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CLERK OF COURT
SUPERIOR COURT OF OHIO

RULES OF PRACTICE

Court of Common Pleas
General Division
Lawrence County, Ohio

Effective July 1, 2013

Table of Contents

1	SCOPE AND APPLICABILITY OF RULES; PURPOSE	1
2	TERM OF COURT	1
3	FILES	1
4	COSTS	1
5	SURETIES	2
6	PROCESS SERVERS	3
7-9	RESERVED	4
10	DOCKET	4
11	ASSIGNMENT OF CASES	4
12	PLEADINGS AND MOTIONS	5
13-19	RESERVED	6
20	CASE MANAGEMENT - TRACKING	6
21	DOMESTIC TRACK	6
22	ADMINISTRATIVE APPEAL TRACK	7
23	NON-JURY TRACK	7
24	JURY TRACK	9
25	OTHER TRACK	10
26	REVIEW OF CASES	10
27-29	RESERVED	10
30	HEARINGS AND SUBMISSION OF MOTIONS	10
31	WITNESSES AND PARTIES	11
32	TRIAL PROCEDURE	12
33	ENTRIES	12
34	TRANSCRIPTS	13
35	OBJECTIONS TO MAGISTRATE'S REPORT	14
36	SERVICES FOR DISABLED	14
37	MEDIATION	15
38-39	RESERVED	15
40	MAGISTRATES	15

41	MEDICAL MALPRACTICE ARBITRATION	16
42	DESIGNATION OF ARBITRATORS	16
43-50	RESERVED	16
51	REQUESTS OF OTHER COURTS	16
51A	TITLE IV-D	17
52	COSTS FOR CUSTODY INVESTIGATION	17
53	STANDARD VISITATION GUIDELINES	17
54-59	RESERVED	20
60	MULTIPLE REPRESENTATION OF CRIMINAL DEFENDANTS	20
61-62	RESERVED	20
63	CREDIT FOR WEEKEND SENTENCE FOR CONTEMPT	20
64-69	RESERVED	20
70	APPEARANCES	21
71	COMPLIANCE	21
72-79	RESERVED	21
80	JURY STANDARDS	21
FORMS		
	A COURT SCHEDULING ORDER	29
	B PRE-TRIAL STATEMENT	31

**RULE 1
SCOPE AND APPLICABILITY OF RULES; PURPOSE**

These rules shall apply to the Court of Common Pleas of Lawrence County, Ohio, General Division. The purpose of these rules is to define local practice procedures of this court, consistent with the Rules of Superintendency, the Rules of Civil and Criminal Procedures and such other rules as may be adopted or promulgated by the Supreme Court of Ohio pursuant to Section 5 of Article IV of the Ohio Constitution. They should be cited as "L.R." and the rule number.

**RULE 2
TERM OF COURT**

There shall be one term of court (the January term) and the court shall be in continuous operation for the transaction of judicial business. (2301.05 RC). The term shall be divided into two parts designated as Part I and Part II, each commencing on the first day of January, and July.

**RULE 3
FILES**

1. The Clerk shall carefully preserve in the Clerk's office all papers delivered for that purpose in every action or proceeding and have them available during court hours or otherwise as necessary.
2. Upon request the clerk shall furnish copies upon payment of the usual fee therefore.
3. No files shall be removed from the clerk's office except as authorized by the court.

**RULE 4
COSTS**

1. All complaints, appeals, motions or other pleadings shall be accompanied by the appropriate deposit as security for court costs in the amount which is set by the court. The schedule of the amounts needed to be deposited shall be fixed by the court and the Clerk of this court shall keep and make available said list.
- 2A. Said deposit shall not be required in proceedings when the complaint is accompanied by an affidavit of indigency. If indigent, the deposit costs are met if the party files a poverty affidavit which states that the party is without funds or assets to pay the deposit. The filing of a poverty affida-

vii does not relieve a party from liability for court costs.

2B. No final entry in a domestic relations proceeding shall be received for filing by the Clerk of Courts until the cost of the proceeding has been paid in full. Persons claiming indigent status as a bar to pre-payment of costs shall be required to prove said status to the satisfaction of the court before the decree will be received for filing.

2C. No complaint shall be received for filing if costs are due on a prior case against the initiating party without proving to the court that the party has been continually without funds to pay said costs since they were assessed.

3A. When service of process is to be affected by publication, a deposit to secure costs of publication shall be required by the clerk. The notice to be published shall be prepared by the party requesting such publication and the clerk shall make notation of the compliance with this rule thereon. Publication deposit is required in all proceedings whether or not they are accompanied by an affidavit of indigency.

3B. Posting by the clerk of courts pursuant to the civil rules. Shall be in the Lawrence County Municipal Court, the Village of South Point Village Hall, the Lawrence County Courthouse, and such other locations as the court may designate. Clerk of Courts, or his designated agent, shall be paid up to \$25.00 for travel necessary to said posts.

4. No settlement agreement which does not include a provision for the assessment of costs shall be received for filing by the clerk.

4A. The appraisal fee shall be \$75.00 per person for the appraisal of real property involving foreclosure, and partition, and/or any other real property matters overseen by the Lawrence County Sheriff's Office.

See 4A(1)
4A(23)

RULE 5 SURETIES

1. No officer of this court, employee, spouse or dependent thereof shall be a surety in any action or manner before this court. No attorney or an employee of the attorney in the attorney's law practice or the spouse or dependent thereof shall be a surety in any action or matter before this court unless specifically authorized by the court.

RULE 6 PROCESS SERVERS

1. ONE-TIME APPOINTMENT

(A) If a party desires personal service to be made by a special process server, pursuant to Civil Rule 4.1, that party or counsel must file with the Clerk an Entry appointing a special process server. The following must be stated in the Entry of Appointment:

- (1) The name of the person to be appointed as process server;
- (2) That the person to be appointed as process server is 18 years of age or older; and
- (3) That the person to be appointed as process server is not a party in the action nor counsel for a party to the action.

2. STANDING APPOINTMENT

(A) A person may be designated as a "Standing Special Process Server" for cases filed in this Court by filing a combined Affidavit and Order. The affidavit shall set forth the following information:

- (1) The name, address and telephone number of the person to be appointed as a standing process server;
- (2) That the person is 18 years of age or older;
- (3) That the person agrees not to attempt service of process in any case the server is a party or counsel for a party;
- (4) That the person agrees to follow the requirements of Civil Rules 4 through 4.6 and any applicable Local Rules and specific instructions for service of process as Ordered by the Court in individual cases.

(B) A standing appointment shall be for no more than a two-year period ending on December 31. Upon expiration of an appointment, a person must reapply.

(C) The Order shall be captioned "In Re: The Appointment of (name of person requesting appointment) As Standing Special Process Server", and state the following:

"It appearing to the Court that the following person has complied with the provisions of Local Rule _____, (name of person requesting appointment) is hereby designated as a Standing Special Process Server, authorized to make service of process

in all cases filed in this Court and to serve until December 31, _____, or further Order of this Court, whichever comes first."

- (D) The Clerk shall record such appointment on the Court's General Docket, and shall retain the original Affidavit and Order. In any case thereafter, the Clerk shall accept a time-stamped copy of such an Affidavit and Order as satisfying the requirements of Civil Rule 4.1 (2) for designation by the Court of a person to make service of process.

**RULES 7-9
RESERVED**

**RULE 10
DOCKET**

1. The court shall prepare and update its docket from time to time as it deems necessary.

**RULE 11
ASSIGNMENT OF CASES**

1. The work of the court and the different types of cases shall be divided between the judges as equally as possible. A case once assigned to a judge shall remain with that judge and that judge shall be primarily responsible for the determination of every issue and proceeding in the case until its termination, unless by agreement of the judges and for good cause, assignment is made to another judge.

2. **GRAND JURIES:** Any judge may (general or probate jury) impanel and charge the Grand Jury, replace any vacancy that occurs during that term, or receive the jury's report.

3. Any judge may sign temporary restraining orders in divorce cases when presented at the time of filing the case and before assignment.

4. Nothing contained in this rule shall be construed as limiting the authority of any judge to act independently in performing their functions as a judge, or to limit their authority to sign any temporary order, or to perform any function of the Common Pleas Court when the judge to whom such matters 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.

**RULE 12
PLEADINGS AND MOTIONS**

1. Every pleading, motion and memorandum filed shall be typed and have typed or printed thereon the name, address, Ohio registration number and phone number of the counsel filing the same. When counsel is a firm of attorneys, trial counsel having primary responsibility for the case shall be indicated thereon.

2. All complaints, third party pleadings, post-judgment motions and final judgment entries in Domestic Cases shall contain the names of the parties, correct current mailing and resident addresses, and the correct designation of the parties. The clerk shall refuse for filing any matter which does not comply with this rule.

3. All matters prepared for and filed in any case shall be printed unless waived by the court. The clerk shall refuse for filing any matter which does not comply with this rule.

4. When a new party plaintiff or a defendant is added to a case after the commencement thereof, the caption of the first pleading in which or after which such new party is added shall contain the name of the new party, together with their or its address.

5. Counsel shall file with the Court phone number written notice of any change in counsel's address.

6. Each pleading, motion or memorandum shall be designated in the space for case number with the appropriate designation as follows:

TYPE	CASE NO.
Personal Injury	
Professional Tort	
Product Liability	Year PI _____
Other Torts	
Workers' Compensation	Year WC _____
Foreclosure	
Administrative Appeals	
Complex Litigations	Year OC _____
Appropriations	
Other Civil	

Divorce
 Annulment
 Legal Separation Year DR _____
 Domestic Violence
 URESA
 Dissolution

 Criminal Year CR _____

7. All parties will insure that praecipe and notice of hearings include the required statutory and appropriate language required.

**RULES 13-19
RESERVED**

**RULE 20
CASE MANAGEMENT - TRACKING**

1. All cases filed in this court shall be assigned to one of five (5) tracking processes adopted by the court according to the type of litigation involved. The purpose of the adoption of the tracking procedures is to enable the progress of cases to be monitored and to encourage their timely resolution. Cases may be reassigned from one tracking procedure to another in the event that the type of litigation changes.

2. The five (5) tracking procedures adopted by the court are (A) Domestic; (B) Administrative Appeals; (C) Non Jury; (D) Jury and (E) Other.

3. It shall be the purpose of the tracking system to have all disputes disposed of by final decree within the time set forth in CP Sup R.5.

4. In determining the length of time that a case has been pending, the time shall begin with the perfection of service and should not include delays occasioned by the willful acts of non-moving parties, such as absconding from the jurisdiction of the court, or by operation of law, such as the automatic stay imposed by the filing of bankruptcy.

5. Any party may request the court to advance the times adopted in the various tracking procedure in order to expedite matters.

**RULE 21
DOMESTIC TRACK**

1. All divorces, annulments, legal separations, dissolutions, domestic violence, URESA civil protection/stalking orders actions shall be assigned

to the DOMESTIC TRACK.

2. The court may set a pre-trial at an appropriate time. Counsel shall attend.

3. The court may, after discussion with counsel, prepare a scheduling order which may include, but is not limited to:

A.) Perpetuation depositions

B.) Discovery depositions

C.) Disclosure of experts, if any

D.) Exchange of witness lists

E.) Exchange of trial material

F.) Exchange of listing of all assets and the respective parties valuation of the same.

G.) Trial Date

4. Unless otherwise ordered by the Court, all transcripts prepared from camera interviews of minor children shall be delivered to the Court Secretary for filing outside of the court case file. Said transcripts shall not be read, copied, or removed from the Court's possession for any reason by any person, party or attorney.

**RULE 22
ADMINISTRATIVE APPEAL TRACK**

1. All appeals from governmental entities which do not require the taking of additional testimony shall be assigned to the ADMINISTRATIVE APPEALS TRACK.

2. After final hearing or submission to the court, the court will issue its decision.

**RULE 23
NON-JURY TRACK**

1. All civil matters in which no demand for trial by jury has been made or which is allowed by law and which have not been assigned to another track may be assigned to the NON-JURY TRACK.

2. The court may set an CASE MANAGEMENT CONFERENCE after service upon a defendant. Only parties who have entered appearances shall be notified.

3. At the CASE MANAGEMENT CONFERENCE:

- (A) All counsel shall be present
- (B) The court shall inquire into the contested nature of the action including, but not limited to:
 - (1) the inclusion of all necessary or permissible parties
 - (2) when all pleadings shall be completed
 - (3) the possibility of final resolution
 - (4) scheduling a trial date

4. At the PRE-TRIAL CONFERENCE & FINAL SETTLEMENT CONFERENCE:

- (A) all parties shall be present
- (B) the trial counsel shall attend the pre-trial conference.
- (C) The person or persons, be they several of the parties or a committee, who have full authority to negotiate towards the settlement of a case shall be present at all PRE-TRIAL CONFERENCES unless they have been previously exempted from appearance by the court.
- (D) The person or persons so exempted from physical appearance at the pre-trial shall be available by phone for in-depth discussions or be available by such other means as the court directs.
- (E) Failure of a person or persons to be available pursuant to this rule may result in sanctions being imposed by the court upon the offending party which may include a fine, restitution of all expenses incurred by the other parties or their representatives, judgement against the offending party or such other items as the court deems appropriate.
- (F) All sanctions imposed shall be paid or complied with forthwith.

5. Other conferences may be set by the court or as requested by counsel in order to expedite the early resolution of disputes.

RULE 24
JURY TRACK

1. All civil matters in which a jury case has been requested or possible jury cases in which the court determines it appropriate shall be assigned to the JURY TRACK.

2. The court may set an CASE MANAGEMENT CONFERENCE after service upon a defendant. Only parties who have entered appearances shall be notified.

3. At the CASE MANAGEMENT CONFERENCE:

- (A) All counsel shall be present
- (B) The court shall inquire into the contested nature of the action including, but not limited to:
 - (1) the inclusion of all necessary or permissible parties
 - (2) when all pleadings shall be completed
 - (3) the possibility of final resolution
 - (4) scheduling a trial date

4. At the PRE-TRIAL CONFERENCE:

- (A) All parties, their counsel, and the person or persons who have full authority to negotiate towards the settlement of a case shall be present at all PRE-TRIAL CONFERENCES and all final settlement conferences unless they have been previously exempted from personal appearance by the court upon application.
- (B) Failure of a person or persons to be available pursuant to this rule may result in sanctions being imposed by the court upon the offending party which may include a fine, restitution of all expenses incurred by the other parties or their representatives, judgment against the offending party or such other relief as the court deems appropriate.
- (C) All sanctions imposed shall be paid or complied with forthwith.

5. Other conferences may be set by the court or as requested by counsel in order to expedite the early resolution of disputes.

**RULE 25
OTHER TRACK**

1. All complaints for writs of prohibition, mandamus, habeas corpus, preliminary injunctions, temporary restraining order and the like shall be assigned to the OTHER TRACK.

2. It shall be the affirmative duty of any party requesting relief under these types of cases to concurrently inform the court of the filing in question and arrange with the court the earliest practical hearing date for the litigation.

3. By their very nature, these cases have an immediacy which require the court and counsel to give prompt and full attention to the issues raised therein.

4. Failure to actively pursue these cases on part of a party may result in the court's dismissal of the same for lack of prompt prosecution.

5. If Case Management Conferences or Pre-Trial Conferences are held in these cases, the same Rules apply as in Jury Tract cases.

**RULE 26
CASE REVIEWS**

The court may review the records of the Clerk of Courts to determine whether service has been perfected and whether or not attempted service is being actively pursued. If it appears from the clerk's records that service has not been perfected or that attempted service is not being actively pursued, the court shall promptly inform counsel to engage in active attempts to gain service. If no action is taken within the time limits prescribed by the court, the court may dismiss the cause of action for lack of prosecution without prejudice.

**RULES 27 - 29
RESERVED**

**RULE 30
HEARINGS AND SUBMISSION OF MOTIONS**

1. No Motion or Other Matter which requires a hearing shall be accepted for filing by the Clerk of this Court unless a hearing date has been approved by the Court and notice of hearing is endorsed thereon and service on opposing parties shown.

2. The moving party shall serve the other party or parties not less than seven (7) days prior to the date on which the motion is set for hearing. All memorandums contra shall be served upon opposing counsel not later than three (3) days prior to the hearing date.

3. Oral arguments will be allowed on all motions. Unless previous arrangements have been made, it is expected that any argument and testimony, if any, shall be limited to a total of twenty minutes.

(A) All motions or other matters, which require oral argument or where oral argument is desired by one of the parties, shall contain notice of date for oral argument, which must be previously approved by the Court's Assignment Commissioners.

Failure to state a date for oral argument shall indicate that oral argument is not desired, and the Court will then rule upon said motions after at least seven (7) days' notice to the opposing party.

(B) The moving party shall serve the other party or parties, not less than seven (7) days prior to the date on which the motion is set for hearing if oral argument is desired. All memorandums contra shall be served upon opposing Counsel at least three (3) days prior to the date for oral argument, if the same is demanded.

(C) Oral arguments and testimony, if any, shall be limited to a total of twenty (20) minutes per side.

(D) Notwithstanding the above, all default motions pertaining to an action in foreclosure shall, and prior to the filing of such motion with the Clerk of Courts, contain a *Notice of Hearing*, which has been approved by the Court and endorsed thereon with service to the opposing party.

(E) All motions, after filing, shall be submitted directly to the Common Pleas Court for review by the appropriate Judge.

4. Motions for temporary restraining orders, temporary injunctions, for receivers or for similar equitable relief shall be submitted to the court.

**RULE 31
WITNESSES AND PARTIES**

1. Praecipe for witnesses shall be filed with the clerk at least ten (10) working days prior to the date set for hearing, except for good cause shown to the court.

2. It shall be the affirmative duty of the party or their counsel to inform

each and every person whom they have subpoenaed or requested to appear at any proceeding if the matter has been settled, continued or if their presence is no longer required.

3. Failure of the party or their counsel to so notify persons appearing for the proceeding before the court may result in sanctions imposed by the court against the party failing to perform this duty which may include reimbursements of witness fees, mileage and such other expenses which have been borne by the persons so appearing in order to place them in the same position they would have been had they been notified.

RULE 32 TRIAL PROCEDURE

1. Trial procedure shall be in accordance with statute and rules of the Supreme Court.

2. Except by permission of the trial judge, only one counsel for each adverse party will be permitted to speak on any interlocutory motion, or upon any question arising in the trial of a cause or proceeding; and, but one counsel for each adverse party will be permitted to examine the same witnesses in any trial or proceeding before the court.

3. Request for special instructions in any jury cases shall be filed and brought to the attention of the court at least five (5) working days prior to the commencement of trial unless otherwise directed by the court. If said request is not timely filed, the court may refuse to give said special instructions.

RULE 33 ENTRIES

1. Unless the court otherwise directs, counsel for a party in whose favor an order, decree or judgment is rendered shall within seven (7) business days thereafter prepare the appropriate journal entry and submit it to the adverse counsel who shall approve or reject the same within three (3) business days after the receipt thereof. When the entry is approved by counsel it shall be so endorsed and presented to the court for approval and, if signed by the court, be filed with the clerk. If counsel are unable to agree upon the entry, the proposed judgment entries shall be submitted to the court which will direct what entry will be made.

2. If the responsible counsel fails to submit a proposed entry to opposing counsel within twenty (20) days following the decision, then opposing counsel may submit a proposed entry to The Court, with a copy to prevail-

ing counsel.

3. Counsel shall promptly submit an entry of dismissal to the court following settlement of any case. If counsel fails to present such an entry to the court within thirty (30) days after representation to the court that the case has been settled, the court may order the case dismissed for want of prosecution or enter an appropriate order.

4. The Lawrence County Child Support Enforcement Agency (CSEA) or its successor shall promptly approve all final decrees terminating marital relationships in which minor children are involved and all subsequent entries regarding the support or custody of minor children upon verification that the entries contained those items required by (a) the Rules of this Court, (b) the State of Ohio, (c) that the CSEA or its successor has been given the information required to be given it by the appropriate party, (d) that the parties have complied with all requirements concerning their actions and, (e) that the appropriate forms necessary for the efficient operation of the CSEA or its successor have been completed by the appropriate party.

5. Upon approval by the CSEA, all final decrees terminating a marital relationship in which minor children are involved and all subsequent entries regarding support or custody of minor children shall be promptly presented to the court for approval, filed with the clerk of this court and two filed copies deposited with the CSEA or its successor by depositing them with the Clerk of this Court.

6. All judgments or orders which are final appealable orders (F.A.O.) shall contain a direction to the clerk of this court that, "The Clerk shall mail a copy of this Judgment/Order to all counsel of record and to each party not in default who is not represented by counsel and make note of the service in the Appearance Docket". The Judgment/Order shall be accompanied by a separate form which shall be attached to said Judgment/Order and list the name and address of all parties to receive a copy.

Further, the appropriate number of copies of said Judgment/Order along with pre-addressed stamped mailers shall be delivered to the clerk with the filing of the Judgment/Order indicating a return address of the Clerk.

RULE 34 TRANSCRIPTS

1. If a transcript of a trial or hearing is deemed necessary, a written request for said transcript, with proof of service to the adverse parties,

shall be submitted to the court. It shall be the responsibility of the counsel or party requesting a transcript to pay the cost thereof upon being notified that the transcript has been completed.

2. If a transcript is requested by an officer of this court who is in arrears for payment of transcript fees or if requested by a person other than an officer of this court, a deposit may be required to be promptly made. Failure to promptly make said deposit may result in the court's cancellation of the transcript request.

RULE 35 OBJECTIONS TO MAGISTRATE'S REPORT

The following statement shall be attached to and be a part of any objection to a magistrate's report:

TRANSCRIPT

A transcript of the hearing held _____ (IS - IS NOT) requested.

The transcript statement shall be signed by the counsel or person requesting said transcript and be properly filled out to designate the hearing(s) requested.

No objection to a Magistrate's Report shall be accepted for filing by the Clerk without the above statement. Any statement improperly or incompletely filled out shall be deemed a waiver of transcript and the objections shall proceed without transcript.

Any party may request a transcript by requesting the same using the form above without notification to the court prior to filing and proof of service to opposing parties within 14 days of the original filing.

No transcript request may be withdrawn without written notice to the court and opposing parties.

RULE 36 SERVICES FOR DISABLED

In order to allow individuals with physical disabilities to participate in the services offered by this Court, the Court shall:

A.) provide interpreters for deaf and hearing impaired parties,

witnesses and jurors,

B.) provide assistive listening devices,

C.) provide large print material, and other similar services and devices upon request.

D.) Requests shall be made at least forty-eight (48) hours prior to the hearing by notifying the Court Administrator.

Consultation shall be had between the requestor and the Court personnel regarding the type of assistance needed. Reasonable efforts shall be made to provide the type of assistance requested or an effective alternate means of communication.

RULE 37 MEDIATION

1. The Court may refer cases to mediation as it deems appropriate.
2. The parties, their counsel, and such person(s) as have authority to resolve the case shall appear at the mediation.
3. Mediations may not be cancelled except as authorized by the court.
4. Failure to appear at a scheduled mediation may subject the offending person or company to sanctions as the court deems appropriate.

RULES 38-39 RESERVED

RULE 40 MAGISTRATES

1. Magistrates may be appointed by the court and shall serve as employees of the court as provided by the Civil Rules.
2. A magistrate may hear any issue permitted under the Civil Rules.
3. Magistrates will issue their report after the trial or hearing in accordance with Civil Rules. A magistrate may require that briefs, proposed findings or other memorandums be submitted by counsel prior to the issuance of report. A judgment entry in any case in which a report is required under the Civil Rules shall not be delivered to the court for approval until 14 days have elapsed from the filing of the Magistrate's Report and it shall not be-

come effective unless signed by the court as provided for in the Civil Rules.

4. Entries and judgments shall be prepared by the prevailing party in accordance with the local rules of this court and shall be submitted to the magistrate for approval and endorsement before being submitted to the courts.

**RULE 41
MEDICAL MALPRACTICE ARBITRATION**

1. Medical Malpractice Arbitration shall follow the rules and regulations provided by the Legislature and the rules of the Supreme Court. This procedure shall not be used as a dilatory tactic.

**RULE 42
DESIGNATION OF ARBITRATORS**

1. In cases of arbitration, the neutral or third arbitrator shall be appointed by the Common Pleas Court upon request in writing, by the parties.

**RULES 43 - 50
RESERVED**

**RULE 51
REQUESTS OF OTHER COURTS**

1. Any court, on its own motion or that of an interested party, desiring this court to enforce its order for support shall certify and transmit an order for support for collection to the Lawrence County Child Support Enforcement Agency along with any information which may help in locating or identifying the person subject to the order.

2. Upon receipt of said order of support, the Lawrence county Child Support Enforcement Agency shall submit said documents to the Clerk of Courts for docketing. The Lawrence County Child Support Enforcement Agency shall then request a time and place for a hearing to be set, insure that notices be served on the defendant by certified mail indicating the time and place of the hearing thereof, and take any further action necessary to obtain jurisdiction over the person subject to the order of support or over their property.

3. This Court shall then proceed to enforce the order same as if it had been filed in this court originally.

**RULE 51A
TITLE IV-D**

1. All original actions, filed in divorce or dissolution, and all motions filed concerning custody of children shall have filed with the Complaint an Application for Child Support Services. This Application and one copy of the same shall be kept by the Clerk of Courts, with the original gold paper copy forwarded to the Child Support Enforcement Agency for Lawrence County, and the copy remaining in the court file.

**RULE 52
COSTS FOR CUSTODY INVESTIGATION**

1. When an investigation is made involving the custody of minor children in a domestic case, costs shall be assessed as provided in Rules of Civil Procedure.

**RULE 53
STANDARD VISITATION GUIDELINES**

Visitation is recognized as an extremely important time for children to engage in activities and strengthen familial bonds with the parent with whom they do not live. Liberal visitation arrangements beyond the minimum set forth herein are strongly encouraged as children face significant challenges in coping with their parents' adult difficulties.

In order to provide a specific companionship schedule for those times when parents are unable to agree, the Court hereby adopts the following standard visitation guidelines. This schedule may be modified upon motion by either party, upon showing that said modification is in the best interests of the children.

1. Weekends: The non-residential parent shall have visitation every other weekend from 6:00 p.m. Friday until 8:00 p.m. Sunday, unless the following Monday is a school day or pre-school day for the children. On such occasions, visitation shall end at 8:00 p.m. Sunday.

2. Weekdays: The non-residential parent shall have visitation from 4:00 p.m. to 8:00 p.m. on one weekday. In the event the parties cannot agree, such visitation shall occur on Wednesday.

3. Holidays:

a.) In even numbered years, the residential parent shall have the children on:

1. New Year's vacation-from 6:00 p.m. December 28 until 6:00 p.m. the day prior to school reconvening.
2. President's Day-6:00 p.m. Friday to 6:00 p.m. Monday.
3. Memorial Day-6:00 p.m. Friday to 6:00 p.m. Monday.
4. Labor Day-6:00 p.m. Friday to 6:00 p.m. Monday.
5. Thanksgiving-immediately after school the day school ends to 2:00 p.m. Thanksgiving day.

b.) In even numbered years, the non-residential parent shall have the children on:

1. Martin Luther King, Jr. Day-6:00 p.m. the day school ends to 6:00 p.m. the day prior to school reconvening.
2. Easter-6:00 p.m. the day school ends to 6:00 p.m. the day prior to school reconvening.
3. July 4-6:00 p.m. on July 3 to 6:00 p.m. July 5 except when July 4 is a Friday, Saturday, Sunday or Monday, in which case visitation shall commence Friday night and continue to 6:00 p.m. Sunday or 6:00 p.m. July 4, whichever is later.

c.) In odd numbered years, the above schedules shall be reversed.

d.) The non-residential parent shall have Christmas vacation from 4:00 p.m. on Christmas Day until 6:00 p.m. on December 28 each year

e.) Holiday visitation shall have precedence over regular weekend visitation regardless of whether a parent will have the children two weekends in a row. Should a holiday fall on a weekend wherein the other parent would have a regular scheduled visitation, the alternating schedule shall begin again the following week with the other parent getting visitation (i.e., a parent shall not be scheduled to have visitation for 3 consecutive weekends).

4. Mother's Day and Father's Day: The mother shall have visitation from 6:00 p.m. the day preceding Mother's Day to 6:00 p.m. Mother's Day. The Father shall have visitation from 6:00 p.m. the day preceding Father's Day to 6:00 p.m. Father's Day. These days shall have precedence over all birthdays, other holidays, vacations, and regularly scheduled visitation.

5. Birthdays:

a.) Parent's-The parents shall have visitation with the children from 10:00 a.m. to 6:00 p.m. on that parent's birthday. Should that day fall on a holiday, the holiday schedule shall

prevail, and the day may be made up immediately before or after said holiday.

b.) Children's-All children shall visit with the non-residential parent during even numbered birthdate ages on each and every child's birthday, and with the residential parent on the day immediately preceding said birthdays. All children shall visit with the residential parent during odd numbered birthdate ages on each and every child's birthday, and with the non-residential parent on the day immediately preceding said birthdays. Should a child's birthday fall on a holiday, the holiday schedule shall prevail, and the day may be made up immediately before or after said holiday.

6. Other Holidays: Other holidays of significant personal or religious significance shall be brought before the court on motion of a party in the event of disagreement.

7. Summer Visitation: During the summer weeks, the "Weekend" and "Weekday" visitation schedules set forth in Sections 1 and 2 above shall be suspended and replaced as follows:

a.) The residential parent shall have physical possession of the children for the remainder of the week that concludes the school year, until 2:00 p.m. Sunday.

b.) The non-residential parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday two weeks following.

c.) The residential parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday two weeks following.

d.) The non-residential parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday one week following.

e.) The residential parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday one week following.

f.) The non-residential parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday two weeks following.

g.) The residential parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday two weeks following.

h.) At the conclusion of the period of time set forth in paragraph g, normal weekday and weekend visitation shall resume. During the summer visitation, the parent with whom the children are not residing shall have reasonable telephone

privileges.

8. **Transportation:** Unless otherwise agreed to by the parties, visitation shall occur as follows:

- a.) The non-residential parent shall arrange for a responsible individual to pick up the minor children from the residential parent at the commencement of the visitation period.
- b.) The residential parent shall arrange for a responsible individual to pick up the minor children from the non-residential parent at the conclusion of the visitation period.

**RULES 54-59
RESERVED**

**RULE 60
MULTIPLE REPRESENTATION OF CRIMINAL DEFENDANTS**

1. Pursuant to the dictates of *State v. Haberek* (1989) 47 O App 3d 35, and a defendant's right to a conflict-free assistance of counsel as an element of their Sixth Amendment rights to effective assistance of counsel, counsel shall not be allowed to engage in multiple representation of defendants in criminal cases.

**RULES 61-62
RESERVED**

**RULE 63
CREDIT FOR WEEKEND SENTENCE FOR CONTEMPT**

1. A person entering the County Jail on a charge of contempt of court wherein they are to serve said sentence on weekend shall receive three (3) days credit on their sentence if they enter the County Jail on or before 7:00 p.m. on Friday and are released at 6:00 a.m. on Monday morning even though they have not served the full seventy-two (72) hours.

2. If the person designated above enters the County Jail on Saturday before 7:00 p.m. and is released at 6:00 a.m. on Monday they shall be given two (2) days credit on their sentence even though they have not served the full forty-eight (48) hours.

**RULES 64-69
RESERVED**

**RULE 70
APPEARANCES**

All parties and counsel shall be present and ready to proceed at the time any appearance is required. Failure to do so may result in sanctions being imposed by the Court upon an offending party which may include a fine, restitution of all expenses incurred by the other parties or their representatives, judgment against the offending party or such other relief as the Court deems appropriate.

**RULE 71
COMPLIANCE**

All parties shall comply with all time requirements set forth in the State Rules of Procedure, the Local Rules of Court, the laws of the State and the Administrative Rules promulgated thereunder. Failure to do so may result in sanctions being imposed by the Court upon an offending party which may include a fine, restitution of all expenses incurred by the other parties or their representatives, judgment against the offending party or such other items as the Court deems appropriate.

**RULES 72 - 79
RESERVED**

**RULE 80
JURY STANDARDS**

TABLE OF CONTENTS

Standard 1	Opportunity for Service
Standard 2	Jury Source List
Standard 3	Random Selection Procedures
Standard 4	Eligibility for Jury Service
Standard 5	Term of and Availability for Jury Service
Standard 6	Exemption, Excuse, and Deferral
Standard 7	Voir Dire
Standard 8	Removal from the Jury Panel for Cause
Standard 9	Peremptory Challenges
Standard 10	Administration of the Jury System
Standard 11	Notification and Summoning Procedures
Standard 12	Monitoring the Jury system
Standard 13	Juror Use
Standard 14	Jury Facilities
Standard 15	Jury Compensation
Standard 16	Jury Orientation and Instruction
Standard 17	Jury Size and Unanimity of Verdict

1. To exclude persons ineligible for service in accordance with Standard 4;
2. To excuse or defer prospective jurors in accordance with Standard 6;
3. To remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and
4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

STANDARD 1

OPPORTUNITY FOR SERVICE

- A. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. Jury service is an obligation of all qualified citizens.

STANDARD 2

JURY SOURCE LIST

- A. The name of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court jurisdiction.
- B. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The court shall periodically review the jury source list for its representative and inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective actions shall be taken.

STANDARD 3

RANDOM SELECTION PROCEDURES

- A. Random selection procedures shall be used throughout the juror selection process. Any method may be used by the Jury Commission, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods shall be documented.
- B. Random selection procedures shall be employed in:
 1. Selecting persons to be summoned for jury service;
 2. Assigning prospective jurors to panels; and
 3. Calling prospective jurors for voir dire.
- C. Departures from the principle of random selection are appropriate:

STANDARD 4

ELIGIBILITY FOR JURY SERVICE

All persons shall be eligible for jury service except those who:

- A. Are less than eighteen 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;
- D. Are not able to communicate in the English language; or
- E. Have been convicted of a felony and have not had their civil rights restored.
- F. Is a cloistered member of a religious order.

STANDARD 5

TERM OF AND AVAILABILITY FOR JURY SERVICE

GRAND JURY

Grand Jurors shall be called to serve for a three month period beginning with the first day of January, April, July and October of each calendar year. It is the intent of these rules that, barring a major event, Grand Jurors shall attend two or three sessions of the Grand Jury during the three month period normally lasting from one-half to two days in length.

PETIT JURORS

- (A) Petit Jurors shall be called to serve for a six month period beginning January 1st and July 1st of each year.
- (B) Enough jurors shall be called so that, barring any unusual circumstances, Petit Jurors shall be required to serve no more than twice during the six month period.

STANDARD 6

EXEMPTION, EXCUSE, AND DEFERRAL

- A. There shall be no automatic excuses or exemptions, with the exception of statutory exemptions.
- B. Eligible persons who are summoned may be excused from jury service if:
 - 1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a judge; or
 - 2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by a judge or a specifically authorized court official.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or a specifically authorized court official.
- D. Requests for excused and deferrals and their disposition should be written or otherwise made of record.

STANDARD 7

VOIR DIRE

- A. 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.
- B. 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 prior to the day on which jury selection is to begin.
- C. The trial judge should conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. 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.

STANDARD 8

REMOVAL FOR CAUSE

If a 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.

STANDARD 9

PREEMPTORY CHALLENGES

- A. Preemptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- B. In all cases the number of preemptory challenges shall be that as set by statute.

STANDARD 10

ADMINISTRATION OF THE JURY SYSTEM

- A. The responsibility for administration of the jury system shall be vested exclusively in the judicial branch of government.
- B. All procedures concerning jury selection and service shall be governed by The Ohio Rules of Court.
- C. Responsibility for administering the jury system shall be vested in the administrative judge of the court.

STANDARD 11

NOTIFICATION AND SUMMONING PROCEDURES

- A. The notice summoning a person to jury serve and the questionnaire eliciting essential information regarding that person shall be:
 - 1. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - 2. Delivered by ordinary mail.
- B. A summons shall clearly explain how and when the recipient must respond.
- C. The questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:
 - 1. Determining whether a person meets the criteria for eligibility.

- 2. Providing basic background information ordinarily sought during voir dire examination; and
- 3. Efficiently managing the jury system.
- D. Policies and procedures regarding failure to respond to a summons for jury service shall be handled as in the case of any failure for a person to fail to obey a summons issued by this court.

STANDARD 12

MONITORING THE JURY SYSTEM

The court shall review information garnered by it regarding the performance of the jury system on a regular basis and evaluate:

- A. The representativeness and inclusiveness of the jury source list;
- B. The effectiveness of qualification and summoning procedures;
- C. The responsiveness of individual citizens to jury duty summonses;
- D. The efficient use of jurors; and
- E. The cost-effectiveness of the jury management system.

STANDARD 13

JUROR USE

- A. Courts shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The courts shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both in the number of individuals summoned for jury duty and in the number assigned to jury panels.
- C. Courts shall coordinate jury management and calendar management to make effective use of jurors.

STANDARD 14

JURY FACILITIES

- A. Courts shall provide an adequate and suitable environment for jurors.
- B. The entrance and registration area for prospective jurors shall be clearly identified as the Clerk of Court's office on the first

floor of the Court House Annex. Said area shall accommodate the flow of prospective jurors through the court house.

- C. After being registered, prospective jurors shall proceed to the general waiting area prior to being called. Said area shall be furnished with restroom facilities and water accommodations.
- D. 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 ensured.
- E. To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, counsel, and the public.

STANDARD 15

JUROR COMPENSATION

- A. Persons called for jury service should receive a reasonable fee for their service and expenses. By statute, these fees are set by the commissioners of each county.
- B. Such fees shall be paid promptly.
- C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

STANDARD 16

JUROR ORIENTATION AND INSTRUCTION

- A. Juror orientation pamphlets shall be available to prospective jurors either with the receipt of their questionnaire and/or when they are registered by the clerk of this court. Said pamphlet shall be of such a nature to inform the prospective jurors of the judicial system and the procedure to be used.
- B. Since this court does not use a jury panel, the trial judge shall give preliminary instructions to all prospective jurors upon entering the court room for voir dire. After impanelment of the jury, the court shall instruct the selected jury upon its particular duties and caution them concerning the restraints upon their activities.
- C. Jury instructions, including the procedure to be used by the jurors during their deliberation, shall be made available to the jurors prior to deliberation and during deliberations upon request.
- D. Before dismissing a jury at the conclusion of the case, the court shall reemphasize the juror's release from their duty of confidentiality, explain their rights regarding inquiries from other per-

sons, and express its appreciation to the jurors for their service. No comment shall be made expressing the court's approval or disapproval of the result of their deliberations.

- E. All communications between a judge and members of a jury panel shall either be in writing and or on record in open court unless counsel for all parties give permission to the judge to answer a jury question in the jury deliberation room, the answer having been approved by both parties prior to doing any of the preceding. Counsel for each party shall be informed of such communication and given an opportunity to be heard.

STANDARD 17

JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

STANDARD 18

JURY DELIBERATIONS

- A. Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.
- B. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16C.
- C. The deliberation room shall conform to the recommendation set forth in Standard 14D.
- D. The jury shall not be sequestered except under the circumstances and procedures set forth in Standard 19.
- E. A jury shall 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 interest of justice.
- F. Training shall be provided to personnel who escort and assist jurors during deliberations.

STANDARD 19

SEQUESTRATION OF JURORS

- A. A jury shall be sequestered only for good cause, including, but not

limited to, insulating its members from improper information or influences.

- B. During deliberations in the guilty phase and penalty phase, the jury shall be sequestered in a capital case.
- C. 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.
- D. Training shall be provided to personnel who escort and assist jurors during sequestration.

FORMS

A. COURT SCHEDULING ORDER

The following is the Order of this Court:

TRIAL

PROPOSED JURY INSTRUCTIONS

FINAL SETTLEMENT CONFERENCE

PRE-TRIAL STATEMENT

PRE-TRIAL

EXCHANGE OF TRIAL MATERIALS

WITNESS LIST

DISCOVERY DEMANDS

TRIAL DEPOSITION Plaintiff

Defendant

MOTIONS FOR SUMMARY JUDGEMENT

DEFENDANT'S DISCLOSURE OF EXPERTS

PLAINTIFF'S DISCLOSURE OF EXPERTS

TRIAL DATE: Trial of the matter upon the merits has been scheduled as set forth above.

PROPOSED JURY INSTRUCTIONS: Proposed jury instructions shall be filed on or before the date set forth with contemporaneous copy to opposing counsel.

FINAL SETTLEMENT CONFERENCE: A Final Settlement Conference (FSC) shall be attended in person by all parties and their

lead trial counsel. The person or persons, be they several of the parties, or a committee, who have full authority to negotiate towards the settlement of this matter shall be present at a Final Settlement Conference (FSC) unless they have been previously exempted from appearance, in writing, by the court upon application. The person or persons so exempted from physical appearance at Final Settlement Conference shall be available by phone for in-depth discussions or be available by such other means as the court directs.

Failure of a person or person to be available pursuant to this order shall result in sanctions being imposed by the court upon the offending party which may include a fine, restitution of all expenses incurred by other parties and the representatives, judgment against the offending party or such other item as the court deems appropriate.

EXCHANGE OF THE TRIAL MATERIAL: Parties shall assemble sets of all depositions, documents, photographs, and other items to be used at trial. Each set shall be placed in a binder or cover. Separate sets of material shall be delivered to opposing parties before the date set forth above.

Items already in the possession of opposing parties (i.e. depositions, medical bills, etc.) may be included by reference only.

Joint exhibits shall be marked with Roman Numerals; plaintiff's exhibits shall be marked with Arabic numbers; defendant's exhibits shall be marked with letters; third party exhibits identified as such.

Objections to the admissions of exhibits or the use of other trial materials must be made in writing and filed within one (1) week with a copy of contemporaneously delivered to the court in chamber.

Objections shall state briefly the grounds for the objections and a brief citation of authority.

Failure to include a document, photograph, or other items in the material required by the order will prevent its use in evidence or as a trial material. Relief from this provision may be obtained only upon motion for good cause shown.

TRIAL DEPOSITIONS: Trial depositions shall be held by the time set forth above. These cut-off dates may be modified by the court upon a showing of good cause. Good cause does not include failure to schedule depositions soon enough.

PRE-TRIAL STATEMENT. LOCAL RULES

WITNESS LIST: Parties shall exchange witness lists by the time set forth together with a brief summary of each witnesses' expected testimony.

DISCOVERY: All discovery requests shall be completed by the date set forth above. "Completed" means that all discovery, objections, motions to compel and other motions and replies relating to discovery in this action must be filed and/or noticed in time for the party rejecting or responding to have opportunity under Rules of Civil Procedure to make response.

SUMMARY JUDGEMENT: Any Motion(s) for Summary Judgment shall be filed by the date set forth above and set for hearing through the Judge's secretary as soon as practicable.

DISCLOSURE OF EXPERTS: In the event that expert witnesses are to be used, the expert(s) name, address, and qualifications together with a brief summary of the expected testimony shall be served upon opposing parties by the dates set forth above.

Judge

Proof of Service

A copy of the foregoing was mailed via regular U.S. Mail to the following on this _____ day of _____, 2_____.

Judge

B. PRE-TRIAL STATEMENT

Case No.: _____

Case Style: _____

Pre-Trial Date: _____

Trial Date: _____

Pertinent Facts: _____

Questions of Fact: _____

Questions of Law: _____

Legal Authority: _____

Assets and/or Property Involved in Case: _____

Witnesses and Addresses: _____

_____ Is a Court view necessary?

_____ Estimated length of trial?

_____ Have you attempted to negotiate a settlement?

_____ Is further negotiation necessary?

_____ Is all discovery completed?

_____ Are you prepared for trial?

Attorney for:

Date

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

2015 FEB 24 AM 7:23

IN THE MATTER OF:

STATE AND LOCAL COURT COSTS
IN DOMESTIC RELATIONS CASES

LOCAL RULE 4A(3)

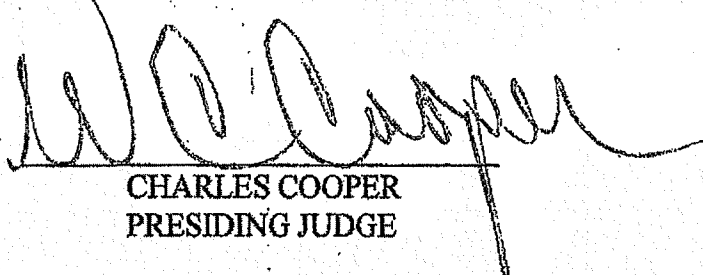
*Journal 502
Page - 984*

CLERK OF COURTS
LAWRENCE COUNTY, OHIO

In compliance with the State of Ohio's requirement that an additional Twenty-five Dollars (\$25.00), per domestic relations cases, be paid to the State for appointed Counsel, this Court will increase the filing fee for domestic relations cases by the aforementioned \$25.00.

Additionally, the Court will increase domestic relations filing fees by Fifty Dollars (\$50.00) in order to cover the additional costs of Shared Parenting Agreements, Qualified Domestic Relations Orders, and the more lengthy Separation Agreements in domestic cases.

Accordingly, as of March 1, 2015, the filing fee for domestic relations cases will be increased from Two Hundred Dollars (\$200.00) to Two Hundred Seventy-five Dollars (\$275.00) per case.


CHARLES COOPER
PRESIDING JUDGE


D. SCOTT BOWLING, JUDGE

RULES OF PRACTICE OF THE SUPREME COURT OF OHIO

S.Ct.Prac.R. 3.03. Computation and Extension of Time.

(A) Computation of time

(1) In computing any period of time prescribed or allowed by these rules or by an order of the Supreme Court, the day of the act from which the designated period of time begins to run shall not be included, and the last day of the period shall be included. If the last day of the period is a Saturday, Sunday, or legal holiday, the period runs until 5:00:00 p.m. local observed time in Columbus, Ohio on the next day that is not a Saturday, Sunday, or legal holiday.

(2) Notwithstanding Civ.R. 6(A), when the period of time prescribed or allowed is less than seven days, as in expedited election cases under S.Ct.Prac.R. 12.08, intermediate Saturdays, Sundays, and legal holidays shall be included in the computation.

(3) When the Clerk's Office of the Supreme Court is closed to the public for the entire day that constitutes the last day for doing an act, or is closed before the usual closing time on that day, then that act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

(B) Extension of time

(1) General prohibition against extensions of time

Except as provided in division (B)(2) of this rule, the Supreme Court will not extend the time for filing a document as prescribed by these rules or by court order, and the Clerk of the Supreme Court shall refuse to file requests for extension of time.

(2) Extension of time to file certain documents

(a) (i) Except in expedited election cases under S.Ct.Prac.R. 12.08, parties may stipulate to extensions of time to file merit briefs, including reply briefs, under S.Ct.Prac.R. 16.02 through 16.05; merit briefs, including reply briefs, under S.Ct.Prac.R. 11.05; or the response to a complaint under S.Ct.Prac.R. 12.04. A stipulated extension of time shall be effective only if it is filed with the Clerk within the time prescribed by these rules for filing the brief or other document that is the subject of the stipulation. The stipulation shall state the new date for filing agreed to by the parties.

(ii) Each party may obtain in a case only one stipulated extension of time not to exceed twenty days, provided the party has not previously obtained an extension of time from the Supreme Court under division B(2)(b) of this rule. The Clerk shall refuse to file a stipulation to an extension of time that is not tendered timely in accordance with this rule, or

if a request for extension of time has already been granted to the party filing the stipulation under division (B)(2)(b) of this rule.

- (b) (i) In an expedited election case or any other case where a stipulation to an extension of time cannot be obtained, a party may file a request for extension of time to file a merit brief, including a reply brief, the response to a complaint. The Supreme Court will grant a party only one extension of time, not to exceed ten days, provided the request for extension of time states good cause for an extension and is filed with the Clerk within the time prescribed by the rules for filing the brief or other document that is the subject of the request.
- (ii) The Clerk shall refuse to file a request for extension of time that is not tendered timely in accordance with this rule or if a stipulation to an agreed extension of time has already been filed under division (B)(2)(a) of this rule by the party filing the request.

(3) Effect of extension of time upon other parties on the same side

When one party receives an extension of time under division (B)(2) of this rule, the extension shall apply to all other parties on that side, and no other party on that side may file to obtain another extension of time. The Clerk shall refuse to file a request or stipulation for extension of time by a party when another party on the same side has already obtained an extension of time.

Effective Date: June 1, 1994

Amended: April 1, 1996; April 28, 1997; July 1, 2004; October 1, 2005; January 1, 2008; January 1, 2010; January 1, 2013; March 1, 2019; March 1, 2020

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

IN THE MATTER OF:

LOCAL RULE 37

AMENDMENTS TO THE RULES OF
SUPERINTENDENCE 16 THROUGH
16.25

Amendments to the Rules of Superintendence for the Court of Ohio, Sup.R. 16 through 16.25, were adopted by the Supreme Court effective January 1, 2020. The amendments require courts that use mediation to adopt a local rule or, if a rule already exists, revise the existing local rule to comply with the amendments.

In accordance therewith, Rule 37 of the Rules of Practice for the Lawrence County Court of Common Pleas General Division shall be amended as follows:

Rule 37 MEDIATION

1. **Uniform Mediation Act and Definitions:** The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule.
2. **Cases Eligible for Mediation:**
 - (a) **General.** The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
 - (b) **Exceptions.** Mediation is prohibited in the following:
 - (i) As an alternative to the prosecution or adjudication of domestic violence;
 - (ii) In determining whether to grant, modify, or terminate a protection order;
 - (iii) In determining the terms and conditions of a protection order;
 - (iv) In determining the penalty for violation of a protection order.

(c) Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order.

3. Confidentiality:

(a) Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

(b) By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

4. The parties to a case, their counsel and persons who have authority to resolve the case shall appear at the mediation.
5. Failure to appear at a scheduled mediation may subject the offending person or company to sanctions as the court deems appropriate.

Pursuant to Rule of Superintendence 5(A)(2), Adoption of Local Rules, courts shall provide appropriate notice and an opportunity to comment on a proposed rule before it is adopted. Accordingly, the court hereby provides notice that the amendment to Local Rule 37 shall go into effect on February 1, 2020, and the time to offer comments upon the proposed rule shall close at 4:00 p.m. on January 24, 2020.

Andrew P. Ballard
Judge

Christen N. Finley
Judge

Rule 37 **MEDIATION**

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 - (b) By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.
4. The parties to a case, their counsel and persons who have authority to resolve the case shall appear at the mediation.

5. Failure to appear at a scheduled mediation may subject the offending person or company to sanctions as the court deems appropriate.
6. Mediator Training and Education: A mediator shall meet the qualifications of, and comply with, all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.
7. Mediator Selection and Assignment: The following methods may be used to determine the mediator for the case:
 - (a) The court may assign a court mediator to mediate;
 - (b) The court may randomly assign a mediator to the case from the court's roster of approved mediators;
 - (c) Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise and caseload of the mediator, in addition to the type, complexity and requirements of the case;
 - (d) Parties may select a mediator from the court's roster, if any;
 - (e) Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education and training requirements set forth in section 6 above.
8. Stay of Proceedings: All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with the applicable rules and scheduling order, unless agreed upon by the parties and approved by the court.
9. Fees and Costs: The Court may impose upon costs and fees upon the parties for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. Mediation shall not be ordered where a party is indigent unless mediation is available at no cost to the indigent party.