

COURT OF COMMON PLEAS  
GENERAL – TRIAL DIVISION  
CARROLL COUNTY, OHIO

LOCAL RULES OF COURT  
(as amended to July 21, 2010)

Dominick E. Olivito, Jr., Judge

FILED

2010 JUL 21 PM 2:46

IN THE COURT OF COMMON PLEAS OF CARROLL COUNTY, OHIO  
CARROLL COMMON PLEAS  
WILLIAM R. WOHLWEND

AMENDMENT TO THE LOCAL RULES OF  
COURT FOR THE COMMON PLEAS,  
GENERAL - TRIAL DIVISION,  
CARROLL COUNTY, OHIO

JOURNAL ENTRY

~~COMMON PLEAS JOURNAL~~ 211 PAGE 27

Under authority of Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Rules of Superintendence for Courts of Common Pleas, IT IS ORDERED that Rule 15, Paragraph (B)3 Domestic Relations Proceeding of the Local Rules of Court for the Court of Common Pleas, General - Trial Division for Carroll County, Ohio is hereby amended to read as follows:

In filing new domestic relations cases whether or not child support and/or alimony is at issue and not agreed to, or in filing post-decree motions to modify custody and/or support due to a change in circumstances, the parties to such proceedings shall file signed Supreme Court of Ohio Uniform Domestic Relations Forms: Affidavits 1, 2, 3, 4 and/or 5, when appropriate.

To preserve uniformity, the Supreme Court of Ohio Uniform Domestic Relations Forms: Affidavits 1, 2, 3, 4, and 5, approved under Ohio Civil Rule 84, effective July 1, 2010 shall be used and will be supplied, upon request, by the Court/Clerk of Court. Copies of the amended forms attached hereto same are available by email upon request from the Court.

This Amended Rule is effective upon its filing with the Clerk of the Common Pleas Court, Carroll County, Ohio, and the Supreme Court of the State of Ohio.

CERTIFICATE TO COPY  
ORIGINAL ON FILE

The State of Ohio, Carroll County Common Pleas Court I, the undersigned Clerk of the Common Pleas Court within and for said County and in whose custody the Files, Journals and Records of said Court are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original now on file in said Court, that said foregoing has been compared by me with the original document and that it is a true and correct copy thereof.

IN TESTIMONY WHEREOF, I hereunto subscribe my name officially and affix the seal of said Court at the Court House, in Carroll County, Ohio, this 20 day of July, 2010

WILLIAM R. WOHLWEND, CLERK OF COURTS  
By Corrie Budach Deputy

Dominick E. Olivito, Jr.  
Dominick E. Olivito, Jr., Judge  
Court of Common Pleas  
Carroll County, Ohio

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CLERK OF COURT  
SUPREME COURT OF OHIO

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2010 JUL 21 PM 2:46

IN THE COURT OF COMMON PLEAS OF CARROLL COUNTY, OHIO

AMENDMENT TO THE LOCAL RULES OF  
COURT FOR THE COMMON PLEAS,  
GENERAL – TRIAL DIVISION,  
CARROLL COUNTY, OHIO

JOURNAL ENTRY

CARROLL COUNTY PLEAS  
WILLIAM W. WISHLWEND  
CARROLL PLEAS JOURNAL 211 PAGE # 27

Under authority of Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Rules of Superintendence for Courts of Common Pleas, IT IS ORDERED that Rule 15, Paragraph (B)3 Domestic Relations Proceeding of the Local Rules of Court for the Court of Common Pleas, General – Trial Division for Carroll County, Ohio is hereby amended to read as follows:

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To preserve uniformity, the Supreme Court of Ohio Uniform Domestic Relations Forms: Affidavits 1, 2, 3, 4, and 5, approved under Ohio Civil Rule 84, effective July 1, 2010 shall be used and will be supplied, upon request, by the Court/Clerk of Court. Copies of the amended forms attached hereto same are available by email upon request from the Court.

This Amended Rule is effective upon its filing with the Clerk of the Common Pleas Court, Carroll County, Ohio, and the Supreme Court of the State of Ohio.

  
Dominick E. Olivito, Jr., Judge  
Court of Common Pleas  
Carroll County, Ohio

COURT OF COMMON PLEAS  
GENERAL – TRIAL DIVISION  
CARROLL COUNTY, OHIO

LOCAL RULES OF COURT  
(as amended to June 1, 2006)

William J. Martin, Judge

FILED

IN THE COURT OF COMMON PLEAS OF CARROLL COUNTY, OHIO

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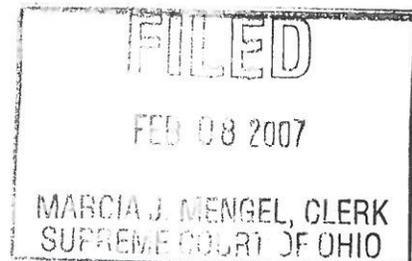
AMENDMENT TO THE LOCAL RULES OF  
COURT FOR THE COMMON PLEAS,  
GENERAL - TRIAL DIVISION,  
CARROLL COUNTY, OHIO

JOURNAL ENTRY

Under authority of Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Rules of Superintendence for Courts of Common Pleas, IT IS ORDERED that Rule 25, Paragraph (B) (6) of the Local Rules of Court for the Court of Common Pleas, General - Trial Division for Carroll County, Ohio, is hereby amended to read as follows:

Transcript fees are set at two and 75/100 dollars (\$2.75) per page for original pages and one and 50/100 dollars (\$1.50) per page for copies; transcript fees for indigent criminal defendants shall be two dollars (\$2.00) per page for original pages and one dollar (\$1.00) per page for copies; transcript fees for the Prosecuting Attorney's Office shall be two and 75/100 dollars (\$2.75) per page for original pages and one and 50/100 dollars (\$1.50) per page for copies; all per diem transcripts shall be charged at the rate of five and 50/100 dollars (\$5.50) per page for each copy.

Transcripts/depositions shall not be filed in the record or released to parties/counsel until payment in full has been received by the Court Reporter.



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STATE OF OHIO )  
 ) SS: W. J. MARTIN, JUDGE IN THE COMMON PLEAS COURT  
CARROLL COUNTY ) (Misc. Docket)

In re:  
Adoption of Local Rules of Court JUDGMENT ENTRY  
Amendment of Loc. R. 2

Whereas, with the advice of the Carroll County Clerk of Courts, this court has concluded that Loc. R. 2, court costs filing deposits, is in need of modification, and

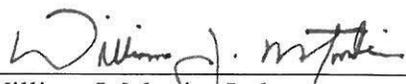
Whereas, pursuant to Sup. R. 5(A)(1)(2), notice of the proposed modifications was given on April 17, 2006 with a thirty (30) day comment period (to 5-17-06);

Therefore, effective June 1, 2006, it is hereby ordered that Loc. R. 2 of this court, relative to court costs filing deposits (p. 4), shall be amended to provide:

- A) complaints for judgment and counter-or-cross claims, with jury demand \$425.00
- B) complaints for judgment and counter-or-cross claims, non-jury \$175.00
- C) dissolution of marriage and legal separation, with or without children \$175.00
- D) divorce, with or without children \$275.00
- E) foreclosure \$275.00
- F) post-judgment execution, attachment or garnishment \$100.00
- G) post-judgment motions and/or cross-motions \$100.00
- H) filing certificate of judgment lien \$ 20.00
- I) notice of appeal \$ 60.00
- J) all service by publication requires additional deposit \$300.00
- K) all photocopies, \$.05 per page (plus \$1.00 if certified).

All other provisions of Loc. R. 2 remain unchanged and in full force and effect. The modifications contained in this Judgment Entry are incorporated into existing Loc. R. 2 by reference as if fully reproduced therein.

Pursuant to Sup. R. 5(A)(3), copies of this Loc. R. 2 Amendment shall be filed with the Clerk of Courts and the Clerk of the Ohio Supreme Court and appended by them to the Local Rules of this Court.

  
William J. Martin, Judge

FILED

IN THE COURT OF COMMON PLEAS OF CARROLL COUNTY, OHIO

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AMENDMENT TO THE LOCAL RULES OF  
COURT FOR THE COMMON PLEAS,  
GENERAL – TRIAL DIVISION,  
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JOURNAL ENTRY

COMMON PLEAS JOURNAL # 186 PAGE # 742

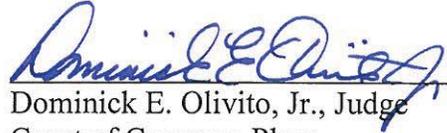
CARROLL COUNTY PLEAS  
WILLIAM R. WOHLWEND

Under authority of Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Rules of Superintendence for Courts of Common Pleas, IT IS ORDERED that Rule 25, Paragraph (B) (6) of the Local Rules of Court for the Court of Common Pleas, General – Trial Division for Carroll County, Ohio, is hereby amended to read as follows:

**Transcript fees are set at two and 75/100 dollars (\$2.75) per page for original pages and one and 50/100 dollars (\$1.50) per page for copies; transcript fees for indigent criminal defendants shall be two dollars (\$2.00) per page for original pages and one dollar (\$1.00) per page for copies; transcript fees for the Prosecuting Attorney's Office shall be two and 75/100 dollars (\$2.75) per page for original pages and one and 50/100 dollars (\$1.50) per page for copies; all per diem transcripts shall be charged at the rate of five and 50/100 dollars (\$5.50) per page for each copy.**

Transcripts/depositions shall not be filed in the record or released to parties/counsel until payment in full has been received by the Court Reporter.

This Rule is effective upon its filing with the Clerk of the Common Pleas Court, Carroll County, Ohio, and the Supreme Court of the State of Ohio.

  
\_\_\_\_\_  
Dominick E. Olivito, Jr., Judge  
Court of Common Pleas  
Carroll County, Ohio



**Rule #1 - General Provisions**

A) The Court of Common Pleas, Carroll County, Ohio shall be divided into two divisions, to wit: The General - Trial Division (which includes domestic relations jurisdiction) and the Probate - Juvenile Division. These Rules, except as otherwise provided, shall apply only to the General Division.

B) The term of court shall be for one full calendar year commencing January 1, and it shall be in continuous operation thereafter for the transaction of judicial business. The annual term of court shall, pursuant to R.C. 2301.05, be divided into three sessions commencing annually in January, May, and September respectively.

**Rule #2 - Court Cost Deposits (general)**

The court observes that in addition to the fees which the Clerk of Courts is required to collect pursuant to R. C. 2303.20, the Ohio General Assembly has also mandated the assessment and collection of the following additional fees taxed to court costs, to wit: \$15.00 for legal aid society assistance (R.C. 2303.201 (C), eff. 3-24-93), \$10.00 for child abuse assistance (R.C. 3109.14, eff. 3-16-89), and \$32.00 for domestic violence shelter funding (R.C. 2303.201 (D), eff. 1-8-95).

Additionally, pursuant to R.C. 2303.201 (B)(1), the court determines that, for the efficient operation of the Civil, Criminal, and Domestic Relations divisions of the court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas.

Therefore, the Clerk of Courts is directed and hereby authorized, effective January 8, 1995, to charge an additional fee of \$10.00 upon the filing of each proceeding described in R.C. 2303.201 (B)(1). All monies collected pursuant to this rule shall be paid to the County Treasurer monthly and by him placed into a separate fund to be disbursed upon an order of this court, and subject to appropriation by the Board of County Commissioners, in an amount as described in R.C. 2303.201 (B)(1) for the procurement and maintenance of a computer system for the Clerk of Courts, Legal Department.

Accordingly, the deposits for costs required for filing proceedings in the General Division, including the applicable additional fees above described, shall be as follows effective January 1, 2003:

- |  |          |
|--|----------|
| A) complaints for judgment and counter-or-cross claims <u>with jury demand</u> * | \$325.00 |
| B) complaints for judgment and counter-or-cross claims (non-jury)                | \$100.00 |
| C) divorce, dissolution, alimony only <u>without children</u>                    | \$175.00 |
| D) divorce, dissolution, alimony only <u>with children</u>                       | \$200.00 |
| E) foreclosure   | \$175.00 |
| F) post-judgment execution, attachment, or garnishment                           | \$ 50.00 |
| G) post-judgment motions and cross-motions                                       | \$ 40.00 |
| H) filing certificate of judgment lien   | \$ 20.00 |
| I) notice of appeal  | \$ 60.00 |
| J) all service by publication requires <u>additional</u> deposit                 | \$300.00 |
| K) all photocopies, \$.05 per page (plus \$1.00 if certified)                    |          |

(\* Refer to Rule #9)

These deposits for costs may be excused upon a showing of indigency or other hardship as approved by the Court. However, the Clerk of Courts may refuse to accept for filing any pleading or other document to which no appropriate deposit is tendered therewith, absent a showing of indigency or other approved hardship.

Unless otherwise ordered, all final court costs assessed by the Clerk of Courts are due and payable within thirty (30) days from the date of billing. Failure to timely remit may result in the issuance of a contempt citation or other sanction.

**Rule #3 - Court Cost Deposits (domestic relations)**

A) Upon a post-decree motion for change of child custody, or upon a request for home studies, each party shall deposit with the Clerk of Courts the sum of \$35.00 as advance security for the cost of such investigation which shall be taxed to the case (Civ. R. 75-D). Such deposit may be waived by the Court upon a showing of indigency or other hardship.

B) Upon the filing of every action for divorce, annulment, alimony only, and/or dissolution of marriage wherein minor children are involved, the Court directs that an investigation shall be made of the parties by the designated Court's Divorce Investigator pursuant to Civ. R. 75-D.

Such investigation fee shall be \$20.00 per case, and it shall be taxed to court costs of the case and paid from the deposit tendered to the Clerk of Courts at the conclusion of each action.

**Rule #4 - Bureau of Support**

A) Pursuant to R.C. 2301.35-H-1, poundage on all payments of child support and/or alimony (current or on arrearages) shall be set at 2%.

B) Consistent with R.C. 2301.36-A, any payment of child support and/or alimony made by the obligor to the recipient outside the Bureau of Support (ie. direct payment) shall be deemed a "gift", and no credit will be given upon the obligor's support record. All support must be paid through the Bureau of Support.

C) Consistent with R.C. 3113.21-L, all proceedings either to establish support or to modify a prior support order shall be completed within the following time limitations:

1) 90% of all such actions shall be completed within 90 days after filing;

2) 98% of all such actions shall be completed within six (6) months after filing; and

3) 100 % shall be completed within twelve (12) months after filing.

D) Procedures for the disposition of Uniform Reciprocal Child Support Enforcement cases (U.R.E.S.A.):

1) Cases initiated in this Court:

U.R.E.S.A. cases filed in this Court by the Prosecuting Attorney or Bureau of Support for transmission to a foreign county or state jurisdiction shall be docketed as any other domestic relations action, but once the pleadings are forwarded by the Clerk to the foreign jurisdiction, the Clerk shall treat the case as inactive and as if closed. The Superintendence Clerk shall superintend the case as a domestic relations (D.R.) case filed and terminated the same date.

If, and when, further pleadings are filed in such cases by the Prosecuting Attorney, Bureau of Support, or foreign jurisdiction they shall be appropriately docketed by the Clerk. When a final judgment entry or order for support is received from the foreign court, a copy of same shall be provided by the Clerk to the Prosecuting Attorney and Bureau of Support and the case will be treated as officially closed.

2) Cases received by this Court:

U.R.E.S.A. cases filed in this Court from foreign jurisdictions shall be docketed as any other domestic relations action and shall be treated as an active case until otherwise specifically ordered by this Court. The Prosecuting Attorney shall be notified of the filing, and shall proceed according to law to obtain service, etc. A hearing date shall be obtained from the Assignment Commissioner, and the Superintendence Clerk shall superintend the case as domestic relations (D.R.) "filed", but shall not close the case until dismissed or an order for support entered. The Clerk shall treat the case as active and open.

**Rule #5 - Pre-trial and Discovery Practice**

A) Pre-trials

This Court expressly adopts the provisions concerning pre-trial procedure set forth in Ohio Civil Rule 16 as same may, from time to time, be amended. Personal attendance of all parties is required at all pre-trial conferences, unless excused in advance by this Court, and if a party is a corporation, then by a corporate officer authorized to speak for and bind said corporation. If the subject matter of the litigation involves insurance, then a representative of the insurance carrier is required to attend, unless excused in advance by this Court, who is authorized to speak for and bind his principal.

Written pre-trial orders shall be issued by this Court, which are mandatory and shall control the subsequent conduct of the case unless modified. A failure to obey the pre-trial order may result in a dismissal of the case and/or other sanctions.

The first pre-trial will address issues and discovery, and the second will primarily address settlement. Additional pre-trial conferences on settlement only may be assigned by the Court at its discretion. Whenever a settlement pre-trial is called, the parties shall, prior thereto, have completed all discovery, formal or informal, and shall have exchanged preliminary offers and demands in writing with a copy to the Court. At settlement pre-trials, the parties and their respective insurers, if applicable, must attend unless excused by the Court.

Only trial counsel of record in the action may attend pre-trial conferences, fully authorized to act and negotiate on behalf of their clients. The past practice of sending uninformed assistants or associates to pre-trial conferences is no longer acceptable.

Telephone pre-trial conferences, primarily for the convenience of out-of-county counsel, may be held provided arrangements for same are made at least one (1) week in advance of the assigned date with all counsel of record and the Court.

Pre-trial conferences will be continued at the request of counsel only upon the submission of a written motion and judgment entry for same in advance of the scheduled hearing date, and only with the concurrence of all counsel or parties. All pre-trials must be continued to a "date certain" cleared in advance with the Assignment Commissioner.

B) Discovery

Interrogatories propounded to any party pursuant to Ohio Civil Rule #33 shall not exceed forty (40) questions in number, including subparts.

In conformity with Ohio Civil Rule 5-D, the Clerk of Courts shall not accept for filing in case folder depositions upon oral examination, interrogatories, requests for documents, requests for admission, and any answers and/or responses thereto except upon order of this Court, for use as evidence, or for consideration of a pending motion in the action, i.e. to compel, for protective order, summary judgment, etc. In lieu thereof, counsel shall file a "certificate" of submitting such interrogatories, etc. to the opposing party, and the opposing

party shall file a "certificate" of answering said interrogatories or providing the information requested pursuant to Ohio Civil Rules 26 to 37 inclusive.

As to motions to compel discovery or for sanctions per Ohio Civil Rule #37 or for a protective order per Civil Rule 26-C, and to the extent that informal extra-judicial attempts between counsel have failed to resolve the issues, the moving party shall attach to his motion a concise supporting memorandum of law, not exceeding five (5) pages in length, and a copy of the pertinent interrogatories, requests, etc., which have previously been served pursuant to the Civil Rules and are the object of the motion. Objections to any discovery motion filed per Ohio Civil Rule #26 and/or #37 shall be filed within the time specified, if any, or within the time specified in Ohio Civil Rule #33. Said motions will be assigned for oral hearing unless waived by counsel.

**Rule #6 - Requirements for corporate surety criminal bail bonds**

The Clerk of Courts may accept corporate surety bonds in criminal cases only under the following conditions in addition to those otherwise imposed by Crim. R. 46-L:

A) a current certificate from The Department of Insurance of Ohio that the surety company is authorized to do business in Ohio shall be filed (Revised Code 2937.281.);

B) there shall be filed a current Power of Attorney from the surety company to the agent authorizing the agent to write bail bonds together with the limit for each bond; the name, business address, and telephone number of the agent shall be filed with the Power of Attorney;

C) there shall be filed a financial statement for the last full year of the surety company prior to the current calendar year, showing the financial conditions of the surety company; however, in the first six months of a current year, the Clerk may accept a financial statement of the year before.

The third requirement is adopted because of the following in Crim. Rule 46-L:

"He shall provide such other evidence of financial responsibility as the court or clerk may require. No bail 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. . ."

**Rule #7 - Dismissals**

A) Due to the statistical reporting requirements imposed by the Rules of Superintendence, all dismissals of original actions and/or post-judgment matters must be approved by the Court. A dismissal on the appearance docket by counsel is not effective until approved or ordered by the Court.

B) Cases which have been on the docket for six (6) months without any proceedings taken therein, except those awaiting final trial assignment, shall be subject to dismissal by the Court, after notice to counsel of record or to a pro se party, for want of prosecution unless good cause is shown to the contrary (C.P. Sup. R. 6-A).

**Rule #8 - Default Judgment**

In any case where a defendant has not entered an appearance in the action within the time prescribed by the Summons and Civil Rules, the party seeking a default judgment shall apply to the Court for same by written motion. The Assignment Commissioner shall forthwith assign said motion for hearing not earlier than seven (7) days after filing, and all parties (except those served by publication) shall receive written notice of said hearing by ordinary mail.

In all cases involving promissory notes or open accounts, the motion for default judgment shall be accompanied by a current ledger statement (unless filed with the complaint) or other business record clearly identifying the defendant(s), and clearly showing all charges and payments, the default in payment, and balance owing.

In cases involving unliquidated damages to persons or property, or upon a breach of contract, evidence of the amount of damages is required at hearing (Civ. R. 55-A).

These requirements shall be in addition to the requirements imposed by Civ. R. 55 generally.

A final entry of default judgment shall be submitted to the Court prior to, or at, the hearing.

**Rule #9 - Civil Jury Trials**

A) The jury venire will issue ten (10) days prior to the scheduled trial date, and should a case be dismissed and/or settled after the venire is issued, the court reserves the right to assess the costs and expenses of the jury to one or more of the parties.

B) If a case proceeds to trial and a jury is sworn, the jurors' fees (not exceeding four days of service) shall be taxed as court costs and assessed to one or more of the parties (R.C. 2335.28).

C) In all civil actions and proceedings wherein a jury trial is demanded, the cost of summoning jurors and their fees shall be taxed as part of the court costs. Such costs shall be secured in advance by the party demanding a jury with a deposit of \$250.00, and the failure of a party to advance these security costs within ten (10) days after filing the jury demand and after service of the last pleading directed to the issue shall constitute a waiver of trial by jury (Civ. R. 38-B; **Teague v. Wiand, (1986) 28 O. App. 3d. 48**).

Upon a showing of good cause by written motion, the Court may excuse this security deposit.

**Rule #10 - Case / Motion Coding**

In conformity with C.P. Sup. Rules and Supreme Court Statistical Report Forms A (General Div.) and B (Domestic Relations Div.) all new civil and domestic relations cases and all post-decree domestic relations matters filed in this Court on and after January 1, 1990 shall be coded in accordance with Reporting Forms A and B on the face of every such initial pleading.

It will be the obligation of the attorney or pro se party filing said pleading to identify the appropriate alphabetic designation on or before filing same with the Clerk of Courts. The Clerk may refuse to accept for filing any pleading not coded.

It is the further obligation of the attorney of record or pro se party filing any motion to furnish the Assignment Commissioner with a photocopy of same immediately upon its filing with the Clerk of Courts so that an appropriate hearing may be promptly scheduled.

CODES - GENERAL DIV. - CIVIL

<u>Alphabetic Designation</u>	<u>Application</u>	<u>Explanation</u>
A	professional tort	(medical, legal, accountant malpractice)
B	product liability	
C	other torts	(wrongful death, assault, auto. personal injury, defamation, etc.)
D	workers' compensation	(w.c. appeals)
E	foreclosures	(mtg., judgment lien, mech. lien, land contract foreclosures)
F	administrative appeals	(unemployment comp., license suspensions, state personnel bd. of review, etc.)
G	complex litigation	
H	other civil	(replevin, money judgments, cognovits)

CODES - DOMESTIC RELATIONS - NEW / POST-DECREE

<u>Alphabetic Designation</u>	<u>Application</u>	<u>Explanation</u>
A	term. of marriage with children	(divorce with children)
B	term. of marriage without children	(divorce; annulment)
C	dissolution with children	
D	dissolution without children	
E	change of custody	(post - decree only)
F	visitation enforcement / modification	(post -decree only)
G	support enforcement / modification	(child support, alimony post-decree only)
H	domestic violence	(non-criminal only)
I	U.R.E.S.A.	(uniform support actions)
J	other	(alimony only actions; post-decree property div. contempts, etc.)

**Rule #11 - Criminal Proceedings (active)**

A) Grand Jury

If an accused is bound over from the County Court and no final action is taken by the Grand Jury within sixty (60) days after the date of such bindover, the Court may dismiss the charge(s) consistent with C.P. Sup. R. 8-A.

B) Trials

All criminal cases shall be tried within six (6) months of the date of arraignment upon an indictment or bill of information (C.P. Sup. R. 8-B), unless extended for good cause shown. To this end, arraignments will generally be assigned one (1) week after an indictment or information is filed; pre-trial conferences will generally be assigned two (2) weeks following arraignment; and trial dates will generally be assigned within ninety (90) days after arraignment.

C) Sentencing

Provided a defendant is available, sentencing hearings will be assigned within fifteen (15) days of the verdict, or finding of guilt, or receipt of a completed pre-sentence investigation report from the Adult Probation Department.

D) Compensation

An attorney appointed by the Court to provide legal representation for an indigent criminal defendant (excluding the Public Defender Staff) shall be compensated pursuant to R.C. 120.33 and 2941.51, or any other applicable Ohio law, upon the schedule of fees adopted and approved by the Board of Carroll County Commissioners. The reasonableness and award of such fees is left to the Court's discretion.

Court-appointed counsel shall submit to the Court a properly executed Affidavit of Indigency and Judgment Entry of Appointment within one (1) week after his appointment. No fees will be paid if these documents are not timely filed.

The attorney's final Certificate for Legal Services shall be submitted to the Court for review and approval, only on prescribed forms supplied by the Clerk of Courts, within thirty (30) days of the termination of such services.

**Rule #12 - Criminal Proceedings (inactive)**

Criminal cases in which further proceedings are not presently possible shall be placed in a suspended or inactive file by the Clerk of Courts and considered "closed" for statistical reporting purposes either upon motion of the State of Ohio or upon the Court's own directive, and they shall not be subject to dismissal for want of prosecution.

A case shall be removed from the inactive file and placed in the active docket when the defendant is available and proceedings resumed, or when the case is dismissed.

Cases to which this rule is applicable may include those in which the defendant is not competent to stand trial; is confined in a penal institution in another state; has been served and cannot be found; flees the jurisdiction; or those cases from which an appeal has been perfected and is pending. In such cases, if appropriate, bail may be forfeited and judgment entered thereon.

**Rule #13 - Witness Fees**

A party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the request for subpoena the appropriate amount under the witness fees statute, R.C. 2335.06, with the Clerk of Courts.

This Rule applies both to civil and criminal practice. The Clerk may refuse to accept any request for subpoena unaccompanied by the requisite fee deposit.

**Rule #14 - Hearings and Submission of Motions (non-oral)**

A) All motions not otherwise provided for herein shall be accompanied by a memorandum of law stating the specific grounds therefore and citing the authorities being relied upon. Opposing counsel or party pro se may file an answer or response brief on or before the fourteenth (14th) day after the date on which the motion was filed. The movant may file a reply memorandum on or before the twenty-first (21st) day after the date on which his motion was filed; thereafter, the motion will then be deemed fully submitted and capable of adjudication.

Oral arguments will be deemed waived unless allowed upon express leave of the Court and upon written request therefore by a party made prior to the submission date. The date and time of any motion hearing and the length of argument shall be fixed by the Court.

This rule is applicable to all motions including: for new trial, for summary judgment, for judgment notwithstanding the verdict, and for relief from judgment, except as otherwise provided herein.

B) Motions which, in the Court's opinion or under Ohio law, require evidentiary hearings shall be so assigned for hearing at the convenience of the Court.

**Rule #15 - Motion Practice**

A) General

Counsel filing any motion in any case shall file same with the Clerk of Courts in duplicate. The Clerk or a Deputy Clerk shall forthwith give the file - stamped duplicate copy to the Assignment Commissioner for the prompt assignment of hearing (if needed) and for statistical reporting.

B) Domestic Relations Proceedings

1) The attorney or pro se party filing a new domestic relations action may obtain from the Assignment Commissioner a date and time for hearing on motions for temporary orders and file the notice of same with the original pleadings to be served. At the time of initial filings, the attorney or pro se party must first ascertain whether the hearing date requested conflicts with any other matter previously assigned.

2) Hearings on motions for temporary orders shall be assigned no earlier than seven (7) days from the date of filing.

3) In filing new domestic relations cases where child support and/or alimony is at issue and not agreed to, or in filing post-decree motions to modify support due to a financial change in circumstances, the parties to such proceeding shall file signed Financial Statements at the time the case or motion is filed or not later than the date assigned for hearing, with a copy provided to the other party or counsel.

To preserve uniformity, Financial Statement forms will be supplied, upon request, by the Court.

4) All motions for modification of child support, sustenance alimony, custody, visitation, contempt, or other domestic relations matter shall specifically refer to the prior order involved by date of its entry and shall briefly state the express term(s) therein alleged to have been violated or subject to modification.

In the absence of such minimum information being set forth in such motion, the Court reserves the right to summarily overrule it or strike it from the files.

5) For purposes of R.C. 3109.05, whether in an original proceeding involving child support or a modification thereof, on or before the date assigned for a final merits hearing on this issue, it will be the responsibility of counsel or the pro se parties to file with the Court any and all arithmetic calculations mandated by the Ohio Supreme Child Support Guidelines on the worksheets prescribed in R.C. 3113.215.

**Rule #16 - Judgment Entries**

A) Upon the signing and filing by the Court of any judgment entry in any action, the attorney of record submitting same shall forthwith deliver a copy thereof to each of his clients and to opposing counsel or adverse pro se party. Delivery may be in person or by ordinary mail.

B) Foreclosure Confirmation Entries

In all entries of confirmation following foreclosure actions, prevailing counsel shall therein describe in detail the release of any liens and/or mortgages, including the reference volume(s) and page number(s).

Confirmation entries shall reflect that prevailing counsel, and not the Clerk of Courts, shall cause the release and/or cancellation of all liens and/or mortgages.

C) Support Orders

1) A file-stamped copy of every support order shall be supplied by counsel to the Bureau of Support. Every support order must contain the parties': full names, dates of birth, social security numbers, current residence and mailing addresses, and a requirement that all changes of address and employment status shall be reported forthwith to the Bureau of Support upon penalty of contempt.

2) Every child support order must contain the requirement that the custodial party shall notify the Bureau of Support immediately, upon penalty of contempt, of any reason why child support should terminate, including but not limited to: the child's death, marriage, emancipation, incarceration, enlistment in the armed service, or change of legal or physical custody.

3) Every support order shall clearly state the date payment(s) to the Bureau of Support are to begin, and shall be expressed in weekly, semi - monthly, or monthly terms, and in the absence thereof, the effective date for payment shall be the date of filing the order.

D) All judgment entries relative to child support, alimony, custody, visitation, contempt, or other preliminary matters and all entries in modification of a prior order on any

of these matters arising either from a formal hearing or from an agreement of the parties and/or counsel shall be submitted to the Court for filing within seven (7) days of the time of hearing or agreement. In the absence of a timely submission, the Court reserves the right to assign the task of drafting and submitting such entry to particular counsel and to tax the expenses of same, including attorney fees, as part of the court costs to the delinquent party. The Court reserves the right also to prepare and file its own entry.

E) Other Civil Actions

1) Entries arising from default judgment motions and dissolution of marriage proceedings shall be prepared and submitted to the Court prior to but not later than the date of final hearing thereon.

2) All judgment entries in all other types of cases arising either from a formal hearing or by agreement of the parties or counsel shall be submitted to the Court for filing within thirty (30) days of the time of hearing or agreement. In the absence of a timely submission, the Court reserves the right to follow the procedure set forth in Rule 16-D supra.

3) The judgment entry specified in Civ. R. 58 or in Crim. R. 32 shall be journalized within thirty (30) days of the verdict, decree, or decision. If such entry, or other entry under Rule 16-E, is not timely prepared and presented for journalization by counsel or pro se party, then it shall be prepared and journalized by the Court (C.P. Sup. R. 13).

**Rule #17 - Conflict of Trial Dates; Continuances; Engaged Counsel**

A) Conflicts (C.P. Sup. R. 7-B)

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for hearing or trial on the same date in another court of this State (including federal courts), the case which was first assigned for trial or hearing shall have priority.

Criminal cases have priority over civil cases.

No motion or request for a continuance due to a scheduling conflict will be considered by this Court unless a copy of the conflicting assignment is attached thereto, and the motion or request is filed not less than thirty (30) days prior to the date assigned in this Court.

B) Continuances (C.P. Sup. R. 7-A)

1) All continuances are matters within the sound discretion of this Court.

2) No party shall be granted a continuance of any hearing or trial without submitting to the Assignment Commissioner a written motion or request therefore, with judgment entry attached, stating therein the reason for the continuance, endorsed in writing by the litigants as well as counsel. This provision may be waived by the Court for good cause shown.

3) No continuance will be granted at any time without first setting a definite alternate date for hearing or trial.

4) Motions for continuances, other than due to scheduling conflicts (see Rule 17-A), shall be filed with the Assignment Commissioner in writing within three (3) days from the date of request and shall contain or be accompanied by a judgment entry approving same with provisions for the insertion of a new date.

The Assignment Commissioner will not assign a new date or re-issue notices until such motion as required herein is received.

To the extent possible, parties or counsel requesting continuances shall consult with adverse parties or opposing counsel for mutually acceptable new dates prior to requesting a continuance so that further conflicts can be minimized and a new assignment can be expedited.

**Rule #18 - Other**

The Court reserves the right to amend, modify, add, or remove any Local Rule of Court as the circumstances may require.

In conformity with Civ. R. 83 and C.P. Sup. R. 9, a copy of these Rules shall be filed with the Ohio Supreme Court.

**Rule #19 - Juror voir dire** (civil and criminal cases)

The Court will examine the panel on the statutory challenges for cause, and counsel shall not re-inquire on these issues;

during their supplemental examination, counsel are not permitted to repeat questions already asked by the Court or opposing counsel;

during their supplemental examination, counsel are not permitted to repeat questions already answered by jurors on their information cards;

unusual or potentially troublesome areas of inquiry shall be discussed with the Court in chambers prior to opening the trial; during their supplemental examination, counsel are not permitted to ask jurors hypothetical questions on their positions in advance under a certain state of facts or evidence, nor shall counsel on voir dire solicit "pledges" from prospective jurors.

**Rule #20 - Visitation Schedule**

Pursuant to R.C. 3109.051 (F)(2), amended - effective 4-11-91, this Court adopts the standard minimum visitation guidelines attached hereto as as Exhibits "A" and "A-1".

These guidelines may be deviated from upon a case by case basis at the Court's discretion and for good cause shown.

**Rule #21 - Attorney Registration Numbers**

Consistent with C.P. Sup. R. 9.1, effective January 1, 1992, every attorney-at-law licensed to practice in this state shall include his Ohio Supreme Court registration number on all documents filed in this Court.

**Rule #22 - Case Management Program**

Consistent with amended C.P. Sup. R. 9 (B) and for the purposes of: ensuring the readiness of civil and criminal cases for pre-trial and trial; maintaining and improving the timely disposition of such cases; and providing this Court with an efficient means of controlling the flow of said cases on the docket, a binding case management system is hereby adopted and reflected in the following rules, to wit:

- A) pre-trial and discovery practice, **Local R. 5**
- B) dismissals, **Local R. 7; Civ. R. 4(E)**
- C) default judgment practice, **Local R. 8**
- D) criminal proceedings, **Local R. 11(A) and (B)**
- E) non-oral hearing procedure, **Local R. 14**
- F) motion practice, **Local R. 15**
- G) submission of judgment entries, **Local R. 16**
- H) conflicts / continuances, **Local R. 17.**

New case and/or motion filings shall be promptly given to the Assignment Commissioner on a daily basis by the Clerk of Courts for: proper superintendence, entry into the Court's internal case management system, and prompt scheduling. Matters pending on the docket are subject to review at not less than thirty (30) day intervals. A physical inventory of all pending cases shall be completed not less than annually on or before the first day of September of each year (**C.P. Sup. R. 5 (E)**).

It remains the obligation of counsel to check completion of service of process and to follow the practice and procedures of the above case management system. The Court however reserves the right to act sua sponte to secure compliance, upon reasonable notice to counsel or the parties which may be in writing or orally.

**Rule #23 - Jury Management Plan**

Consistent with amended C.P. Sup. R. 9 (C) and in an effort to: a) improve the overall efficiency of jury operations, b) reduce the cost of the jury system, and c) decrease the burden that jury service often places upon those citizens called for jury service, this court hereby adopts, and incorporates by reference as fully as reproduced herein, the "Ohio Trial Court Jury Use and Management Standards" adopted by the Ohio Supreme Court on August 16, 1993.

These standards will be implemented to the extent that it is logistically and financially possible to do so in this county with the understanding that several such guidelines have been implemented for several years past by this court already.

Also refer to **Loc. R. No. 9 and 19.**

This court will continue to draw new jury panels, grand and petit, for each new term of court from the annual jury list as compiled from voting registration rolls. The court reserves the right to supplement each such panel with additional jurors if the number of jury trials assigned for any given term indicates a need.

**Rule #24 - Court Security Plan**

This Court is charged with dispensing justice, resolving legitimate disputes, and protecting the constitutional rights of those who appear before it.

Accordingly, appropriate levels of security should exist in the court: to protect the integrity of the proceedings; protect the rights of individuals before the court; deter those who would take violent action against the court, its employees, or litigants; sustain the proper decorum and dignity of the court; and to assure that court facilities are secure for all those who visit and work there.

Therefore, pursuant to Common Pleas Court Superintendence Rule 9(D), the court establishes as follows:

A) the court shall appoint a "Local Security Advisory Committee" (consisting of at least one representative from each of the following groups: the judges, law enforcement agency responsible for courthouse security, funding authority (i.e., Board of County Commissioners), local Bar Association, and the community as deemed appropriate by the court);

B) the court shall develop and implement a local "Security Policy and Procedure Plan" (which shall address the "Ohio Court Security Standards" adopted by the Ohio Supreme Court on October 17, 1994) on or before July 1, 1995 or as soon thereafter as practicable;

C) The "Local Security Advisory Committee" shall, as soon as practicable, adopt a security operations manual which shall create written directives for the purpose of ensuring security within the court while preserving accessibility to the public.

The court finds there is an immediate need for this rule (C.P. Sup. R.83(B), but appropriate comment thereon may be submitted.

**Rule #25 - Court Reporters and Records**

A) The Court Reporters of the Common Pleas Court shall prepare transcripts and depositions in the order in which same are requested with trial/hearing transcripts given priority whenever possible.

B) The format of the transcript of proceedings shall be as follows, unless modified:

- 1) twenty (20) lines to a page,
- 2) capital Q and capital A are to be ten (10) spaces from the left-hand margin of the paper and identification of the speaker shall be in the upper case,
- 3) the identification for the body of the question or answer should be ten (10) spaces from the left-hand margin of the paper, and paragraph indentation shall be ten (10) spaces from the left-hand margin,
- 4) the right-hand margin is to be three-fourths (3/4) inches from the right-hand paper edge,
- 5) an index to proceedings and exhibits is to be included in all transcripts,
- 6) transcript fees are set at two dollars (\$2.00) per page for original pages and one dollar (\$1.00) per page for copies; transcript fees for indigent criminal defendants shall be two dollars (\$2.00) per page for original pages and one dollar (\$1.00) per page for copies; transcript fees for the Prosecuting Attorney's Office shall be two dollars (\$2.00) per page for original pages and one dollar (\$1.00) per page for copies; all per diem transcripts shall be charged at the rate of three dollars (\$3.00) per page for the original and one and 50/100 dollars (\$1.50) per page for each copy.

Transcripts/depositions shall not be filed in the record or released to parties/counsel until payment in full has been received by the Court Reporter.

C) At the time of ordering, the party/attorney ordering a transcript shall arrange for payment to the Court Reporter of the preparation costs of same, and the Court Reporter may require an advance deposit toward payment.

D) The Court Reporters, the Court, Court personnel and the Clerk of Courts shall not retain exhibits in any civil case for a period exceeding twelve (12) months from the completion of trial or final hearing in any matter, unless the Court Reporter or Clerk of Courts is notified in writing that the case is on appeal. If a case is on appeal every twelve

(12) months the attorney who offered the exhibit into evidence or the party appealing the case shall notify the Court Reporter or Clerk of Courts as to whether the appellate process has been completed or is continuing. If the Court Reporter or Clerk of Courts does not receive any written confirmation concerning the appeal for a period of more than six (6) months, the exhibit shall be disposed of at the direction of the Court. If a party desires to have any exhibits returned to them, the party or counsel shall request exhibits from the Court Reporter or Clerk of Courts and sign a receipt for the exhibits.

**E)** The Court Reporters shall retain their notes and tapes and make them available for transcription for a period of ten (10) years. At the conclusion of the ten (10) year period, all notes, tapes and other records will be disposed of at the direction of the Court.

**F)** All exhibits, notes and tapes of the Court Reporters and Clerk of Courts in capital criminal cases shall be kept for a period of at least ten (10) years, and shall not be returned or disposed of without order of the Court.

CARROLL COUNTY COMMON PLEAS COURT

STANDARD CHILD VISITATION SCHEDULE (EXHIBIT A)

1. Alternate weekends from Friday, 7:00 P.M. to Sunday evening at 7:00 P.M.
2. The child and/or the custodial parent, have no duty to await the visiting parent for more than thirty minutes of the visitation time. A parent late more than thirty minutes shall forfeit that visitation period.
3. For the purpose of visitation, there are seven holidays as follows: (1) New Years Day; (2) Martin Luther King Day; (3) Easter; (4) Memorial Day; (5) the 4th of July; (6) Labor Day; and (7) Thanksgiving. In the odd-numbered years the mother shall have the child on the odd-numbered days and the father shall have visitation on the even-numbered days. In the even-numbered years, the father shall have the odd-numbered holidays and the mother the even-numbered holidays.
4. Each year at Christmas time the custodial parent shall have the child on Christmas Day and the non-custodial parent shall have the child from 1:00 P.M. to 9:00 P.M. on Christmas Eve.
5. On Mother's Day, Father's Day, and the respective parent's birthday annually, the child will be with the appropriate parent on those days.
6. The non-custodial parent shall have the child for two weeks each Summer upon thirty (30) days advance written notice. The weeks need not be consecutive.
7. The child shall celebrate his birthday in the home of the custodial parent, unless it falls on visitation day, and the other parent can make up for the birthday with a separate birthday party if desired.
8. Visitation does not mean picking the child up and then leaving him with someone else. The non-custodial parent shall furnish all transportation to and from the child's residence.
9. Additional visitation shall be by agreement of the parties.
10. Non-emergency cancellations require a minimum of 24 hours advance notice. Visitations cancelled by the custodial parent must be made up during the same calendar month. Visitations cancelled by the non-custodial parent are forfeited.
11. These are the Standard Visitation Rules of the Court, and they will be changed or modified by the Court if it is shown that there is a need for such a change.