

SCIOTO COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION

JUDGE WILLIAM T. MARSHALL

JUDGE HOWARD H. HARCHA, III

***RULES OF PRACTICE OF THE
GENERAL DIVISION***

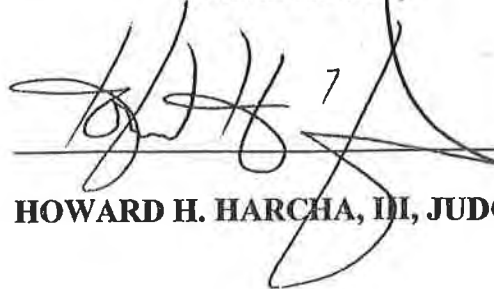
EFFECTIVE

JANUARY 1ST, 2004

The following rules are adopted, effective on an after the 1st day of January, 2004, to govern the practice and procedure in the Court of Common Pleas, General Division, of Scioto County, Ohio, subject to all Superintendence Rules of the Supreme Court of Ohio by the Clerk and entered in the Journal of this Court. All rules heretofore promulgated are hereby repealed.



WILLIAM T. MARSHALL, JUDGE



HOWARD H. HARCHA, III, JUDGE

TABLE OF CONTENTS

RULE I	Terms of Court	1
RULE II	Hours of Court Sessions	1
RULE III	Sureties and Bail	1
RULE IV	Files and Removal of Papers	2
RULE V	Motions	2
RULE VI	Pretrial Procedure	8
RULE VII	Continuances	13
RULE VIII	Notification of Assignment Commissioner	15
RULE IX	Assignment of Cases for Trial	15
RULE X	Entries and Briefs	16
RULE XI	Fees in Partition Cases	17
RULE XII	Notaries Public	18
RULE XIII	Deposits in Civil Actions	19
RULE XIV	Attendance in Court Sessions	20
RULE XV	Jury Questionnaires	20
RULE XVI	Jury Use and Management Plan	21
RULE XVII	Attorney Fee Application for Indigent Defendants	31
RULE XVIII	Broadcasting, Televising, Recording or Photographing Proceedings	32
RULE XIX	Criminal Case Management Plan	34
RULE XX	Discovery	37

APPENDIX A	Case Management Time Guidelines	38
APPENDIX B	Deposits in Civil Actions	39

RULE I

TERMS OF COURT

The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be divided into three terms of court designated as the January Term, the May Term and the September Term, each commencing at 8:30 a.m. on the first Monday of January, May and September. All cases, motions and other matters pending and not disposed of or continued by special entry at the time of the adjournment or any term of this Court shall stand continued until the next Term of Court.

RULE II

HOURS OF COURT SESSIONS

The sessions of this Court shall begin at 8:30 a.m. and close at 12:00 noon and shall resume at 1:00 p.m. and close at 4:30 p.m. on Monday through Friday of each week, unless otherwise ordered by the Court, save and except for days which by law or proclamation of the President of the United States or of the Governor of this State are designated or set aside for observance of legal holidays.

RULE III

SURETIES AND BAIL

No attorney or other officer, or employee of this Court shall be accepted as bail or surety in any action or matter of this Court.

RULE IV

FILES AND REMOVAL OF PAPERS

All documents filed by an attorney with this Court must include his or her attorney registration number issued by the Supreme Court of Ohio. Once a case has been assigned to a Judge of this Court, the Judge's name must appear in the upper right corner of the cover page of each document subsequently submitted to this Court.

The Clerk shall file together in a numerical system and shall carefully preserve all original papers filed in every action or proceedings, and no person except a Judge of the Court or a Court employee shall except upon a written order of the Court or a Judge, thereof be permitted to take any original papers from the files of the Court out of the custody of the Clerk. The Clerk, however, shall without any order of the Court permit any party to an action or any attorney titled examiner to make a copy of any paper in the files of this Court, the same to be made without removing the original papers from the Clerk's office.

Copies of papers belonging to the files of the Court shall, on demand, be furnished by the Clerk to the attorneys or parties interested upon payment of the usual fee therefore.

RULE V

MOTIONS

(A) (1) All motions must be served and filed within the time limits prescribed by the Ohio Rules of Civil Procedure (hereinafter, the "Civil Rules"). If no specific time limits are prescribed by the Civil Rules, motions may be served

within such time as not to unduly delay the proceedings, and shall be filed with the court not later than the third day following the day of service.

(2) Motions, including motions for summary judgment, shall be submitted and determined upon the motion papers hereinafter referred to without oral argument unless specifically requested and allowed by the Court.

(B) When permitted by the Civil Rules, motions may be supported and opposed by documentary evidence in testimonial form. In general only the following type of documentary evidence may be used for this purpose: (a) affidavits, (b) depositions, (c) answers to interrogatories, (d) written admissions, (e) transcripts of evidence in the pending case and (f) written stipulations of fact.

(C) (1) Unless an oral motion is allowed, no motion will be considered unless the movant serves and files a motion package consisting of:

(a) A written motion which fully complies with the requirements of Civil Rules 7, 10 and 11;

(b) A written brief in support of the motion which shall bear a caption as required by Civil Rule 10(a), and which shall consist of (1) a concise statement of the pertinent facts; (2) a description of the relief or order sought by the motion; (3) a verbatim extract of all applicable statutes, ordinances, rules, regulations, or the like (lengthy extracts may be attached to the brief as an appendix); and (4) an argument which shall establish the legal and factual grounds upon which the motion is premised, and which shall contain citations to the cases, statutes and other authorities relied upon. The brief shall be signed in accordance with the

provisions of Civil Rule II, and shall be subject to the obligations imposed by that Rule and the Code of Professional Responsibility;

(c) Supporting documentary evidence in testimonial form, if any, as authorized by subsection (B) of this rule; and (d) proof of service which meets the requirements of Civil Rule 5(D) and which itemizes the documents contained in the motion package, unless the motion is one which may be made ex parte, or unless service of the motion package is not required by the Civil Rule 5(A). The proof of service may be endorsed on the motion, or may be included in the motion package as a separate document, but in either event, the copy served on other parties shall affirmatively show the exact date and method of service.

(2) The motion package, and the proofs of service pertaining thereto, shall be filed with the court not later than the third day following service.

(D) (1) Unless the motion was made orally, or ex parte, the party opposing the motion (hereinafter the “opponent”) shall serve and file an opposition package consisting of: (a) a written brief in opposition to the motion which shall bear a caption as required by Civil Rule 10(A) and which shall consist of (1) a concise statement of the pertinent facts, or a statement that the opponent accepts the facts, or a statement that the opponent accepts the facts as set forth in the movant’s brief, (2) a verbatim extract of all applicable statutes, ordinances, rules, regulations, or the like, unless the same have been set forth in , or appended to, the movant’s brief (lengthy extracts may be attached to

the brief as an appendix); and (3) an argument which shall establish the legal and factual grounds for denying the motion, and which shall contain citations to the cases, statutes and other authorities relied upon. The brief shall be signed in accordance with the provisions of Civil Rule II, and shall be subject to the obligation imposed by that Rule and the Code of Professional Responsibility;

(b) Opposing documentary evidence in testimonial form, in any, as authorized by subsection (B)(1) of this rule; and

- (2) A proof of service which meets the requirements of Civil Rule 5(D), and which itemizes the documents contained in the opposition package, unless service of the opposition package is not required by the Civil Rules, or is excused under the provisions of Civil Rule 5(A). The proof of service may be endorsed on the brief of opposition, or may be included in the opposition package as a separate document, but in either event, the copy served on other parties shall affirmatively show the exact date and method of service.
- (3) If an oral hearing has been scheduled, the opposition package shall be served not later than seven days before the day of hearing. If no oral hearing has been scheduled the opposition package shall be served within 28 days after the service of the motion package unless the Court, by entry, sets a different time period.
- (4) Unless otherwise provided in the Civil Rules, but subject to the provisions of subsections (G) of this rule, the failure to serve an opposition package in

accordance with this subsection (D) may be construed by the court as an admission that the motion should be granted.

(5) The opposition package, and the proofs of service pertaining thereto, shall be filed with the court not later than the third day following service.

(E) No other briefs or evidence shall be considered, except that to the extent permitted by the Civil Rules, and for cause shown in a motion made therefor, the court may grant leave to serve and file additional briefs and/or supplementary documentary evidence in testimonial form, or may permit the introduction of additional evidence at the oral hearing, if one is scheduled. If the court grants leave to file additional briefs or supplementary documentary evidence in testimonial form, the court's order shall specify the date on which such papers are to be served and the manner of service, as well the date on which such papers must be filed with the Court. If no filing date is specified, such papers must be filed within three days after service but in no event later than the day before a scheduled oral hearing.

(F) (1) If no oral hearing has been scheduled, the motion shall be deemed submitted on the eighth day following the last day for service of the opposition package.

(2) If cross-motions have been served and filed, or if the original motion has been challenged by a motion, and no oral hearing has been scheduled, all motions timely and properly served and filed shall be deemed submitted

on the eighth day following the last day of service of the opposition package directed to the last motion served.

(G) (1) In its discretion, and to the extent permitted by the Civil Rules, the Court may enter an order extending or limiting any time period prescribed by this rule.

(2) Under the provisions of Civil Rules 6(B) and (D) any party to the motion proceedings may move ex parte for an order extending any time period prescribed by this rule, but no such order shall be entered unless an extension of time is permitted by the Civil Rules. If such order is granted, the party applying therefor shall serve a copy of the order on all other parties to the motion proceeding. Any party adversely affected by such extension of time may request reconsideration, vacation or modification of such order.

(3) To the extent permitted by the Civil Rules, any party to the motion proceeding may move for an order limiting any time period prescribed by this rule, but no such order shall be entered until all other parties have had an opportunity to be heard thereon.

(H) All counsel are reminded of their obligations under the provisions of Civil Rule II. The presentation to the Court of unnecessary motions, and the unwarranted oppositions of motions, which would unduly delay the course of an action through the courts, subjects an offender to appropriate discipline including but not limited to, the payment of the other party's reasonable expenses, attorney fees and costs.

RULE VI

CASE MANAGEMENT AND PRE-TRIAL PROCEDURE

The procedure herein set forth shall apply to all cases, except to the extent that by their nature they would clearly be inapplicable, and further excepting criminal matters, which are controlled by specific provisions by these Rules.

(1) For the purpose of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases, a Case Management Program (Superintendence Rule 9(B)) is hereby adopted as follows:

- (a) The Court shall set as Status Conference within 60 days after filing of Administrative Appeals answer date.
- (b) The Court shall set a Status Conference within 90 days after filing of an answer date.
- (c) At the Status Conference the Court shall discuss with counsel the status of the case, the contested nature of the action, inclusion of necessary or permissible parties, completion of pleadings and possibility of settlement. The Court shall also set a scheduling order, which shall include the dates of trial, final pre-trial conference, exchange of trial materials, discovery completion, disclosure of experts, witnesses, and any other matter deemed necessary by the Court.

(2) Prior to the final pre-trial hearing counsel shall:

- (a) Amend complaint or other pleadings, if necessary by filing a motion with copy to opposing counsel. Opposing counsel, upon receipt of such motion , shall promptly advise the Judge of his position of either opposing said motion or consenting thereto. The Judge shall then rule on the motion promptly.
- (b) If further depositions or other discovery measures are desired, complete them so that the transcript will be available at the hearing.
- (c) If further medical examinations are desired, make necessary arrangements to complete them prior to the hearing. The Plaintiff in a personal injury action, shall, upon request by the Defendant, submit to a physical and mental examinations by any qualified physician or other recognized specialist selected by the Defendant. Notice shall be given pursuant to the provisions of Civil Rule 35. No person, other than Plaintiff's attorney or personal physician shall be permitted to be present during such examination, without the consent of the examiner. In the event the examination is to be conducted at a place more than fifty (50) miles distant from the residence of the Plaintiff, the Defendant shall pay to the Plaintiff a sum equal to .35 cents per mile for the distance to and from the Plaintiff's residence and the place of examination, which sum shall be payable in advance upon request by the Plaintiff.

(3) At the final pre-trial hearing or by other order of the Court, counsel shall:

- (a) Have present, the trial counsel who is fully authorized to act and negotiate on behalf of the parties.
- (b) Have party, or parties, in interest, present at final pre-trial conference, unless prior to date of final pre-trial and for good cause shown, counsel obtains from the Judge, permission excusing such appearances.
- (c) Present a written statement of the issues involved.
- (d) Submit a written statement of all questions of law which it is expected will be involved and those which will be included in the general charge of the court in jury cases.
- (e) Submit exhibits, which are expected to be offered into evidence for the purpose of stipulating such matters with respect thereto as may avoid formalities of proof.
- (f) Present statements of items of expenses and special damages, with proper proof thereof for the purpose of stipulating with respect thereto and avoiding formalities of proof.
- (g) State the names and addresses of witnesses to be used at the trial. Depositions of witnesses not available for trial shall have been completed.
- (h) File a statement that all depositions and all discovery procedures and all law and motions made have been completed and the case is ready for trial.

- (i) Submit all written requests for instructions of law and written interrogatories to the jury, if such are requested.
- (j) Have all pertinent documents such as medical reports and hospital records. Parties may exchange medical reports, and reports of experts witnesses, by mutual agreement.
- (k) Come prepared to discuss seriously, the possibility of settlement of the case.

(4) General Provisions.

- (a) The final pre-trial shall be conducted by the Judge assigned to hear the case on its merits.
- (b) At the conclusion of the final pre-trial, a final pre-trial order may be prepared by the Judge, setting forth all matters determined at the final pre-trial. Said order shall control the trial unless otherwise directed by the trial court. The Court may require counsel to submit a proposed order within (5) days after the conference.
- (c) Counsel shall file, in such form and at such time as directed by the Court, trial briefs covering such special questions of law as the Judge shall specify. A copy shall be served on the opposing parties at the time of filing with the court.
- (d) Any matter not specifically included in this rule may be determined by the Judge and included in said order.

- (e) Statements of the parties or their counsel made during a final pre-trial hearing shall not be binding upon the parties unless expressly agreed to or entered into the final pre-trial order.
- (f) The Court upon request and without further notice may impose sanctions as authorized by Rule 37 of the Ohio Rules of Civil Procedure.
- (g) After the case has been assigned for trial no vacation thereof or continuance will be permitted except in case of death, serious illness or extreme emergency, which could not have been reasonably anticipated (See Rule VII)
- (h) Failure of counsel to appear at the conference or to comply with those rules, shall be deemed sufficient cause for dismissal, pursuant to Rule 41-B of the Ohio Rules of Civil Procedures; and, in addition, in the absence of counsel or any parties, the court may allow amendments, decide all preliminary matters and make such findings, orders, judgments or decrees as the court may deem proper.

If hospital records are desired from the adverse party, counsel will make a written request therefore upon opposing counsel at least thirty (30) days before the final pre-trial. If counsel upon whom the demand is made considers the demand unduly onerous or unjust, upon application, the Court may require the expense of procuring the same to be paid all or in part, by the party making the request. Copies shall

be substituted and received in to evidence, unless a specific objection thereto is sustained.

If any privileged information is disclosed, and the privilege is not thereafter waived, counsels are ethically bound not to utilize the same in any manner after the final pre-trial.

In all discovery procedures, the policy of the Court will be to encourage full, fair and free disclosure of information.

No physician shall be subpoenaed or called as a witness to testify in any proceedings, either personally or by deposition without prior conference with the attorney calling him concerning the subject of his testimony. Such attorney shall make arrangements for notifying the physician of the approximate time his appearance will be required at a hearing either by telephone or other personal contact.

- (5) All criminal cases to be tried by a jury shall be first assigned for pre-trial within fourteen (14) days after arraignment.

RULE VII

CONTINUANCES

- (a) An application for the continuance of a case shall be by written motion, supported by affidavit of someone knowing the facts upon which the application is based; or in the case of sickness, by a certificate of a reputable physician, unless such affidavit or certificate be waived; in which case the professional written statement of an

attorney of record for the party asking for the continuance may be taken in lieu of such affidavit or certificate.

The written motion in application for the continuance of a case must be endorsed in writing by the litigants as well as counsel, provided that the trial judge may waive this requirement upon a showing of good cause at his or her discretion.

- (b) If the continuance is asked for on the ground of inability to produce the testimony of an absent witness, the party making the application must state in writing what he expects to prove by such witness and, also, by what acts of diligence he had endeavored to procure the testimony of such witness. If the Court finds the testimony material, and that due diligence has been used, such cause may be continued unless the opposite party consents to the reading of such affidavit in evidence in which case the trial may proceed and such affidavit be read at the trial and treated as the deposition of the absent witness.
- (c) All motions for continuances will be decided without argument and no supplemental or amended affidavit or counter affidavit or statement will be received. Hearing will be had only after leave has been obtained.
- (d) A motion for continuance of a case if made after the assignment of the case for trial will not be granted if the reasons upon which such motion is based were within the knowledge of the party or his attorney when the case was assigned.

RULE VIII

NOTIFICATION OF ASSIGNMENT COMMISSIONER

It shall be the duty of counsel to immediately notify the Assignment Commissioner of the settlement of any cause, including motions, which has been assigned a trial date or hearing date and placed on the docket.

If counsel desires a court reporter for a hearing upon any matter set by the Assignment Commissioner, either with or without the request of counsel, it shall be the duty of counsel to notify the Assignment Commissioner at least (3) days prior to the hearing. In addition, a written request for the court reporter must be filed with the Clerk of this Court at the same time.

Taped transcripts of all electronically recorded proceedings of this Court must be retained by the Court Reporter for at least six (6) months.

RULE IX

ASSIGNMENT OF CASES FOR TRIAL

- (a) The docket will be called during each term of court, and cases in which the issues are joined will be assigned for trial in the order in which they are docketed unless for good cause a change therein is made.
- (b) The work of the court and the different types of cases shall be divided between the two judges by lot as nearly equally as possible. A case once assigned to a judge shall remain with that judge and he shall be primarily responsible for the determination of every issued and proceeding in the case until its termination, unless by agreement of the two judges and for good cause assignment is changed to the other judge.

- (c) In any instance where a previously filed and dismissed case is re-filed, that case shall be reassigned to the judge originally assigned by lot to hear it unless, for good cause shown, that judge is precluded from hearing the case.
- (d) Grand Juries: The two judges shall alternate each term of court in impaneling and charging the Grand Juries, and replacing any vacancies that occur during the term. The two judges shall alternate, however, each month, in receiving the grand jury report.
- (e) Nothing contained in this rule shall be construed as limiting the authority of either judge to act independently in performing his functions as a judge, or to limit his authority to sign any temporary order or to perform any function of the Common Pleas Court when the judge to whom such matter would ordinarily be assigned is not available, and the matter is of such nature as to retard the administration of justice if it cannot be disposed of until that judge to whom it should be assigned is available.

When a party is in default the proceedings shall be governed by the provisions of Rule 55 of the Ohio Rules of Civil Procedure.

RULE X

ENTRIES AND BRIEFS

- (a) All judgment entries shall be approved and signed by the Court before being filed with the Clerk of Courts. All counsel shall have the opportunity to present objections thereto before such approval.
- (b) In all cases other than judgments by default and cases in which entries are prepared by the Clerk, counsel for the party in whose favor an order, decree or

judgment is rendered shall within five (5) days after the decision of the Court, prepare the proper judgment entry and submit the same to counsel of the opposite party, who shall approve or reject the same, in writing, within three (3) days after the receipt thereof, counsel to whom such entry is so submitted may, within such three (3) day period, request the Court, in writing, for a hearing on the entry and until such hearing is had, no entry shall be approved by the Court. All objections to a proposed entry must be in writing and may be answered in writing. If counsel in whose favor an order, decree or judgment is rendered fails to submit or furnish the Court with the entry as herein provided, or counsel fail to agree upon the form of entry, the Court may prepare its own entry and cause it to be journalized.

In cases of judgments by default, all entries shall be in typewritten form and shall be signed by counsel preparing the same and by the trial judge before the same shall be entered on the journal of the Court.

All entries prepared by the Clerk shall be in typewritten form and shall be approved by the trial judge before the same shall be entered on the journal of the Court. Entries reflecting decisions on preliminary matters may be prepared and journalized by the Court at its discretion.

RULE XI

FEES IN PARTITION CASE

All fees allowed to attorneys in partition cases as part of the cases shall be as follows:

Ten percent (10%) on the appraised value of the property, if partitioned, or on the proceeds of the sale, if sold, on any sum no exceeding \$2,000.00.

Five percent (5%) on any sum above \$2,000.00 and not exceeding \$10,000.00.

Three percent (3%) on any sum above \$10,000.00 and not exceeding \$15,000.00.

Two percent (2%) on any sum above \$15,000.00.

Provided that the fee shall not be less than \$300.00 in any case. If partition suit is dismissed or otherwise discontinued other than by partition or sale, a reasonable fee shall be allowed counsel for plaintiff. Provided that in such cases the parties may by contract fix the fees, subject to the approval of the Court, and the court may make such special order as to fees of counsel in any such case as it may deem just and reasonable.

XII

NOTARIES PUBLIC

For the purpose of assisting the Court in the performance of its duty pursuant to Section 147.02 of the Revised Code, the Court shall appoint a committee of three members of the Bar in good standing and practicing law in Scioto County to serve at the discretion of the Court. Such committee shall prepare the examinations and fix the times and places for holding the same. The expense of holding and conducting such examinations shall be paid by the Clerk of Courts. The certificate of qualification to any applicant will be signed by the Court only upon the certification of one member of such committee that the applicant is qualified. Such certificate shall not be required in respect to applicants for renewals of their commissions.

RULE XIII

DEPOSITS IN CIVIL ACTIONS

(A) Upon the filing of any civil actions or proceedings with the Clerk of this Court, an advance deposit must be made with said Clerk for the prepayment of costs according to an official deposit schedule, which may be modified periodically by judgment entry.

If the costs are not paid at the termination of the litigation, any deposit for costs shall be applied by the Clerk to the unpaid costs. Amounts so applied shall be refunded upon payment by the parties against whom they are assessed. If a party requests service by publication or foreign service, an additional amount sufficient to cover the same shall be deposited by such party with the Clerk or publication service at the Clerk's discretion.

If it is brought to the attention of the Court that any deposit is insufficient, the Court may require additional deposits from time to time or a deposit may be required of a cross petitioner, so as to secure all costs that may accrue.

(B) Where the Plaintiff makes affidavit in the presence of the Clerk, or a Deputy Clerk, of inability to pay or secure costs, the Clerk shall file a Complaint without such deposit or security, unless Rule XIII(C) is applicable.

(C) In partition cases the Plaintiff shall be required to deposit an additional cost of **\$200.00** to cover fees paid to the appraisers.

(D) In foreclosure cases the Plaintiff shall be required to deposit as additional cost of **\$200.00** to cover fees paid to the appraisers.

(E) FILING BY INMATES

- (1) An affidavit from an inmate of the Southern Ohio Correctional Facility or any other penal institution, for the purpose of showing such a person's inability to give security for costs, shall be accompanied by:
 - (a) A certificate from the cashier of said institution stating the amount of money currently on deposit in said inmate's commissary fund, and;
 - (b) A check drawn on the cashier's office for 75% of the amount stated in the cashier's certificate, up to a maximum of \$200.00
- (2) If the Complaint or Petition is not accompanied by the affidavit, cashier's certificate and a check as described above, said Complaint or Petition shall not be accepted for filing but shall be returned to the inmate.
- (3) If the Complaint or Petition is accepted for filing upon the payment of less than the full amount of the security deposit, the Plaintiff/Petitioner must thereafter pay the remaining unpaid balance as soon as he becomes financially able to do so, or suffer dismissal of said Complaint or Petition.

RULE XIV

ATTENDANCE AT COURT SESSIONS

Failure of a party or counsel to appear at the scheduled time for trial or hearing may be deemed a contempt of court. A fine in the amount of \$100.00 may be ordered paid, in addition to any other penalties imposed.

RULE XV

JURY QUESTIONNAIRES

All petit jurors will submit answers to a written questionnaire. These will be maintained on the second floor in the Court office for the benefit of trial counsel. On the day preceding trial, the Court will furnish counsel with copies of the questionnaires and answers of the panel summoned for that trial. When the jurors are given their voir dire oath, they will also take the oath that the answers on their questionnaires are correct. Counsel shall not repeat any of the questions on the questionnaire, however, if any of the answers require further clarification they may inquire as to that particular answer. At the conclusion of the trial, counsel will return their copies to the court.

RULE XVI

JURY USE AND MANAGEMENT PLAN

(A) Opportunity for Service

- (1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discrimination against a cognizable group in the jurisdiction.
- (2) Jury service is an obligation of all qualified citizens of Scioto County, Ohio.

(B) Jury Source List

- (1) Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service. The Jury Commissioners shall then receive a computer printout from the Board of Elections.

- (2) The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- (3) The court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- (4) Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

(C) Random Selection Procedures

- (1) The jury source list from the Board of Elections shall be randomly selected by computer.
- (2) Departures from the principle of random selections are appropriate only to comply with lawful exceptions.

(D) Eligibility for Jury Service

- (1) All persons shall be eligible for jury service except those who:
 - (a) Are less than eighteen (18) years of age;
 - (b) Are not citizens of the United States;
 - (c) Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Scioto County, Ohio;
 - (d) Are not able to communicate in the English language;
 - (e) Have been convicted of a felony and have not had their civil rights restored.

(E) Terms of and Availability for Jury Services

- (1) The time those persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

(2) Jurors shall be “on call” for a week period. They do not report every day. (The Assignment Commissioner implemented a telephone system whereby jurors call a local number to hear a message which informs them as to whether they are still needed for jury service)

(F) Exemption, Excuse and Deferral

(1) All automatic excuses or exemptions with the exception of statutory exemptions, from jury service should be eliminated.

(2) Prospective jurors are excused for the following reason:

(a) medically unable to serve

(3) Prospective jurors are rescheduled for the following reasons:

(a) Vacation;

(b) Employment hardship;

(c) Student

(4) Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.

(5) Request for excuses and deferrals and their dispositions shall be written or otherwise made or recorded.

(G) Voir Dire

(1) Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror’s fairness and impartiality.

- (2) To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.
- (3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- (4) The judge should insure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- (5) In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.
- (6) Rules on Voir Dire:
 - (a) The case may not be argued in any way while questioning the jurors.
 - (b) Counsel may not engage in efforts to indoctrinate jurors.
 - (c) Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
 - (d) Jurors may not be asked what kind of verdict they might return under any circumstances.
 - (e) Questions are to be asked collectively of the entire panel whenever possible.

(H) Removal from the Jury Panel for Cause

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

(I) Peremptory Challenges

- (1) Rules determining procedures for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules, as adopted by the Supreme Court of Ohio, and any other applicable statutory authority.

(J) Administration of the Jury System

- (1) The responsibility for administration of the jury system shall be vested exclusively in the Scioto County Common Pleas Court.
- (2) All procedures concerning jury selection and services should be governed by Ohio Rules of Court.

(K) Notification and Summoning Procedure

- (1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:
 - (a) Combined in a single document;

- (b) Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems;
 - (c) Delivered by ordinary mail
- (2) A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- (3) The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - (a) Determining whether a person meets the criteria for eligibility;
 - (b) Providing a basic background information ordinarily sought during voir dire examination;
 - (c) Efficiently managing the jury system
- (4) Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.
- (5) Jurors who fail to report for service are scheduled for a contempt hearing to inform the judge as to why they did not appear. Sanctions are imposed as warranted.
- (L) Monitoring the Jury System: The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:
 - (1) The representativeness and inclusiveness of the jury source list;

- (2) The effectiveness of qualification and summoning procedures;
- (3) The responsiveness of individual citizens to jury duty summonses;
- (4) The efficient uses of jurors
- (5) The cost-effectiveness of the jury management system

(M) Juror Use

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

(N) Jury Facilities

- (1) The Court shall provide an adequate and suitable environment for jurors.
- (2) The entrance and registration area shall be clearly identified.
- (3) Jurors shall be accommodated with suitable amenities.
- (4) Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be insured.

- (5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

(O) Juror Compensation

- (1) Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.
- (2) Such fees shall be paid promptly.
- (3) Employers SHALL be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

(P) Juror Orientation and Instruction

- (1) The Court may have an orientation program:
 - (a) Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors
 - (b) Presented in a uniform and efficient manner using a combination of written and oral materials.
- (2) The Court shall provide some form of orientation or instruction to persons called for jury service.
- (3) The trial judge should:
 - (a) Give preliminary instructions to all prospective jurors.

- (b) Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedure, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
- (c) Prior to commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the result of its deliberations. Such instructions should be made available to the jurors during deliberations, if possible, as determined by the individual trial judge.
- (d) Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
- (e) Utilization of written instructions is preferable.
- (f) Before dismissing a jury at the conclusion of a case, the trial judge should:
 - (1) Release the jurors from their duty of confidentiality;
 - (2) Explain their rights regarding inquiries from counsel or press;
 - (3) Either advise them that they are discharged from service or specify where they must report;
 - (4) Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
 - (5) All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal

shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

(Q) Jury Size and Unanimity of Verdict

- (1) Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law

(R) Jury Deliberations

- (1) Jury deliberations should take place under conditions and pursuant to procedures that are designed to insure impartiality and to enhance rational decision making and shall conform with existing Ohio law.
- (2) The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.
- (3) A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interests of justice.
- (4) Training should be provided to personnel who escort and assist jurors during deliberation.

(S) Sequestration of Jurors

- (1) A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

- (2) THE JURY SHALL BE SEQUESTERED AFTER A CAPITAL CASE IS SUBMITTED TO THE JURY IN CONFORMITY WITH EXISTING OHIO LAWS.
- (3) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- (4) Standard procedures should be promulgated to :
 - (a) Achieve the purpose of sequestration;
 - (b) Minimize the inconvenience and discomfort of the sequestered jurors.
- (5) Training shall be provided to personnel who escort and jurors during sequestration.

RULE XVII

ATTORNEY FEE APPLICATION FOR INDIGENT DEFENDANTS

Applications for attorney fees for representation of indigent Defendants in criminal cases or indigent defendants charged with contempt of court shall be filed not later than thirty days after the last day of the month in which the case is terminated, upon penalty of forfeiture of the requested compensation.

RULE XVIII

BROADCASTING, TELEVISIONING, RECORDING OR PHOTOGRAPHING PROCEEDINGS

The Court set the following conditions fixing procedure for broadcasting, televising, recording or photographing proceedings in the Courts.

(A.) The judge presiding at the trial shall permit the broadcasting, televising, recording or photographing of the Court proceedings that are open to the public inasmuch as is consistent with Canon 3A(7) of the Code of Judicial Conduct. The judge, after consultation with an authorized representative of the media, shall designate specific locations where the media representatives and their equipment will be placed. Permission for broadcasting, televising, recording or photographing this trial must be requested in writing no later than twenty-four hours before the trial begins. In accord with Canon 3A(7), the written permission of the judge and the applications of the media for said permission shall be made a part of the record of the proceedings.

(B.) (1) Media resources shall be pooled and the several representatives of the media shall choose from amongst themselves an agent through which media shall communicate with the Court.

(2) No more than one video camera, accompanied by its operator, shall be present in the courtroom. No artificial lighting shall be permitted in the courtroom.

(3) Not more than one still photographer shall be permitted in the courtroom at a time. Said photographer shall be permitted to utilize two cameras, with a limitation of two lenses for each camera.

(4) For the purpose of radio broadcast, the existing audio apparatus in the courtroom shall be utilized.

(5) All media equipment shall be located outside of the courtroom to the extent to which this is possible. No changes of film or cassettes shall be permitted in the courtroom during proceedings. All media equipment located in the courtroom must be entirely operational before the beginning of the court proceedings.

(F) (1) Media representatives are not to infringe upon the proper decorum of the court. Therefore, no interviews shall be conducted in the courtroom. Furthermore, movement during proceedings is strictly prohibited excepting reasonable ingress and egress. Media representatives shall, however, be assured of a clear view of the proceedings, with these caveats: a) broadcasting, televising, recording or photographing witnesses – including a defendant when functioning in the role of a witness – who object thereto shall be prohibited; b) the media shall not broadcast, televise, record or photograph jurors under any circumstances whatsoever; c) audio pick-up of conferences conducted in a court facility between attorneys and clients or counsel, or of conferences conducted at the bench between counsel and the judge is strictly forbidden.

- (4) Noncompliance by any media representative with the condition set forth above may result in revocation of permission to broadcast, televise, record or photograph the proceedings of the trial.

RULE XIX

CRIMINAL CASE MANAGEMENT PLAN

(A) GENERAL PROVISIONS

(1) Purpose

The Purpose of this rule is the prompt but fair disposition of criminal cases.

This goal can be accomplished only by early and continuing judicial control and management of each case. This rule establishes a general framework for the management of criminal cases, leaving to the discretion of the judge the use of additional procedures to accomplish the goal of this Rule.

(2) Authority

This rule is established pursuant to C.P. Sup. R. 9(B) and Crim. R. 57.

(3) Applicability

This rule shall apply in all criminal litigation in the General Division of the Scioto County Court of Common Pleas.

(4) Incorporation of Rules

These rules incorporate the Ohio Rules of Criminal Procedure and all Local Rules which may be applicable to criminal litigation.

(5) This rule is merely procedural in nature and creates no substantive rights on behalf of any party.

(B) UPON INDICTMENT

(1) Jail Cases

Set for next scheduled arraignment.

(2) Direct Cases

Cases are set by Assignment Commissioner for arraignment at next scheduled arraignment or as soon thereafter as possible.

(3) Bills of Information

Shall be heard by the assigned Judge.

(C) ARRAIGNMENT ON INDICTMENT

(1) Arraignment heard by assigned judge as soon as possible

(2) Defendant represented by counsel

(a) Guilty plea:

(1) Accepted by assigned judge and sentencing as soon as possible

(b) Not guilty plea:

(1) Pretrial held 14 days after arraignment

(2) Defendant to be present at pretrial. The pretrial conference to be held at the Court and terms of any plea negotiations are to be presented to the Court at this time.

(3) Defendant NOT represented:

(a) The arraignment will be held as scheduled and the Court will enter a not guilty plea on behalf of defendant as necessary.

- (b) Attorney appointed, if defendant is indigent.
- (4) Failure of defendant to appear:
 - (a) Continued for no more than three days if requested by counsel.
 - (b) Prosecutor's office notified to issue warrant.

(D) SCHEDULING CONFERENCE

Notice served upon defendant or defendant's attorney within seven days of pretrial.

- (1) Before assigned judge on date scheduled. (21 days following pretrial)
- (2) Defendant MUST be prepared to enter plea at scheduling conference of request trial date.
 - (a) Cases will be tried within thirty days of the scheduling conference if the defendant is incarcerated, and within sixty days if he is not incarcerated, or as soon as possible thereafter.

(E) TRIAL

Proceeds in usual manner.

TIME GUIDELINES FOR SCHEDULING OF CASES

Date of arrest to Grand Jury.....	30 Days
Arraignment.....	7-10 Days
Pretrial.....	14 Days
Scheduling Conference.....	21 Days
Trial.....	30-60 Days
Total Days Expended.....	85-135 Days

RULE XX
DISCOVERY

It is Ordered the State of Ohio shall answer all discovery in each criminal case within seven (7) days of the defendant's request of seven (7) days prior to the first pre-trial whichever date is later.

It is further Ordered that the State of Ohio shall provide the defendant with the defendant's criminal history prior to the first pre-trial.

It is the further Order of this Court that every defendant shall answer the State of Ohio's request for discovery within seven (7) days of the State's request.

Failure to comply with this Order may result in the imposition of sanctions.

APPENDIX A


CASE MANAGEMENT TIME GUIDELINES

<u>TYPE OF LITIGATION</u>	<u>TIME GUIDELINE IN MONTHS</u>
Professional Tort	24
Product Liability	24
Other Torts	24
Workers Compensation	12
Foreclosures	12
Administrative Appeals	9
Complex Litigation	36
Other Civil	24
Criminal	6


IN THE COURT OF COMMON PLEAS
GENERAL DIVISION-SCIOTO COUNTY, OHIO

Pursuant to Rule XIII of the Rules of Practice of the Court of Common Pleas,
General Division of Scioto County, Ohio, the Court hereby sets the advance deposits
required in civil actions, effective January 1, 2004, as follows:

(A) CIVIL ACTION	\$200.00
(B) FORECLOSURE ACTION	\$400.00
(C) PARTITION ACTION	\$400.00
(D) THIRD PARTY COMPLAINT, AMENDED COMPLAINT, CROSSCLAIM	\$ 75.00
(E) SHERIFF SERVICE ON EACH DEFENDANT	\$ 25.00
(F) CERTIFICATE OF JUDGMENTS-	
-filing certificate from Municipal Court	\$ 20.00
-filing praecipe from Scioto Co. Common Pleas Court	\$ 6.00
-filing certificate from other Common Pleas Court	\$ 20.00
(G) FILING FOR EXECUTION	\$ 50.00
(H) RECORDING NOTARY COMMISSION	\$ 5.00
(IF NOT NOTARIZED)	\$ 6.00
(I) COURT OF APPEALS	\$ 85.00
(J) GARNISHMENT	\$100.00
(K) CERTIFICATION OF COPY	\$ 1.00
(L) AUTHENTICATED COPY	\$ 5.00



JUDGE WILLIAM T. MARSHALL



JUDGE HOWARD H. HARCHA, III