised by motion filed within seven (7) days of the receipt of the notice of journalization of the co-arbitrators and the chairman.

(C) HEARINGS: WHEN AND WHERE HELD: NOTICE

(1) Unless counsel for all parties and the entire Panel agree, the place shall be one of central city location. A hearing shall be scheduled normally not more than forty-five (45) days after the appointment of the Panel of Arbitration. No hearing shall be fixed for Saturdays, Sundays, legal holidays, or evenings except upon agreement by counsel for all parties and the arbitrators.

(2) Since sufficient time is available to the parties prior to the hearing date to settle or compromise a dispute, once a hearing date is set, the hearing shall proceed at the scheduled time. There shall be no communications by the parties' counsel with the chairman concerning the merits of the controversy prior to the commencement of the hearing.

(D) INABILITY OF PARTY TO PROCEED

In the event that a party is unable to proceed when the case has been scheduled, the Chairman shall notify the Assigned Judge for purposes of continuance.

(E) DEFAULT OF A PARTY

The arbitration may proceed in the absence of any party, who, after due notice, fails to be present. An award shall not be made solely on the default of the party. The panel shall require the other party to submit such evidence as they may require for the making of an award. If neither party appears at the time set for the arbitration hearing, the award shall be one dismissing the action for want of prosecution subject to the right to recommence within one year.

(F) CONDUCT OF HEARING: GENERAL POWERS

(1) The chairman of the panel, unless the parties agree otherwise, shall be the judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators and of all the parties except where any of the parties is absent, in default, or any of the parties has waived his right to be present. The panel may receive the evidence of witnesses by deposition, affidavit, or written report and shall give it such weight as they deem it is entitled to after consideration of any objections which may be made to it. In the event of a trial subsequent to arbitration, the parties shall not offer as an expert witness any person who did not testify as an expert in person, by report, by deposition, or by videotape at the arbitration. The Court, for good cause shown, may suspend the operation of this rule.

(2) Counsel shall upon request, whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

(G) SPECIFIC POWERS

(1) The panel shall have the general powers of a Court, including, but not limited to, the following powers:

(a) Subpoenas. To cause the issuance of subpoenas to witnesses to appear before the Panel and to request the issuance of an attachment according to the practice of the Courts for failure to comply.

(b) Production of Documents. To compel the production of all books, papers, and documents which they shall deem material to the case.

(c) Administering Oaths, Admissibility of Evidence. To ad- minister oaths of affirmation to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to them.

(H) SUPERVISORY POWERS OF THE COURT

The assigned judge of the General Division of the Court of Common Pleas shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in application of these rules.

(I) WITNESS FEES

Witness fees shall be in the same amount as provided for witnesses in trials in the Common Pleas Court of Cuyahoga County, Ohio, which shall be taxed as costs.

(J) TRANSCRIPT OF TESTIMONY

The arbitrators shall not be required to make a transcript of the proceedings. If any party shall desire a transcript, he shall provide a reporter and cause a record to be made. The party requesting the same shall pay the costs which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided a copy by the reporter upon payment, based upon the usual charges made for a copy of a deposition plus a proportionate share of the costs of the reporter at the hearing.

(K) REPORT AND AWARD

Within thirty (30) days after the hearing, the Chairman of the panel shall file a report and award, containing findings of fact, with the Assigned Judge and on the same day shall mail or otherwise forward copies to all parties or their counsel. In the event all three members do not agree on the finding and award, the dissenting member shall write "Dissents" before his signature. The Assigned Judge shall make a note of the report and award on his docket and file the original report with the Clerk of Courts.

(L) LEGAL EFFECT OF REPORT AND AWARD: ENTRY OF JUDGMENT

(1) The report and award shall become final thirty (30) days after its filing and the Court shall enter judgment unless prior to said thirty (30) days a party files with the Clerk of Courts a notice of non-acceptance of such report and award.

(2) If a party files an application to vacate the award accompanied by a detailed affidavit or affidavits alleging one or more of the following:

(a) The findings of fact by the Arbitration Panel were clearly erroneous;

(b) The decision is not in accordance with applicable law;

(c) The procedures required for conducting the hearing and rendering the decision were not followed fairly and properly but with prejudice to a party.

The assigned judge shall schedule a hearing to inquire into the allegations and determine the merits of the application. If the application is granted, the pleading shall not be amended and neither the decision of the Arbitration Panel nor any dissenting opinion shall be entered into evidence at the subsequent trial, and there shall be no cross-examination of the arbitrators. If the application is denied, the decision of the Arbitration Panel and any dissenting opinion will be admitted into evidence upon the offer of any party and the opposing party may cross-examine the arbitrators.

(M) COMPENSATION OF ARBITRATORS

(1) Each co-arbitrator who has signed an award or files a minority report, unless their right to compensation has been waived prior to the hearing, shall receive as compensation for their services in each case a reasonable and customary fee agreed upon by the assigning party. The members of a Panel shall not be entitled to receive their fees until after filing the report and award with the Court. Fees paid to arbitrators shall be assessed pursuant to Â§2711.21, Ohio Revised Code.

(2) The chairperson of the panel shall receive as compensation a sum not less than that received by each co-arbitrator The amount of the compensation shall be a reasonable and customary fee to be determined by the judge prior to assigning the case for arbitration proceedings.

(N) TIME LIMIT TO AMEND PLEADINGS

If the notice of non-acceptance referred to in paragraph (L)(1) of this rule is filed, the pleadings shall be amended in accord with Â§2711.21 of the Ohio Revised Code and filed with the Clerk of Courts after the filing of such notice of non-acceptance. The party making such pleading amendments shall serve the other parties pursuant to the Ohio Rules of Civil Procedure.

37.0 MEDIA

(A) DEFINITIONS, APPLICATIONS

(1) For purposes of these rules, the term "media recording" shall be understood to encompass broadcasting, televising, recording, or photographs. The term "trial" shall be understood to apply to any public hearing held by the Court.

(2) Application for media recording shall be made in writing to the assigned judge in the case prior to the commencement of the trial. No special form of application will be required, but the application must specify the type of equipment to be used, and must identify and be signed by the applicant. The "pooling" required by Superintendence Rule 12(B) for Courts of Common Pleas shall be accomplished prior to submission of the application. The positioning of the cameras shall be at a location to be determined by the trial judge.

(3) In the event the judge approves the application, he shall prepare and sign a journal entry setting forth the conditions of media recording and such journal entry shall be made a part of the record of the case. Before preparing the journal entry, the judge shall confer with media representatives regarding the positioning of the operators and equipment.

(4) The journal entry shall state whatever portions of the trial shall not be open to media recording. In the event that at any time subsequent to the signing and filing of the journal entry the judge shall decide to withhold media recording of any part of the trial, such decision and order shall be entered into the record of the case.

(5) In the event of a continuance of the trial for a period of more than thirty (30) days, a new application shall be required.

(6) At any arraignment room session, application in writing may be made anytime before the session. The Court may give permission for the reporting or recording of any portion of the session without a formal journal entry. Positioning of any equipment shall be at the complete discretion of the arraignment room judge.

(B) LIMITATIONS

(1) Any equipment which is non-portable shall be set up and ready for operation prior to the commencement of Court sessions. In no event will persons be permitted to bring equipment into the courtroom during trial unless such equipment can be easily carried by a single person and without causing distraction or disturbance.

(2) No media recording of proceedings in the judges' chambers or accesses shall be permitted except with the express permission of the judge. No media recording shall be permitted in jury deliberation rooms at any time during the course of the trial or after the case has been submitted to the jury No pictures of jurors may be taken at any time.

(3) Audio equipment shall be so controlled that it will not pick up conferences or conversations between counsel and client, between counsel and the judge at the bench, or between counsel and official Court Reporter as in the case of a proffer.

(4) The judge, counsel, and witnesses shall not address any remark to the media when the Court is in session. In all respects, the trial shall proceed in exactly the same manner as though there were no media recording in process.

(5) No media recording shall be made of any document or exhibit before or after such document or exhibit is admitted into evidence, except those which are clearly visible to spectators, e.g., maps, charts, blackboards, etc.

(6) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Upon objection the media are prohibited from employing any means to record the victim or witness.

(7) No photographic or electronic equipment may be used in the courtroom which causes distracting sound or light.

(C) SANCTION

(1) Upon failure to comply with the orders of the judge or with Superintendence Rules for Courts of Common Pleas the Judge may revoke any permission previously granted.

Effective 03/12/96

38.0 SPECIAL PROCESS SERVER

A person may apply for a standing order to be designated as a "Special Process Server" for cases filed in this Court by filing an application supported by an affidavit setting forth the following information:

(A) the name, address and telephone number of applicant;

(B) that the applicant is eighteen years of age or older;

(C) that the applicant agrees not to accept service of process in any case which theapplicant is a party or counsel for a party;

(D) that the applicant agrees to follow the requirements of Civil Rules 4 through 4.6, and any applicable local rules, and specific instructions for service of process as ordered by the court in individual cases.

The applicant requesting the designation shall also submit a proposed standing order captioned "In Re The Appointment of (name of applicant) As Special Process Server," and stating as follows: "It appearing to the Court that the following applicant has complied with the provisions of Local Rule 38, (name of applicant) is hereby designated as a Special Process Server authorized to make service of process and subpoenas in all cases filed with this Court, to serve for one year, such year beginning on January 1st of the year filed and ending on December 31st, of that year, or until further order of the Court." The order shall be signed by the Administrative Judge of the General Division of the Common Pleas Court. The Clerk of Courts shall record such appointment on the Court's Special Docket, and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such order as satisfying the requirements of Civil Rule 4.1(B) for designation by the Court of a person to make service of process.

The cost for filing this application is $66.00 plus any applicable Special Project Fees.

Effective 1/12/2012

39.0 ELECTRONIC FILING OF COURT DOCUMENTS

(A) E-FILING GENERALLY

(1) All attorneys must use the court's E-Filing system. All cases, except for those listed below, are designated as E-File cases.

(a) Case types not subject to E-Filing are:

(1) Cognovit
(2) Foreign Judgment
(3) Petition for Civil Stalking Protection Order
(4) Replevin
(5) Certificate for Qualification of Employment (CQE)

(b) Discovery-related documents in criminal cases must be submitted electronically through the court's criminal discovery portal and may not be E-Filed.

(c) Indictments and criminal complaints may be submitted electronically through the Justice Matters portal. Indictments and criminal complaints submitted in this manner need not be E-Filed.

(2) Self-represented filers may, but are not required to, utilize the E-Filing system. The Clerk of Courts will provide secure public access terminals from which self-represented filers will be permitted to use the court's E-Filing system and electronically file documents. Self-represented filers who do not utilize the E-Filing system must file all documents with the clerk by mail, commercial carrier service, or personal delivery to the clerk's office. The clerk must accept the paper document for filing, docket the document, and scan the document before the end of the next business day or as soon as practicable, and retain the original for placement in the case file.

(3) The court and the clerk will issue, journalize, and serve notices, orders, and other documents electronically. The clerk will issue postcard notices to those parties that do not have an email address in the case management system and on exempted cases listed in (A)(1). For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the case management system, the electronic version constitutes the official court record. Electronically filed papers have the same force and effect as those filed by traditional means.

(B) DEFINITION OF TERMS

(1) **Clerk Review.** A review of electronically filed documents by the Clerk of Courts. The clerk will review the data and documents electronically submitted to ensure the document is signed by the filer, is in compliance with all court formatting rules, is accompanied by the required payment, does not require a judge's signature, and that the document matches what the filer states he or she is filing.

(2) **Case Management System.** A system that manages the receipt, processing, storage, and retrieval of data and documents associated with a case and performs actions on the data or documents.

(3) **Court Electronic Record.** Any document received in electronic form, recorded in the case management system, and stored in the court's document management system. This will include

notices and orders created by the court as well as pleadings, other documents and attachments created by the parties. It will not include physical exhibits that cannot be scanned into electronic form. These documents will be considered and maintained as court records as set forth in the Ohio Rules of Superintendence.

(4) **Electronic File ID (E-File ID).** The electronic-file ID is a unique number that is assigned to a filing as soon as the E-Filer creates the filing in the E-Filing system. In the E-Filing system, the E-Filer can retrieve any filings that are in progress, submitted, filed, canceled, or rejected through the E-File ID.

(5) **Electronic Filing (E-Filing).** The electronic transmission, acceptance, and processing of a filing. E-Filing does not include facsimile or e-mail.

(6) **Electronic Service (E-Service).** The electronic notice of a filed document to all other electronically registered case participants via the E-Filing system.

(7) **Electronic Signature.** A symbol that is adopted by a party with the intent to sign the electronic record.

(8) **Docket Type.** A two or three letter description selected by the E-Filer when E-Filing a document signifying the type of filing. For example, "MO" for motion and "NOT" for notice.

(9) **Registered User.** A person who has read and agreed to the terms of the Electronic Filing Systems' User Agreement, has provided credentials through the E-Filing system proving the user's identity, and has been provided with a user name and password through the E-Filing system.

(C) PERSONAL AND PRIVATE INFORMATION IN ELECTRONICALLY FILED COURT DOCUMENTS

(1) In accordance with Sup.R. 45(D), social security numbers and other personal identifying information, whether relevant to the case or not, must be redacted from documents before the documents are filed with the court. This requirement includes exhibits or addenda attached to filings such as preliminary judicial reports, financial reports, and medical records, etc.

(2) Personal identifying information includes but is not limited to:

a. Financial account numbers;
b. Names of minor children;
c. Driver's license numbers;
d. Information protected by law from public disclosure.

(3) Pursuant to Sup.R. 45(D)(3), the responsibility for redacting personal identifiers rests solely with the parties and their counsel. The court and clerk will not review each document for compliance with this rule.

(4) Pursuant to Sup.R. 45(D)(2), when personal identifiers are redacted from a document submitted to a court or filed with the clerk, the party must submit or file that information on a separate form provided by the clerk and this information will be held in a format that cannot be viewed by the public.

(D) E-FILED DOCUMENTS

(1) **Format.** All E-Filed documents must, to the extent practicable, be formatted in accordance with Local Rule 8 and Civ.R.10. A filed document may not contain internal links to other documents or references in the court's case management system, unless the links are incorporated into the filed document. External links are prohibited.

(2) **Portable Document Format.** With the exception of proposed orders, all E-Filed documents must be filed as a portable document format (PDF) file.

(3) **Proposed Orders.** Proposed orders must be submitted in Microsoft Word (.doc or .docx) format, must reference the specific motion to which they apply, and must be contemporaneously served on all parties. Proposed orders and agreed judgment entries signed by the parties and requiring a judge or magistrate's signature should not be filed on the docket. These entries must be E-Filed through the proposed submission icon or the proposed agreed entry icon or submitted to the court in paper format.

(4) **Size of Filing.** Submissions are limited to twenty megabytes in size. No combination of PDF files in one transmission may aggregate to more than twenty megabytes in size. Filings that exceed this size limit will be rejected by the clerk and must be filed as a paper document.

(5) **Title of Filing and Docket Type**.

a. All filed documents must have an appropriate title. For example:

(1) Any filing requesting an act by the court should be titled as a motion, not a "request."
(2) A brief in opposition should be titled "brief in opposition," not "reply."
(3) A reply to a brief in opposition should be titled "reply", and not "response."

b. The title of a filing entered into the E-Filing system must match exactly the title in the caption of the filed document.

c. The docket type selected on the E-Filing system must match exactly the type of document filed. For example:

(1) All motions must be given a docket type "MO."
(2) A brief in opposition should be given a docket type "BR," not "OT."
(3) A notice of dismissal should be given the docket type "NOT," not "MO."

(6) **One Document per Filing.** Only one captioned document may be filed per E-Filing. This provision does not preclude the inclusion of attachments to a motion, brief, or other filed document in the same E-Filing.

a. For example, a user should file a "notice of filing deposition transcript" as one E-Filed document and the actual deposition transcript as a second E-Filed document. Both of these documents have captions and each needs its own docket entry.

b. In contrast, a "suggestion of death" with a death certificate as an exhibit may be filed as one filing. The death certificate does not have its own caption and does not need to be a separate docket entry.

(7) **Multiple Documents per Filing.** If two captioned documents are included in the same E-Filing, the docket entry assigned to the filing will determine which document is filed. The document not named in the docket entry will not be considered filed.

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

(E) SIGNATURES

(1) **Attorney and Filing Party Signature.** E-Filed documents that require an attorney's or filing party's signature must be signed with a representation of a signature such as "/s/ (name)."

(2) **Effect of Signature on E-filed Pleading.** The representation of a signature on an e-filed document has the same effect as an original signature for purpose of signature requirements imposed by all applicable Rules of Procedure.

(3) **Multiple Signatures.** When a stipulation or other document requires the signature of two or more individuals, the E-Filer must indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line, using the representation of a signature as detailed in Sec. E(2).

(4) **Third-Party Signatures.** Documents containing signatures of someone other than the party filing the document (such as: affidavits, depositions, etc.) may be E-Filed only as a hand signed scanned PDF document.

(5) **Judge and Magistrate Signatures**. Electronic documents may be signed by a judge or magistrate via a digitized image of his or her signature. All documents signed in this manner will have the same effect as if the judge or magistrate had affixed his or her signature to a paper copy of the document and it had been entered on the journal in a conventional manner.

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

(1) Documents may be submitted to the clerk for E-Filing twenty four hours a day, seven days a week.

(2) Upon receipt of document submitted for E-Filing, the E-Filing system will issue a confirmation that the submission has been received.

(3) The clerk will perform a clerk review of the submission during normal business hours and will either accept or reject the submission.

(4) If a document submitted for E-Filing is accepted by the clerk, the document will be entered into the court's case management system and will receive an electronic timestamp indicating the date and time of the E-Filing.

(5) The electronic timestamp, and the effective date and time of filing, will correspond to the date and time the E-Filing was submitted to the E-Filing system.

(6) The clerk will notify the E-Filer by e-mail of the successful submission.

(7) If the clerk rejects a submitted document, the document will not become part of the official court record. The clerk will notify the E-Filer by e-mail if the E-Filer's submission has been rejected.

(8) Filing a document electronically or the clerk's rejection of a document does not alter the filing deadline for that document.

(G) FILING ERRORS

(1) **Filings Amended After Submission.**

a. An E-Filer who wishes to make corrections or additions to a previously filed document may file a revised document if no response has been made to the original filing by any party.

b. The revised document must be filed within the time permitted for the filing of the original document.

c. The revised document must be so identified and must reference the date of filing of the document being revised in its title. For example, a document submitted in place of a motion to dismiss that was filed on June 1, 2015, should be titled "Revised Motion to Dismiss (original filed on June 1, 2015)."

d. The revised document properly filed under this rule will supersede the original and the original will be considered withdrawn. The court will not consider the original.

e. The time for filing a response to a revised document properly filed under this rule begins to run from the date the revised document is filed.

(2) **Documents Filed in Error.**

a. Prior to acceptance for filing, the clerk may reject a document from the E-Filing system upon timely request by the filer. The request for rejection must contain either the case number or the E-File ID of the E-Filing sought to be rejected.

b. After the clerk accepts an E-Filing, the E-Filed document cannot be withdrawn, deleted, or altered. After acceptance, only a judge can strike an E-Filing in the event it has been filed in error.

c. When the clerk strikes a document upon the order of a judge, the clerk must annotate the docket to show that it has been stricken and the reason therefore.

(3) **Formatting Errors.**

a. If, despite the clerk's review, a document accepted for filing does not substantially comply with this court's formatting rules, the court may, either sua sponte or on the motion of any party, strike the improperly formatted document.

b. If the improperly formatted document is stricken, it will be treated as if it were not filed. If the deadline has expired for filing the document in question, the filer must seek leave of court to re-file it.

(H) SYSTEM ERRORS

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

a. **Anticipated Outage.** If the system outage is planned or anticipated ahead of time, the Clerk must post a message on the Clerk's website and on the E-Filing portal - alerting filers of a possible system outage. This message is an official acknowledgment of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message.

b. **Unexpected Outage.** If the system outage is unexpected, the Clerk must post a message on the Clerk's website and on the E-Filing portal. This message is official acknowledgement of a system outage that may have prevented some filers from submitting their filings within a certain timeframe, as identified in the message.

c. **Motion to Deem Filed as of Date Electronically Submitted.** Filers who are unable to electronically submit their filings due to a system outage, and who then submit their filings no later than the next business day after an official acknowledgement of the system outage, may file a properly supported motion for an order permitting the document to be deemed filed as of the date it was electronically submitted.

d. **Order to Deem Filed as of Date Electronically Submitted.** If the court determines from the motion described in Part c of this Section that a system failure prevented a filer from E-Filing a document, the court must enter an order deeming the document filed as of the date of the attempted electronic submission.

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

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

b. The motion must be accompanied by a signed declaration explaining the failure to meet the deadline.

c. The judge or magistrate may grant or deny such motion in his or her discretion.

(3) **Jurisdictional Deadlines.**

a. Technical failures, whether the fault of the court's E-Filing system or otherwise, cannot extend jurisdictional deadlines (such as statutes of limitation or deadlines for appeal).

b. When the court's E-Filing system is subject to a technical failure, system users may file documents in paper format to comply with jurisdictional deadlines.

c. When a system user cannot E-File because of the user's technical problems, the user may use the clerk's public terminals to file documents in order to comply with jurisdictional deadlines.

(I) ELECTRONIC SERVICE OF DOCUMENTS

(1) **Service of claims that require service of summons.** When submitting any complaint, third-party complaint, or other claim requiring summons for E-Filing the filing party must also submit instructions for service as required by the Rules of Procedure. The clerk must issue a summons by the method of service requested in accordance with the applicable rules of procedure.

(2) **Service of filings subsequent to the complaint.** It will be the responsibility of the filing party to serve all filings subsequent to the complaint and a party must include a certificate of service in accordance with the applicable rules of procedure. All parties who are registered users of the court's authorized E-Filing system may electronically serve all other registered users of the E-Filing system through the court's authorized E-Filing system. Once a document is E-Filed, a notice of electronic filing will be automatically served electronically on all parties who are registered case participants.

(3) **Effect of E-Service.** Electronic service of the filing constitutes service of the filed document and satisfies the certificate of service requirement, unless the filing party has actual knowledge of a technical failure resulting in non-receipt of a document. E-Service of an E-Filed document will be deemed complete when a registered user receives the notice on the E-Service notifications page through the E-Filing system.

(4) **Service of Paper Copies.** Self-represented parties and other interested parties who may be served with a filing (such as receivers and other court appointees) but who are not subscribed to the court's E-Filing system must be served with a paper copy in accordance with the applicable rules of procedure.

(J) PAPER FILING OF DOCUMENTS

(1) **Documents Filed under Seal.** A motion to file documents under seal must be filed and served electronically. However, the documents to be filed under seal must be filed in paper form unless otherwise directed by the court.

(2) **Documents submitted for in camera review.** Any documents submitted for in camera review must be submitted to the assigned judge in paper form outside the E-Filing system. The party submitting the documents for in camera review must e-file a Notice of Documents Submitted for In Camera Review.

(3) **Exhibits.** Exhibits or other items that cannot be captured or stored in an electronic format may be filed and served in paper form.

(4) **Motions to be admitted Pro Hac Vice.**

(K) PUBLIC ACCESS TERMINALS

Public access terminals are located in the clerk's office. Users will be charged for printed copies of documents at rates established by the clerk.

(L) HELP DESK

The clerk will maintain a help desk in the clerk's office for users of the E-Filing system. The help desk will have dedicated staff available to provide telephone support from 8:30 a.m. to 4:30 p.m. each business day. The help desk staff will:

(1) Answer and assist the public with any concerns regarding the E-Filing system;

(2) Assist the public with establishing new accounts and registration;

(3) Assist system users with the resetting of passwords;

(4) Coordinate and provide end user training.

Effective 10/10/2018

Appendices

(A) RULE 13.1 [I] SUPREME COURT OF OHIO PROFESSIONALISM DO'S AND DON'TS: DEPOSITIONS

(B) RULE 21.3 SCHEDULE A

(C) RULE 30.1 GUIDELINES FOR MHDD ELIGIBILITY

DEPOSITIONS

Issued by the Commission on Professionalism:

If there is one area of the practice of law that consistently gives rise to an inordinate number of complaints about lack of professionalism, it is the area of depositions. Depositions, of course, are an extremely important and valuable component of our adversary system, but, if abused and mishandled, they can engender unnecessary and costly strife that impedes and undercuts the entire process. To help correct this situation, the Commission on Professionalism is publishing the following guidelines, a set of deposition "dos and don'ts." The Commission believes that if lawyers follow these guidelines — which are consistent with, and to some extent provide specific amplification of, the Supreme Court's Statements on Professionalism — lawyers will be able to use depositions to advance the legitimate interests of their clients, while, at the same time, treating all participants in the process, including deponents and opposing counsel, with courtesy, civility, and respect. It is not the Commission's intention to regulate or to suggest additional bases for discipline, but rather to facilitate the promotion of professionalism among Ohio's lawyers. In short, by adhering to these guidelines, lawyers will be acting as professionals and in the manner that the courts expect.

Therefore, as a lawyer who is scheduling, conducting or attending a deposition:

DO

- Review the local rules of the jurisdiction where you are practicing before you begin.
- Cooperate on scheduling. Rather than unilaterally sending out a notice of deposition, call opposing counsel first and cooperate on the selection of the date, time, and place. Then send out a notice reflecting the agreed upon date.
- If, after a deposition has been scheduled, a postponement is requested by the other side, cooperate in the rescheduling unless the requested postponement would be one of those rare instances that would adversely affect your client's rights.
- Arrive on time.
- Be prepared, including having multiple copies of all pertinent documents available in the deposition room, so that the deposition can proceed efficiently and expeditiously.
- Turn off all electronic devices for receiving calls and messages while the deposition is in

progress.

- Attempt to agree, either before or during the deposition, to a reasonable time limit for the deposition.
- Treat other counsel and the deponent with courtesy and civility.
- Go “off record” and confer with opposing counsel, privately and outside the deposition room, if you are having problems with respect to objections, the tone of the questions being asked or the form of the questions.
- Recess the deposition and call the court for guidance if your off-the-record conversations with opposing counsel are not successful in resolving the "problem."
- If a witness is shown a document, make sure that you have ample copies to distribute simultaneously to all counsel who are present.
- If a deponent asks to see a document upon which questions are being asked, provide a copy to the deponent.
- Inform your client in advance of the deposition (if the client plans to attend) that you will be conducting yourself at the deposition in accordance with these “dos and don’ts.”

DON’T

- Attempt to "beat your opponent to the punch" by scheduling a deposition for a date earlier than the date requested by your opponent for deposition(s) that he or she wants to take.
- Coach the deponent during the deposition when he or she is being questioned by the other side.
- Make speaking objections to questions or make statements that are intended to coach the deponent. Simply say "object" or "objection."
- Make rude and degrading comments to, or ad hominen attacks on, deponent or opposing counsel, either when asking questions or objecting to questions.
- Instruct a witness to refuse to answer a question unless the testimony sought is deemed by you to be privileged, work product, or self-incriminating, or if you believe the examination is being conducted in a manner as to unreasonably annoy or embarrass the deponent.
- Take depositions for the purpose of harassing a witness or in order to burden an opponent with increased litigation expenses.
- Overtly or covertly provide answers to questions asked of the witness.
- Demand conferences or breaks while a question is pending, unless the purpose is to determine whether a privilege should be asserted.
- Engage in conduct that would be inappropriate in the presence of a judge.

THE SUPREME COURT *of* OH O • 65 South Front Street Columbus, Ohio 43215-3431 • supremecourt.ohio.gov • 614.387.9317

SCHEDULE A TO LOCAL RULE 21.3
IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

________________________________	)	Case No. ________________________
Plaintiff,	)	
	)	
v.	)	Judge ___________________________
	)	
________________________________	)	
Defendant.	)	

Pursuant to Local Rule 21.3, the following parties and counsel met and conferred on ___________ regarding ESI:

____________________________________ ____________________________________

____________________________________ ____________________________________

____________________________________ ____________________________________

Do the parties currently anticipate that the discovery of ESI is reasonably expected to be required in this case?

Y N

If so, did the parties discuss the following:

The general nature of any ESI reasonably believed to be potentially relevant, the location where it is stored, and whether any party believes it should be preserved or should be subject to a litigation hold.

Y N

The scope and nature of the efforts each party will take to identify and preserve potentially relevant ESI.

Y N

The scope of email discovery and any protocol for searching emails for production.

Y N

The scope of production of metadata and embedded data.

Y N

The scope of any search of, and production of ESI contained on, back-up or archival systems.

Y N

Whether any ESI in a party's possession is not reasonably accessible or subject to production without undue burden.

Y N

Whether and how the parties intend to allocate the costs of preservation, collection and production of ESI.

Y N

The form and format in which ESI shall be produced.

Y N

Whether the parties will enter any confidentiality agreement, protective order, "quick peek" agreement or "clawback" agreement, as provided for in section (D) of this Rule.

Y N

Did the parties reach any agreement on any issues?

Y N

If the parties reached any agreements, summarize the agreements below or attach any written agreements that have been entered.

____

____

____

____

____

____

____

Do the parties currently anticipate that any issues regarding ESI will require resolution by the Court?

Y N

If the parties currently anticipate that issues regarding ESI will require resolution by the Court, summarize those issues.

Respectfully submitted,

Counsel for Plaintiff	Counsel for Defendant

MHDD Court and MHDD Probation Unit

Qualifying Diagnoses

Clinical Eligibility Guidelines

Clinical eligibility requires a defendant to suffer from a psychotic-spectrum mental illness and/or developmental disability (Neurodevelopmental Disorder).

Mental Health Diagnoses (DSM-5)

Key features of a psychotic-spectrum mental illness include the following symptoms:

1) Auditory/Visual Hallucinations (e.g., hearing or seeing things that others do not)
2) Delusions (e.g., fixed, false beliefs such that one claims they are Jesus Christ)
3) Disorganized Thinking/Speech (e.g., incoherence, jumping from one topic to another)
4) Grossly Disorganized/Abnormal Motor Behavior (e.g., childlike behavior, agitation)
5) Negative Symptoms (e.g., diminished emotional expression)

Disorders that have psychotic elements include the following:

- **Delusional Disorder (Erotomanic, Grandiose, Jealous, Persecutory, or Somatic Type)**
- **Brief Psychotic Disorder**
- **Schizophreniform Disorder**
- **Schizophrenia**
- **Schizoaffective Disorder (Bipolar or Depressive Type)**
- **Psychotic Disorder Due to Another Medical Condition**
- **Other Specified or Unspecified Schizophrenia Spectrum and Other Psychotic Disorder**
- **Schizotypal Personality Disorder**
- **Bipolar I Disorder with Mood Congruent Psychotic Features**
- **Bipolar II Disorder with Mood Congruent or Incongruent Psychotic Features**
- **Other Specified or Unspecified Bipolar and Related Disorder with Psychotic Features**
- **Persistent Depressive Disorder (Dysthymia) with Mood Congruent or Incongruent Psychotic Features**
- **Other Specified or Unspecified Depressive Disorder with Psychotic Features**
- **Posttraumatic Stress Disorder with Psychotic Features**
- **Other Specified or Unspecified Trauma and Stressor Related Disorder with Psychotic Features**

Developmental Disability Diagnoses (DSM-5)

- **Intellectual Disability (Mild, Moderate, Severe, Profound) and/or an adaptive skills deficit based on a diagnostic report.**
- **Unspecified Intellectual Disability**
- **Borderline Intellectual Functioning (if Full Scale IQ score is 75 or lower)**
- **Autism Spectrum Disorder (e.g., Asperger's Disorder)**
- **Tic Disorder (e.g., Tourette's Disorder)**
- **Major or Mild Neurocognitive Disorder (with onset prior to age 22)**