

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

**IN THE MATTER OF THE ADOPTION OF
REVISED RULE 8 AND ADDITIONAL
RULE 21 OF COURT OF COMMON PLEAS
GENERAL DIVISION**

JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution, prescribes certain rules of practice and procedure. The Court finds that it is necessary to adopt additional rules not inconsistent with the rules promulgated by the Supreme Court for local practice.

NOW THEREFORE, attached hereto and incorporated by reference herein, Rule Number 8 is REVISED, and Rule 21 is adopted and both are effective **February 1, 2006.**

Judge William T. Marshall
Administrative Judge

Judge Howard H. Harcha
Presiding Judge

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 February 1, 2006, as follows:

(A) CIVIL ACTION	\$250.00
(B) FORECLOSURE ACTION	\$450.00
(C) PARTITION ACTION	\$450.00
(D) THIRD PARTY COMPLAINT, AMENDED COMPLAINT, CROSSCLAIM	\$75.00
(E) SHERIFF SERVICE ON EACH DEFT.	\$25.00
(F) CERTIFICATE OF JUDGMENT	
-filing certificate from Municipal Court	\$20.00
-filing praecipe from Scioto Co. Common Pleas Ct.	\$ 6.00
-filing certificate from other Common Pleas Ct.	\$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

AMENDED

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) \$50.00 of all costs deposited pursuant to this rule shall be deposited in the Scioto County Mediation Fund.

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

IN THE MATTER OF THE ADOPTION OF
RULE 21 OF THE RULES OF PRACTICE
OF THE GENERAL DIVISION

JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution, prescribes certain rules of practice and procedure. The Court finds that it is necessary to adopt additional rules not in consistent with the rules promulgated by the Supreme Court for local practice.

NOW THEREFORE, attached hereto and incorporated by reference herein, Rule Number 8 is revised and Rule number 21 is enacted and both are hereby effective February 1, 2006.

JUDGE WILLIAM T. MARSHALL
GENERAL DIVISION

JUDGE HOWARD H. HARCHA, III
GENERAL DIVISION

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

IN THE MATTER OF THE ADOPTION OF
RULE 21 OF THE RULES OF PRACTICE
OF THE GENERAL DIVISION

JOURNAL ENTRY

Local Rule 8 has been amended and Local rule 21 has been enacted. The purpose of this amendment is to provide for a \$50.00 fee in all civil filings for a mediation fund. Rule 21 applies to the procedure for mediation.

Pursuant to the Rule 5 of the Rules of Superintendence for the Courts of Ohio, notice and an opportunity for comment are to be provided. Please be advised that comments may be forwarded to Judge Marshall either in person by contacting his office at 740-355-8301 or in writing and mailing it to 602 7th Street, Portsmouth, OH 45662 no later than January 30, 2006.

Be it resolved by the judges of the general division of the Scioto County Court of Common Pleas that amended Local rule 8 and new local rule shall be adopted effective February 1, 2006. The court determines that there is an immediate need for the rule in order that funds may be made available to support the newly begun Scioto, Adams, Pike Counties Mediation Program and also to set forth standards for the operation for that program.

JUDGE WILLIAM T. MARSHALL
GENERAL DIVISION

JUDGE HOWARD H. HARCHA, III
GENERAL DIVISION

PROPOSED RULE 21 – MEDIATION

(A) Cases for Mediation:

Any civil case filed in the Court of Common Pleas may be referred to mediation.

(B) Referral to Mediation:

- (1) The judge may, by appropriate entry, refer a case to mediation
- (2) Any party may request, in writing to the judge, that the case to considered for referral to mediation
- (3) Referral of a case to mediation shall not operate as a stay of discovery proceedings unless otherwise ordered by the Court.

(D) Mediation Conferences

- (1) The mediator may direct the parties and/or their attorneys to attend a mediation conference in person. Such a conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the mediator and the parties determine may aid in the handling or the disposition of the proceedings.
- (2) Mediation shall continue until the parties have reached a settlement, until they are unwilling to proceed further, or until the mediator determines that further mediation efforts should cease. The mediator may schedule such sessions as may be necessary to complete the process.
- (3) The mediator may request that the parties bring documents and witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

(E) Mediation Fees

- (1) No fees shall be charged for civil cases referred to the Scioto, Adams and Pike Counties Mediation Services.
- (2) If the case is referred to a mediator other than Scioto, Adams and Pike Counties Mediation Services, the parties shall share the cost of the mediation in such proportions as they may agree.

(F) Confidentiality

- (1) The provisions of Section 2317.023 of the Ohio Revised Code shall control.
- (2) All communications and information not otherwise discoverable presented during mediation are confidential.
- (3) The mediator shall not disclose to the Court or to any judge of the Court the contents of mediation discussions unless agreed to by all of the parties.
- (4) No party to mediation shall call the mediator as a witness for any purpose.

(G) Reporting to the Court

- (1) The mediator shall notify the Court promptly when a case is not accepted for mediation. At the conclusion of the mediation, the mediator will also report the fact that the mediation process has ended.
- (2) If a case is settled during mediation, the attorney for one of the parties shall prepare and submit to the court an entry reflecting the fact of settlement as in any other case. If both parties are unrepresented, one of the parties shall present to the mediation agreement to the Court.