MUSKINGUM COUNTY COMMON PLEAS COURT
GENERAL DIVISION

LOCAL RULES OF COURT

Judge Kelly J. Cottrill

Judge Gerald V. Anderson, II

401 Main St., Zanesville OH 43701

(740)455-7142

APPENDIX A: AFFIDAVIT FOR APPOINTMENT OF SPECIAL PROCESS SERVER
APPENDIX B: AFFIDAVIT TO PROCEED IN FORMA PAUPERIS
APPENDIX C: APPLICATION FOR APPROVAL AS INDIGENT CRIMINAL DEFENSE COUNSEL

CHAPTER ONE – GENERAL PROVISIONS

Rule 1.1: Introductory Provisions

(A)SCOPE AND APPLICABILITY

These Local Rules apply to the General Division of the Court of Common Pleas of Muskingum County, Ohio, except as otherwise provided.

(B)AUTHORITY

These rules are promulgated pursuant to Article IV, Section 5(B) of the Ohio Constitution, and Ohio Civil Procedure Rule 83.

(C)CITATION

These rules will be known as the "Local Rules of the Muskingum County Court of Common Pleas, General Division." These rules may be cited as "Local Rule ___."

(D)EFFECTIVE DATE - REPEAL - AMENDMENTS

These Rules, as amended and reprinted herein, are effective immediately upon filing with the Clerk of this Court, and shall be filed with the Supreme Court of Ohio in accordance with Civil Rule 83. These Rules govern all proceedings in actions brought after the effective date of the adoption of these Rules and also all further proceedings in actions then pending, except: (1) to the extent that in the opinion of the Court the application of the Rules in a particular action pending upon the effective date would not be feasible or would work injustice, or (2) to the extent the rules are inconsistent with the Rules of Superintendence or the Rules of Civil or Criminal Procedure.

All former Rules of this Court are superseded as of the effective date of the adoption of these Rules.

Amendments and additions to these rules may be made from time to time upon the majority vote of all the Judges in office of the General Division of this Court. The Court shall afford reasonable notice and opportunity for comment. A new local Rule, or any substantive change to an existing Rule, shall be effective immediately and shall be immediately filed with the Clerk of the Supreme Court of Ohio, pursuant to the Civil Rules.

(E) REFERENCES TO REVISED LEGAL AUTHORITY

These Rules contain references to statutes and to Rules of Court which, from time to time, may be amended or renumbered. If a reference is made in these Rules to legal authority that is revised after the effective date of these Rules, the revised legal authority shall be observed thereafter by all parties using these Rules.

(F)APPLICATION OF RULES TO SELF-REPRESENTED PARTIES

These Rules shall apply equally to all parties, whether represented by counsel or pro se (self-represented) parties. Parties without counsel are expected to know and follow these rules. Exceptions to these rules will not be made because a party is not represented. Wherever these rules refer to “attorney(s)” or “counsel,” they shall also apply to pro se parties, whether or not specifically stated as such.

(G)FAILURE TO COMPLY

Failure of any attorney or self-represented litigant to comply with these Local Rules or the Civil or Criminal Rules of Procedure regarding the proper filing of any document may result in the document being rejected by the Clerk or being stricken by the Court.

Rule 1.2: Access to Courthouse

(A)COURT HOURS

The sessions of the Court generally shall be daily Monday through Friday from 8:30 a.m. to 4:30 p.m. The Court shall be in session at such other times and hours as the presiding Judge shall prescribe to meet special situations or conditions.

The Court shall be closed on national and state holidays, unless otherwise ordered.

(B) DECORUM

Food and beverages are prohibited in all courtrooms; smoking and vaping are prohibited throughout the courthouse. Everyone must behave appropriately within the courthouse. Children must be accompanied by an adult. Deputies and Bailiffs shall control the movement of spectators within courtroom sessions for safety and order, and spectators may not disturb court proceedings in any fashion. Persons violating this rule shall be removed by the Bailiff or Deputy and may be brought before the trial Judge for appropriate action.

(C)COURT ATTIRE

All attorneys must dress in proper business formal attire when entering a courtroom or attending pretrial conferences. No party or witness shall be permitted to appear in the courtroom or offer testimony while dressed in shorts or “tank tops.” It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in court.

(D)SECURITY PLAN

A security plan for the Muskingum County Courthouse is on file in the office of the Administrative Judge but is not subject to public disclosure.

(E) SEARCH

All persons entering the courthouse and other court facilities will be subject to security procedures and potential search of any bag, case, or parcel. Discovery of any weapon or illicit substance will subject a person to prosecution.

(F) WEAPONS

No person, with the exception of a Judge, a Magistrate, a Law Enforcement Officer who is acting within the scope of his or her duties while in the courthouse, and individuals conveying a deadly weapon or dangerous ordinance to be used as evidence in a pending criminal or civil action or proceeding and who have notified the Court's Bailiff in advance, will be permitted to possess a deadly weapon or dangerous ordnance in the courthouse or in any court facility.

Rule 1.3: Photography, Recording, Broadcasting and Use of Cellular Phones

(A)PHOTOGRAPHY, RECORDING, AND BROADCASTING

The Court incorporates Rule 12 of the Rules of Superintendence for the Courts of Ohio, as if fully rewritten herein.

The taking of photographs, recording, or broadcasting by any electronic device including cellular phones, cameras, radio, television, or other means is prohibited in the Muskingum County Common Pleas Court, unless permission has been granted by the presiding Judge, in writing, as provided by Rule 12 of the Rules of Superintendence for the Courts of Ohio.

The Bailiffs of this Court may give oral permission to individuals seeking to photograph the courthouse, including the courtrooms, to individuals who are doing restoration, refurbishing, or maintenance to the courthouse and/or courtrooms.

This Rule shall not prohibit recordings by a court reporter or other court designated representative; provided, however, no court reporter or any other person shall use or permit to be used any part of any recording of a court proceeding on, or in connection with, any radio or television broadcast of any kind. The Court may permit photographs of exhibits to be taken by, or under the direction of, the Court and counsel.

(B)PROHIBITION ON RECORDING JURORS, WITNESSES, AND JUVENILE DEFENDANTS

No audio recording, video or photograph of any juror, witness, or juvenile defendant shall be taken by any means by a person other than as approved by the Judge. This prohibition does not apply to the court recording the proceeding as part of its official record.

(C) CELL PHONE USE

All cell phones should be turned off in the courtrooms, unless there is express permission from the presiding Judge in that courtroom that the cell phone may be turned on. Counsel of record may use laptops at the counsel tables provided that the rules prohibiting photography, recording and broadcasting are not violated.

Authorized personnel, including Court Deputies, Bailiffs and court staff may confiscate and inspect any cellular telephone, camera, or other recording device being used in violation of this Rule. Seized devices will not be returned until the conclusion of all proceedings and in the direction of the presiding Judge. Any violation of this Rule may result in the immediate dismissal or exclusion of the offending individual. Any persons violating this Rule may be punished as criminal contempt of court and may be taken into custody and brought before the presiding Judge without unnecessary delay.

Rule 1.4: Child Restraint Rule

Use of physical restraints on children appearing in court proceedings before the Court shall not be utilized unless the Judge or Magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because either of the following apply:

1. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or

2. There is a significant risk the child will flee the courtroom.

Rule 1.5: Magistrate Position and Duties

The office of the Magistrate shall be administered by the Administrative Judge of the Court of Common Pleas. The Magistrate shall conduct the office fully in accordance with all powers and duties provided in Criminal Rule 19 and Civil Rule 53. A general order of reference is on file with the Clerk of Courts covering all said powers and authority and shall be reviewed annually by the Administrative Judge.

Rule 1.6: Jury Administration

(A)OPPORTUNITY FOR SERVICE

1. 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.
2. Jury service is an obligation of all qualified citizens.

(B)JURY MANAGEMENT

1. Jury Administration. The responsibility for administration of the jury system shall be vested in the Court of Common Pleas, General Division, of Muskingum County. The office of the Clerk of Courts shall implement the Court's jury system.
2. Jury Facilities. The Court provides juror assembly areas on the second floor of the courthouse. Court employees will attempt to minimize contact between jurors, parties, counsel and the public by limiting juror movement to those areas designated for jury assemblage, deliberation and trial.
3. Jury Compensation. Persons called for jury duty will be paid a fee for their service and expenses as established by the Board of County Commissioners. Employers may not penalize jurors who miss work due to jury duty.

(C)JUROR ELIGIBILITY

All persons are eligible for jury service except those who: (1) are less than eighteen (18) years of age; (2) are not citizens of the United States; (3) are not residents of Muskingum County; (4) are not able to communicate in the English language; (5) or have been convicted of a felony and have not had their rights restored.

(D)JURY SELECTION

1. Annual Jury Source List. Potential jurors shall be randomly selected from that pool of electors and/or licensed drivers as provided by R.C. 2313.06 in order to obtain an annual jury source list.
2. Annual Jury List. The Court shall select jurors as provided by R.C. 2313.07, R.C. 2313.08, and R.C. 2313.09 in order to obtain an annual jury list.
3. Notification and Summoning Procedures. The notice summoning a person to jury service and juror questionnaire shall be sent by ordinary mail to each prospective juror by the Muskingum County Sheriff. The Sheriff's office shall personally serve prospective jurors who fail to appear or respond to the Summons with instructions for the prospective jurors so that they can be reassigned for service at a later date.

(E)EXEMPTION, EXCUSE, AND DEFERRAL.

Eligible persons who are summoned may be excused from jury service only 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 in writing because their service would be a continuing hardship to them or to members of the public and they are excused by a Judge; or
3. They are exempted by Statute.

Deferrals for reasonably short periods of time may be authorized by a Judge.

Rule 1.7: Special Projects Fees

Under the authority of the Ohio Revised Code, the Court finds that, for its efficient operation, additional funds are necessary to acquire and pay for special projects. The special projects fee, in addition to all other court costs, shall be collected on the filing of each criminal case or civil action in the General Division of Common Pleas Court. Special projects fees shall be used for purposes, including, but not limited to, the hiring and training of court staff, staff attorneys/Magistrates, facility renovations, and the acquisition of equipment for the Court and its departments. Fees collected by the Clerk of Courts under this Rule shall be paid to the County Treasurer for deposit into a General Division Special Projects Fund established through the County Auditor. Disbursements from this fund shall be upon an order from the Administrative Judge of the General Division in an amount no greater than the actual cost of the project.

Rule 1.8: Fees for Computer Systems

Under the authority of R.C. 2303.201(B)(1), the Court finds that, for the efficient operation of the office of the Clerk of the Court of Common Pleas, additional funds are required to make technological advances in or to computerize the office of the Clerk of the Court of Common Pleas. Therefore, the Clerk of the Court of Common Pleas is hereby authorized and directed to charge an additional fee of twenty dollars ($20.00), on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code and not to exceed one dollar ($1.00) each for the services described in divisions (B), (C), (D), (F), (H), and (L) of R.C. 2303.20. All monies collected under this Rule shall be paid to the County Treasurer to be disbursed, subject to an appropriation made by the Board of County Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining technology and computer systems for the office of the Clerk of the Court of Common Pleas.

Rule 1.9: Fees for Computerized Legal Research Services

Under the authority of R.C. 2303.201(A)(1), the Court finds that for its efficient operation, additional funds are required to computerize the Court and to make available computerized legal research services. Therefore, the Clerk of the Court of Common Pleas is hereby authorized and directed to charge an additional fee of six dollars ($6.00) on the

filing of each cause of action or appeal under divisions (A), (Q), and (U) of R.C. 2303.20. All fees collected under this Rule shall be paid to the County Treasurer. The funds shall be disbursed upon an order of the court pursuant to R.C. 2303.201(A).

Rule 1.10: RESERVED - Technology Plan (Sup R. 5(E))

Rule 1.11: RESERVED – Reporting-to-law-enforcement-and-compliance Plan (Sup R. 5(F))

CHAPTER TWO - RECORDS AND FILINGS

Rule 2.1: Original Records

(A) The Clerk shall file and preserve in the Clerk's office all papers delivered to the Clerk for that purpose.

(B) Original papers, transcripts or depositions shall not be taken from the Clerk's office except by an officer of the Court.

(C) Persons wishing to copy documents in a case file may copy such at the office of the Clerk of Courts. The charge for such copying requests shall be determined by the Clerk of Courts. Extraordinary copying requests will be handled on a case-by-case basis.

Rule 2.2: Forms of Pleadings and Motions

(A)FORM

All pleadings and motions shall be legibly typewritten or printed and be double-spaced on single-sided 8 ½" by 11" paper and shall have a 2 ½" top margin on the first page; subsequent pages shall have a 1" top margin. All pleadings and motions must be page-numbered, free of staples or fasteners, and free of dividers or tabs. If dividers or tabs are submitted, the Clerk of Courts is authorized to remove them prior to filing, docketing and scanning.

(B)CASE NUMBERING

All case numbers on the pleadings, motions and other court filings shall appear as follows:

(Supreme Court designation)(4 digit year)-(4 digit case designation)
Examples:
CR2001-0042
CV1997-0876

(C)COPIES

For all Complaints, an original and one copy for each party being served must be filed with the Clerk of Courts. For all motions, an original and one copy for scheduling purposes must be filed with the Clerk of Courts. A courtesy copy of all motions and responsive memoranda shall be delivered by counsel to the presiding Judge's Assignment Commissioner upon filing.

(D)ATTORNEY OR PRO HAC VICE REGISTRATION NUMBER

All attorneys shall include their attorney or pro hac vice registration number issued by the Ohio Supreme Court on all documents filed with the Court.

Rule 2.3: Verification of Citations

Whether or not generated in whole or in part by Artificial Intelligence, all motions, briefs, memoranda, etc. containing citations to authority shall be certified by counsel that the citations are accurate. The verification shall be attached to the end of the motion, brief, memoranda, etc.

Rule 2.4: Preparation of Entries

Every non-oral motion filed with the Court shall be accompanied by a proposed judgment entry suitable for use if the motion is granted. The Court may also direct a party to prepare an entry. A party directed by the Court to prepare an entry shall do so as directed by the Court.

All submitted entries must include a list of all attorneys and unrepresented parties who are to receive a copy of the docketed entry from the Clerk of Court's office. The listing must appear on the left side of the page below the signature block but aligned with the left margin. Only one original entry is to be submitted, the Court will make necessary copies after the entry is signed by a Judge.

Rule 2.5: Filing

(A)IN PERSON OR ELECTRONIC FILING ONLY

Filings will be accepted in two formats only: in person at the Clerk of Courts, and electronically in conformance with this Rule. No pleadings or other documents may be filed with the Clerk of Courts by facsimile transmission. Any pleading or other document sent by facsimile transmission to the Clerk of Courts with instructions for filing shall not be accepted.

(B)ELECTRONIC FILING

1. Implementation. The Court's goal is to make electronic filing available and required in all cases and case types, with limited exceptions. All licensed attorneys shall

register for the electronic filing portal. While not mandatory at this time, electronic filing is strongly encouraged where allowed by this Rule.

2. Pleadings and Filings Not Eligible for Electronic Filing. At this time, the following shall not be eligible for electronic filing: (1) depositions and transcripts; (2) subpoenas; (3) any document in a juvenile case; (4) any document required to be filed under seal or in camera; (5) complaints in appropriations cases; (6) motions for temporary restraining orders, (7) preliminary injunctions or other immediate relief; (8) petitions for civil stalking protection orders or civil sexually oriented offender protection orders; (9) all documents related to judgment lien cases; (10) certificates of judgment; (11) garnishments; (12) writs of possession; (13) foreign Sheriff deposits; (14) petitions for court ordered certificate of title; (15) action for replevin; (16) and cognovit notes.

3. Registration. All persons must contact the Clerk of Court prior to creating an account on the system in order to use the electronic filing portal. The Clerk of Courts must accept the registration before a person can electronically file. All registered persons must ensure that their information, including email address, mailing address, and phone number remains current with the Clerk of Court and electronic filing portal.

4. Timing. Filings can be submitted for electronic filing twenty-four (24) hours a day, seven (7) days per week. Filings submitted after 4:15 p.m. or on non-business days will be reviewed by the Clerk of Courts the next business day the Court is open. After review by the Clerk and accepted by the electronic filing portal, the document will be time and date stamped, which shall be the effective date of filing.

5. Rejection of Filing. The Clerk of Courts can accept or reject a filing. A filing that is rejected will be returned to the filer with reasons(s) for the rejection. The filer will be permitted to resubmit the filing. The final filing date will be determined by the acceptance of the filing by the Clerk of Courts. The Clerk of Courts may reject a filing that is not in compliance with the Local Rules.

6. Corrective Orders.

a. Upon motion of a party, or upon its own initiative, the Court shall have discretion to issue Orders necessary to correct and cure any deficiencies and to make modifications to its records consistent with this Rule.

b. The Court may deny a motion requesting a corrective order to any party who acts in bad faith or otherwise manipulates the electronic filing system to gain unfair advantage or circumvent legal deadlines.

7. Technical Error. If a submission is not received by the Clerk due to an error caused by the hardware or software of either the Clerk or the submitting party, upon satisfactory proof and for good cause shown, the Court may enter an Order permitting the

document to be filed nunc pro tunc to the date the submitter intended the document to be filed. Ultimately, it shall be the submitting party's responsibility to ensure all documents are properly received, docketed, and served.

8. Deposits and Fees. Any document that requires a filing fee, including those for a requested jury demand, may be rejected by the Clerk unless the filing fees are paid through the electronic filing system at the time of filing. When a document requiring the payment of a deposit or fees is filed electronically, the required deposit or fee must be paid by credit card at the time of the filing. A processing fee will be assessed on all deposits and fees paid in this manner, in an amount to be determined by the Clerk of Court.

9. Filings of Initial Pleadings. When any Complaint or Third-Party Complaint is submitted for electronic filing, the filing party shall also file instructions for service and the Clerk shall issue a Summons and serve the Complaint or Third-Party Complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and charge a fee, as stated in the Clerk's fee schedule, for production of service copies, which shall be assessed as costs.

10. Service of Electronically Filed Documents and Orders.

a. By and Between Parties. The availability and utilization of electronic filing shall not serve to eliminate any requirements to serve opposing counsel or parties with filings pursuant to the Rules of Civil and/or Criminal Procedure, nor shall it eliminate the requirement to provide courtesy copies to the trial Judge as provided elsewhere in these Rules.

b. By the Court. The Court may utilize notifications available through the electronic filing portal to inform counsel and parties that Orders have been filed in their cases. Said notice, delivered by the electronic filing portal, shall constitute service of any document required to be served by the Clerk of Courts upon parties and/or attorneys.

i. Counsel and parties bear ultimate responsibility for keeping current with filings upon the case docket in the event an electronic notification is inadvertently not sent or is not received.

ii. The Court, at its discretion, may elect to mail certain Orders to counsel/parties. The decision to mail any particular Order does not mean all other Orders will be mailed, and the possibility of mailing should not be relied upon.

iii. Orders and notices which by their terms are required to be mailed or personally served upon a party, or which are to be served upon third parties not registered in the electronic filing portal, shall continue to be served in accordance with the Rules of Civil Procedure regardless of the utilization of an electronic notification.

Rule 2.6: Protection of Personal and Private Information

(A) The following information is deemed personal and private and may not be included in a public record: (1) social security number; (2) full financial account number (the last 4 digits of an account number may be listed, e.g., "XXXX- XX-1234"); (3) any other information deemed personal and private by any other federal or state statute, regulation, executive order, or court ruling.

(B) It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of Court's office. The responsibility of the filing party and counsel to remove personal and private information extends to, and includes, exhibits and addenda attached to filings, such as preliminary and final judicial reports, which itemize state tax liens that use social security numbers as case number; medical records; and personal information, such as may be found under R.C. 2907, "Sex Offenses."

(C) The Clerk of Courts and Deputy Clerks have no responsibility for the removal of any personal and private information filed in a public document in the Muskingum County Clerk of Courts office.

(D) Any personal and private information contained in documents filed prior to the implementation of this Rule is considered public. Any personal and private information in records or transcripts transmitted to this Court from another court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in the public record of this Court may petition the Court for the removal of personal and private information and, if the request is granted, the personal and private information will be redacted.

(E) All public documents filed with the Clerk of Court's office are subject to imaging and may be placed on the Clerk of Court's website for viewing.

Rule 2.7: Filing Under Seal

(A) Counsel requesting the sealing of a document or documents or case file shall file a motion and shall submit a proposed entry and provide a courtesy copy of the motion to the trial Judge. The motion shall contain: (1) the specific case number and caption of the document(s) or case file that is the subject of the request to be sealed; and (2) a statement of the specific reason for the request.

(B) If the motion is granted by the trial Judge, the filing of the documents will be exempt from e-Filing. The party filing under seal shall provide the Clerk of Courts the document(s) to be filed, along with a copy of the entry permitting the document(s) to be filed under seal and the Clerk shall then do all of the following: (1) seal the document(s) or case file in an

envelope(s), with tape, covered by an embossed seal; (2) attach a copy of the entry sealing the document(s) or case file to the outside of the envelope; (3) return the sealed document(s) to the case file, or the case file to the appropriate shelf; (4) cause the document(s) or case file to be removed from view on the Clerk of Courts website; (5) and, shall not permit any viewing of the document(s) or case file without further order of the Court.

(C) A sealed document or documents or case file may only be viewed: (1) by the trial Judge who ordered the sealing of the document or documents or case file; (2) by an Appellate Judge who is reviewing the case on appeal; or, (3) by filing a motion and proposed entry with the Judge who sealed the document or documents or case file. If the Judge grants the motion, the signed entry must be filed in the Clerk of Court's office. The Clerk will then break the seal and make the document or documents or case file available for viewing and restore the view of the document or documents or case file to the website.

(D) When a motion and entry are filed to allow a party to view a sealed document or documents or case file, and the same entry orders the Clerk of Courts to reseal the document or documents or case file immediately after viewing, the Clerk shall follow the same procedure as (C)(3) above, except that the Clerk shall not make the document(s) or case file available for view on the website. The person granted temporary access to the document(s) or case filed shall not divulge the contents to others.

Rule 2.8: Electronic Signature

(A) For purposes of this Rule, "electronic signature" means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with intent to sign the record.

(B) The Court may authorize and utilize platforms which permit Judges, Acting Judges and/or Magistrates to execute documents via an assigned token coded to affix a unique electronic signature authorized by the signor. The Court may also authorize and utilize various platforms which permit Judges, Acting Judges and/or Magistrates, as well as Clerks, Probation Officers, and other court employees and parties, including litigants, counsel, witnesses and jurors physically present at the Court or actually appearing before a Judge, Acting Judge and/or Magistrate, to execute documents via a signature pad, whereas an electronic signature is created by the signor directly.

(C) A document containing an electronic signature pursuant to this Rule shall be effective for all purposes under the Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, Rules of Superintendence, and the Ohio Revised Code.

Rule 2.9: Standing Special Process Server

(A)APPLICATION

An individual, or agent of a legal organization, may make application to be designated as a standing special process server. The applicant shall submit an affidavit and Order for signature by the Administrative Judge of the General Division of the Common Pleas Court. (See Appendix A.)

(B)CONTENTS OF AFFIDAVIT AND ORDER

The affidavit and Order shall set forth the name, address and telephone number of the person to be appointed as a standing special process server and an affirmation that the person: (1) is eighteen (18) years of age or older; (2) is not a party or related to a party to the proceeding, and does not have a financial interest in the outcome of any action for which the person shall serve process; (3) is a United States citizen or legal resident of the United States; (4) holds a valid government-issued identification card, passport, or driver's license; (5) has no felony criminal record and is not currently a respondent under any civil protection order; and (6) is familiar with the required procedure for service of process, will carry out the duties of a process server in a professional manner, and in accordance with all applicable Local Rules and all applicable Ohio Rules of Procedure.

(C)GRANTING OF ORDER

After the Administrative Judge has signed the Order, the individual or agent of the legal organization shall file the affidavit and Order with the Clerk of Courts. The Clerk of Courts shall maintain the affidavits and Orders. Thereafter, the Clerk of Courts shall accept a time-stamped copy of the affidavit and Order as proper designation of process server until the Order expires or is vacated by the Court.

(D)EXPIRATION OF ORDER

All affidavits and Orders appointing standing special process servers shall expire five years from the date of filing, or if the person fails to satisfy the requirements set forth under Section (B) of this Rule during the period of appointment. Orders authorizing a standing special process server prior to the effective date of this rule shall expire five years from the effective date of this Rule or the date designated in the Order, whichever occurs first.

(E) NO ADVERTISING

A legal organization whose agent is a standing special process server shall not represent or advertise that it is the Court's official process server.

(F) FEE

The fee for filing the affidavit and Order shall be set by order of the Court.

Rule 2.10: Retention Schedule

The Court adopts Sup. R. 26.01 through 26.06 as the retention schedule and is incorporated as if fully rewritten herein, except as otherwise provided in these Local Rules.

Rule 2.11: Custody of and Retention of Exhibits

(A)CUSTODY OF EXHIBITS

The court reporter shall retain all exhibits unless otherwise directed by the Court. In criminal cases, unusually large exhibits, contraband, currency, forensic material, weapons, and any other exhibit agreed to by the parties shall be released to the Law Enforcement Officer assigned to the case. Exhibits containing biological evidence shall be returned to the party who tendered the exhibit after final judgment for retention or destruction in accordance with the Revised Code.

(B)RETENTION SCHEDULE

1. Criminal cases

a. Capital Cases. Exhibits in capital cases will be retained until the release or death of the defendant. All such cases will be reviewed with the Prosecutor's Office prior to destruction.

b. All Other Criminal Cases. Exhibits in all other criminal cases shall be retained for at least ten (10) years from the date of the proceeding. Parties in a case are permitted to move the Court for release of any exhibit once all appeals have been concluded and/or until any parole term has expired. All such cases will be reviewed with the Prosecutor's Office prior to destruction.

2. Civil Cases. Exhibits in civil cases shall be retained for a period of five (5) years after the appeals process has been completed. Exhibits may be returned to the parties prior to five years upon motion to the Court once the appeals process has been completed. Exhibits in cases where no appeal is filed shall be retained for five (5) years from the date of final judgment entry.

2.12: Destruction of Exhibits, Depositions and Transcripts: Notice to Parties

Pursuant to the Ohio Rules of Superintendence 26, the Court hereby notifies the parties in all cases that upon the expiration of retention time as outlined in these Local Rules, all exhibits, depositions and transcripts will be destroyed without any further notification to the parties with the exception of the Prosecutor's Office per the Local Rules. Parties are

permitted to move the Court to retrieve exhibits once the appeal process is complete or as otherwise outlined in these Local Rules.

CHAPTER THREE - TRIALS

Rule 3.1: Technology Capabilities and Equipment

Counsel shall be responsible for providing their own equipment for use at trial and shall be responsible for its functionality and operation. Counsel shall contact the Bailiff to arrange time prior to the day of trial to set up and test their equipment; failure to do so may result in counsel's inability to use said equipment for use at trial.

Rule 3.2: Jury Trials

(A)JUROR QUESTIONNAIRES

Juror questionnaires shall be available for review at the courthouse by any party or their counsel at least seven (7) days prior to trial. No party or their counsel shall copy, distribute, or otherwise share juror questionnaires. No party or their counsel shall contact, or cause to be contacted, any potential juror. Upon completion or termination of the trial, all juror questionnaires previously distributed shall be returned to the Court and the Court shall dispose of the same.

(B)JURY INSTRUCTIONS

Parties must file proposed jury instructions specific to the issues for trial as well as proposed jury interrogatories no later than the seven (7) days prior to trial. The parties must also e-mail the Judge's Assignment Commissioner the proposed instructions and interrogatories in Word format no later than seven (7) days prior to trial.

When written jury instructions are presented to the Court pursuant to Civ. R. 51 or Crim. R. 30 by a party, they shall be accompanied by a citation of the relevant authority, unless excused by the Court.

(C)VOIR DIRE

The Judge will preliminarily examine prospective jurors and then permit counsel to question panel members for a reasonable length of time to determine whether to remove someone for cause and to determine the person's fairness and impartiality. In criminal cases, the voir dire shall be conducted on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

(D)JURY SIZE

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

(E)JURY COMMUNICATIONS

All communication between the Judge and members of the jury, from the time of reporting to the courtroom for voir dire until dismissed, shall be in writing or on the record in open court.

(F)DELIBERATIONS

Deliberations shall take place under conditions and with procedures designed to ensure impartiality, secrecy, and to enhance rational decision-making. The jury will not be required to deliberate after a reasonable hour or on the weekend unless the Judge determines that such deliberation would not impose an undue hardship upon the jurors and is required in the interest of justice.

(G)SEQUESTRATION

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

Rule 3.3: Argument and Interrogation of Witnesses

Except by permission of the Court, only one counsel for each party will be permitted to speak on any motion during the trial or hearing, and only one counsel for each party will be permitted to examine the witness during the trial or hearing before the Court. For closing arguments, only one counsel on each side will be heard unless for special reasons the Court permits otherwise. The Court may set reasonable limits on the time for argument.

CHAPTER FOUR - CIVIL CASE PROCEDURES

Rule 4.1: Costs

(A) No civil action or proceeding shall be accepted for filing by the Clerk unless there is deposited as security for costs, the amount required, which can be obtained in person, by website, or via telephone. For an up-to-date listing of Required Deposits and a complete Table of Fees, please contact the Clerk of Courts or visit the Clerk's website (https://www.muskingumcountyoh.gov/Courts/Clerk-Of-Courts/#undefined3). Required Deposits and Table of Fees are subject to change. Any questions regarding Required Deposits and Fees should be directed to the Clerk of Courts. Any deposit or fee paid by credit card will be assessed a processing fee at the time of filing, in an amount determined by the Clerk of Court.

(B)In the event of claimed indigency, the indigent person shall file an application to proceed in forma pauperis, accompanied by a supporting affidavit. The application to proceed in forma pauperis is subject to court approval. (See Appendix B.)

(C)Expenses incurred by counsel for the stenography and transcription of depositions cannot be charged as costs, except as required for viewing at trial. Other expenses incurred, such as viewing, hearing, or transcription of depositions shall be borne by the requesting party and shall not be taxed as costs.

(D)When a case is transferred to the Common Pleas Court in which the demand of the counterclaim or the cross-claim exceeds the monetary jurisdiction of any other jurisdiction, the counterclaimant or cross-claimant shall, within ten (10) days of docketing the case, post security for costs in a sum equal to the amount required, as if the action were originally filed in this Court. Failure to comply may result in case dismissal.

Rule 4.2: Designation of Trial Attorney

The trial attorney individually responsible for trying a case shall be designated as trial attorney by separate notice if more than one attorney is representing a party.

Rule 4.3: Random Assignment

Generally, cases shall be assigned to a Judge randomly when an answer is filed or when a Complaint or Petition is filed with the Clerk of Court.

Rule 4.4: Service by Publication

If service is to be perfected by publication pursuant to the Ohio Rules of Civil Procedure, the requesting party shall file with the Clerk of Courts an affidavit together with a legal notice. The affidavit shall aver that service of Summons cannot be made because the residence of the party to be served is unknown to the affiant, all of the efforts made on behalf of the party to ascertain the residence of the party to be served, and that the residence of the party to be served cannot be ascertained with reasonable diligence. The Clerk of Courts will cause publication by returning the legal notice to the requesting party for transmittal to a newspaper of general circulation. It shall be the responsibility of the requesting party to ensure that the publication is accomplished, including the selection of the means of publication and administration of the publication. The requesting party shall be responsible for all publication costs directly with the publisher. After the last date of publication, the requesting party shall file with the Clerk of Courts an affidavit showing the fact of publication, together with a copy of the notice of publication and proof that publication costs were paid.

Rule 4.5: Case Flow Management

(A)SCOPE

In accordance with Rule 9 of the Rules of Superintendence for Courts of Common Pleas the following local rules of practice are hereby adopted for the purpose of ensuring the readiness of cases for pretrial and trial and further for maintaining and improving the timely disposition of cases. These case flow management Rules shall apply to all civil cases filed on or after November 11, 2011, in the General Division of the Common Pleas Court unless (1) the case by its very nature requires a more rapid adjudication such as equity matters, habeas corpus, etc.; (2) the case, because of court-imposed stays, interlocutory appeals, removal to federal court and remand, etc., requires a different schedule; or (3) the Court, by written order, places the case on a different schedule for resolution based on good cause shown. Cases wherever possible will be resolved on the shortest time track under these rules. The deadlines set by the Ohio Rules of Superintendence for the Court of Common Pleas shall be construed as maximum and shall not preclude the more rapid resolution of cases under these Rules.

(B)OBLIGATIONS

It shall be the obligation of all attorneys and parties to make themselves familiar with the Court's Local Rules, including those pertaining to this Case Schedule. In order to comply with the Case Schedule, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the cases are filed. Discovery must be undertaken promptly to comply with the required dates.

(C)GOAL

It shall be the goal of the case flow rules and overall management of the docket by the Common Pleas Court that 90% of all civil cases should be settled, tried, or otherwise concluded within twelve (12) months of filing; 98% within eighteen (18) months of filing and 100% within twenty-four (24) months of filing, except for individual cases where the Court determines exceptional circumstances exist.

(D)CALCULATIONS

The time limits established in these case flow management rules shall be calculated from the date of filing of the initial document invoking the jurisdiction of the Common Pleas Court.

(E)CASE TRACKS

All civil cases, except administrative appeals, mandamus, habeas corpus, equity matters, or any other case which, by its nature, requires a more rapid adjudication as determined by the Court, shall be placed on the (twelve) 12-month primary time track or the (twenty-

four) 24-month time track. Each time track consists of a planned sequence of events leading from filing to trial, assuming the case is not terminated earlier.

(F)12-MONTH TRACK

The (twelve) 12-month time track is the primary, standard track for the resolution of nearly all the cases in the General Division of the Court of Common Pleas. It shall be presumed that the typical personal injury, workers compensation appeals, foreclosure, or other civil cases will be suitable for pleading, discovery, motions practice, and disposition within this time frame. The longer track will be the exception to this standard operating procedure and used only for out of the ordinary cases within these classifications.

(G)24-MONTH TRACK

The (twenty-four) 24-month time track is for professional tort and the products liability cases.

Rule 4.6: Case Management Conference

(A) A Case Management Conference will be scheduled as soon as practicable. Only counsel of record needs to be present at this hearing. The Court expects all initial discovery disclosures, as required by the Rules of Civil Procedure, to be made prior to the Case Management Conference. All counsel must orally represent at the Case Management Conference that they have reviewed their file and have generally discussed the case with opposing counsel prior to the hearing, and that they are prepared to discuss all matters set out in (B) below.

(B) At the initial Case Management Conference, the attorneys for the parties shall advise the Judge or Magistrate the nature of the case, the time needed for purposes of discovery, the estimated time for trial, and the status of settlement negotiations. The Court, in coordination with counsel, may order a cut-off date for discovery, an exchange of medical or expert reports, dispositive motion deadlines, and/or other orders as may be appropriate to reduce or clarify the issues and to insure the readiness for trial. If necessary, a future scheduling conference will be set.

(C) Motions will neither be argued nor considered at the initial Case Management Conference, unless the Court specifically orders it.

(D) At the initial Case Management Conference, the Court may issue appropriate pre-trial orders and set additional hearings, including but not limited to, further status reports, pretrial and trial dates.

Rule 4.7: Firm Trial Dates

Firm trial dates will be fixed at the Case Management Conference that are cleared with trial counsel. When a firm trial date has been set by the Court, continuances may not be

granted for the convenience of any attorney or party, or by reason of any inability to obtain certain witnesses or delay in obtaining exhibits or other evidence. A continuance will not be granted for conflict by reason of assignments of one counsel or other in another court except for good cause shown where the attorney can prove that she or he had no way of knowing of the conflict sufficiently in advance of the trial date to obtain competent counsel to substitute for her or him in the trial of the case assigned, or for other good cause shown in which the Court believes in the interest of justice the trial must be continued.

Rule 4.8: Motions

(A)GENERALLY

Unless an extension of time is otherwise ordered, any memorandum in opposition to a motion (other than a motion for summary judgment), or a memorandum of a co-party in support of the motion, shall be filed within fourteen (14) days of the service of the motion and the movant shall file any reply memorandum in support of the motion within seven (7) days of the service of the last memorandum in opposition. A responsive memorandum to a motion for summary judgment shall be filed within twenty-eight (28) days of service of the motion, and any reply memorandum to a summary judgment motion shall be filed within seven (7) days of service of the last memorandum in opposition. No memorandum shall exceed fifteen (15) pages in length without leave of Court. Said page limit does not include supporting exhibits or attachments. Unless an oral argument is requested or ordered by the Court, a motion shall be considered submitted to the Court for decision upon the expiration of said time period.

(B)MOTIONS TO CONSOLIDATE

1. In General. A motion to consolidate in a civil case, unless otherwise specified by this Rule, shall be filed in the case that was filed last. The motion will be determined by the Judge assigned to that case. If the motion is granted, the cases will be consolidated into the case that was filed first, and subsequent filings will only be permitted in that case.

2. Motions to Consolidate in Cases Involving Certificate of Judgment Liens. In civil cases involving the certificate of judgment liens, a motion to consolidate shall be filed in the case that was filed first. The motion will be determined by the Judge assigned to that case. If the motion is granted, all relevant cases will be consolidated into the case that was filed first, and subsequent filings will only be permitted in that case.

(C)MOTIONS FOR DEFAULT JUDGMENT

Motions for default judgment shall be accompanied by an affidavit in support of the requested judgment. If the affidavit is insufficient, the Court may request additional evidence by affidavit or set the matter for hearing. At the hearing, the moving party shall

be prepared to offer testimonial and documentary evidence in support of the claim, and if the claim is for damages, the moving party shall present evidence in support of damages.

In cases based upon an account or other written instrument, the moving party must comply with Civ. R. 10(D) before default judgment will be granted.

Rule 4.9: Inactive Cases

The Court may dismiss, on its own motion, all cases in which: (1) there has been no affirmative action taken for an unreasonable time; or (2) there has been no response to inquiries from the Assignment Commissioner regarding the status of the case.

Rule 4.10: Video Depositions

At least seven (7) days prior to the final pretrial conference, counsel shall file a typed transcript of any video deposition, and counsel will send notice of filing to all counsel of record. The video deposition may be transcribed by someone other than a court reporter as long as it is accompanied by a certification from counsel as to its accuracy. The filing of a transcript of a video deposition may be waived by the Judge if there are no substantial evidentiary objections which require a ruling. Failure to comply with this Rule may result in the exclusion of the video deposition from evidence.

Rule 4.11: Medical Examinations

If an examination is made pursuant to Civ.R. 35, the cost of such an examination and expenses incurred by the party subject to examination in going to the place of examination if located outside of the county in which he or she is residing, at the time of such request, shall be paid by the requesting party.

Rule 4.12: Final Pretrials

(A)PURPOSE

The purpose of a final pretrial conference shall be to clarify and reduce the issues, to control procedures, to ensure readiness, and if possible, to dispose of the case. It shall be the responsibility of trial counsel to cooperate in such procedures.

(B)PERSONAL APPEARANCE OF DESIGNATED TRIAL ATTORNEY

The designated trial attorney for each party must appear, in person, at the final pretrial. Failure of the designated trial attorney to appear in person may result in the Court requiring the matter to be tried by the attorney who appeared. Additionally, each party must also be present, in person, for the final pretrial. However, with leave of the Court: (1) a corporate party may appear by an officer or an employee having knowledge of the subject matter of the case; (2) a party who is insured concerning the claim may appear by a claim representative from his or her liability carrier; (3) in those instances when trial

counsel can assure the Court that a representative of an insurance carrier is available for immediate contact by phone, only trial counsel for an insured party must appear in person for the party and the carrier.

(C)PRETRIAL STATEMENTS

At least seven (7) days prior to the pretrial conference, unless otherwise ordered by the trial Judge or Magistrate, trial counsel for each of the parties shall file a pretrial statement. Unless otherwise ordered, each pretrial statement shall contain a statement from trial counsel covering those of the following items as are appropriate to the pending litigation: (1) the status of discovery; (2) the status of settlement negotiations; (3) the names of those who will be testifying as experts, and a copy of each expert's written report or a summary of the expert's reports, where no written report is available to counsel, shall be furnished to opposing counsel prior the pretrial as set forth in the trial Judge's or Magistrate's pretrial order; (4) a listing of special damages and claims for lost wages; and (5) other matters which trial counsel feel may aid in, or affect the trial of the cause, including, but not limited to, a request for a view of the scene, any anticipated delays due to the scheduling of witnesses, stipulations.

(D)EXCHANGE OF EXHIBITS

Unless otherwise ordered by the trial Judge or Magistrate: (1) at the time of the final pretrial counsel shall prepare and present all exhibits in existence which counsel expects to introduce during the trial of the case. Trial counsel shall list all those exhibits not in counsel's possession which counsel expects to introduce at trial; (2) each trial counsel should mark their anticipated exhibits. Plaintiffs shall use numbers and defendants shall use letters; (3) counsel should present their anticipated exhibits to opposing counsel as early as possible so as to avoid duplicative exhibits or delay of trial for arguments related to admissibility. All exhibits to be used are to be exchanged no later than two days prior to the commencement of trial at the latest; (4) each party's counsel shall prepare a set of exhibits for the Court, for use with witnesses, and for the counsel of the other parties involved in the trial.

Rule 4.13: Jury Instructions

See Rule 3.2(B).

Rule 4.14: Jury Deposit

Any party who has requested a jury in a civil case shall deposit $700.00 with the Clerk of Courts. This deposit must be completed by noon on the Friday prior to trial. If the Friday prior to the trial date is a Court holiday, the party is required to make said deposit by noon on the preceding day that is not a Court holiday. Failure to do so will constitute a waiver

of a trial by jury. If both parties have requested a jury, only the first party to request a jury is required to post the deposit. Jury fees may be assessed as court costs.

Rule 4.15: Jury View Deposit

Any party who has requested a jury view in a civil case shall deposit $250.00 with the Clerk of Courts. This deposit must be completed by noon on the Friday prior to trial. If the Friday prior to the trial date is a Court holiday, the party is required to make said deposit by noon on the preceding day that is not a Court holiday. Failure to do so will constitute a waiver of a jury view. Generally, the party requesting the jury view shall be responsible for the entire cost of transporting jurors. However, if multiple parties request the jury view, the deposit shall be divided evenly between or among the parties requesting the jury view.

Rule 4.16: Jury Questionnaires

See Rule 3.2(A).

Rule 4.17: Jury Cost for Settled Case

The cost of jurors for a case that settles the day of trial shall be assessed against one or more of the parties as ordered by the Court.

Rule 4.18: Complaint on a Cognovit Note

Before presenting a Complaint on a cognovit note to the Court, a party must file the Complaint with the Clerk of Courts so that the case can be randomly assigned to a Judge. After assignment, the Complaint and related filings must be brought to the Court by the plaintiff's counsel, paralegal, or office staff. If the assigned Judge is unavailable, the other Judge may be asked to review the complaint.

The original cognovit note must be presented so that the Court can endorse the note indicating judgment.

Rule 4.19: Alternative Dispute Resolution and Stay of Proceedings

The Court does not have a mediation or arbitration program but does encourage all litigants to engage in private mediation, private arbitration, and settlement negotiations whenever practicable. If the parties engage in alternative dispute resolution, they shall notify the Court and request the case be stayed. If a case is stayed pending alternative dispute resolution, the parties shall immediately notify the Court if the case needs to be placed back on the active docket. Failure to comply with this Rule may result in the case being dismissed for lack of prosecution.

Rule 4.20: Settlement

If a case has been successfully mediated, arbitrated or settled outside of Court, the parties are to immediately notify the Court by phone or e-mail. A dismissal entry shall be sent to the Court forthwith.

CHAPTER FIVE - CRIMINAL CASE PROCEDURES

Rule 5.1: Assignment of Cases

(A)RANDOM ASSIGNMENT

Generally, a new indictment or information shall be assigned randomly to a Judge; however, any reindictment on a case previously dismissed shall be assigned to the Judge who had been assigned to the original indictment. If any other case involving the same defendant is pending as a presentence case, the Clerk shall assign the new indictment or information to that Judge with the lowest numbered case pending. Indictments shall be processed in the order listed on the Grand Jury report. Bills of Information shall be assigned to the Judge who is assigned to the Grand Jury term at the time of filing.

(B)MULTIPLE CASES

Multiple cases against the same defendant shall be assigned to a single Judge. All co-defendants indicted in a multiple defendant case(s) shall be assigned to the same trial Judge. Any subsequent indictments of other co-defendants shall be assigned to the same trial Judge. If a subsequently indicted co-defendant is not assigned to the same trial Judge, and the case(s) involving the co-defendant(s) are still pending, the Clerk shall transfer the case to the originally assigned trial Judge. At the time of the arraignment of the subsequent co-defendant, the prosecutor shall file a notice which provides: (1) the case numbers of all other co-defendants; and (2) the name of the trial Judge to whom the first co-defendant was assigned.

(C)AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS

The Clerk shall assign all aggravated murder with death penalty specifications by random draw. If a death penalty case is randomly assigned to a Judge that already has a death penalty case pending on his or her docket and the other Judge does not, the case shall be reassigned to the Judge who does not have a pending death penalty case on his or her docket.

Rule 5.2: Grand Jury

Criminal cases bound over to this Court on which no final action is taken by the Grand Jury within twenty-eight (28) days shall be dismissed forthwith and without prejudice. If the complaining witness' testimony is not available, the case may be continued by the

Court for a definite period of time and such continuance noted in the report of the Grand Jury.

Rule 5.3: Arraignment on Indictment

Defendant shall be represented by counsel. A not guilty plea or a plea of not guilty by reason of insanity will be the only pleas accepted by the Court at the time of arraignment.

Rule 5.4: Establishment of Bail / Modification of Bail

(A) When a felony charge, as well as any misdemeanor charges that arose from the same act or transaction, is bound over from a lower court in this county, the charges shall be consolidated into one case before this Court.

(B) When the amount of bail has been fixed in a criminal case in a court other than the Court of Common Pleas, and either the State or the defendant desires to modify the amount or conditions thereof, such party shall make application to the Court. Notice shall be given to the adverse party upon the filing of such application. Bond hearings shall be handled by the Magistrate unless otherwise directed by the trial Judge.

Rule 5.5: Bail Bonding Companies and Agents

For the purpose of this rule, “Surety Bail Bond Agent” is defined as an individual who is licensed to write bail bonds by the Ohio Department of Insurance. “Surety Bail Bond Agency” is defined as a business entity of more than one licensed Surety Bail Bond Agent.

(A)REGISTRATION REQUIREMENT

All agents or agencies who desire to write bail bonds in this Court must register with the Clerk of Courts before a bond can be filed in this Court. To register, a Surety Bail Bond Agent/Agency shall file the following with the Clerk of Courts office: (1) a certified copy of the Surety Bail Bond Agent/Agency’s appointment by power of attorney from each insurer the agent/agency represents; (2) a copy of the Surety Bail Bond License issued by the State of Ohio Department of Insurance; (3) a copy of the Certificate of Authority issued by the State of Ohio Department of Insurance; (4) a copy of the Certificate of Compliance issued by the State of Ohio Department of Insurance; (5) a copy of the agent’s current Department of Insurance wallet identification card with photo; and (6) proof of employment from the Agency the agent will work for.

(B) ONGOING REQUIREMENTS OF BAIL BONDING COMPANIES AND AGENTS

1. The Surety Bail Bond Agent/Agency shall file the following to keep the registration current: (a) a certified copy of the renewed power of attorney by the first day of August each odd-numbered year; (b) a copy of the State of Ohio Department of Insurance License Renewal Form by the first day of March of each year; and (c) written

notification of any change in the information submitted to the Clerk of Courts within 5 days of the change.

2. All Surety Bail Bond Agents must comply with R.C. 3905.932, which prohibits Surety Bail Bond Agents from soliciting on the property or grounds of the Muskingum County Common Pleas Court. Prohibited solicitation includes any activity set forth in Ohio Administrative Code 3901-1-66(I)(1). A Surety Bail Bond Agent who solicits on the property or grounds of the Muskingum County Common Pleas Court or engages in other acts prohibited by R.C. 3905.932 may be expelled from the building and grounds of the Muskingum County Common Pleas Court. Violations of R.C. 3905.932 will be reported to the State of Ohio Department of Insurance.

3. When posting bond, a Surety Bail Bond Agent must: (a) produce a current State of Ohio Department of Insurance wallet ID card when requested; (b) post a separate Power of Attorney on each case; and (c) post a separate Bond Post Form on each case that contains an original signature of the Surety Bail Bond Agent.

4. When a bond is ordered to be forfeited, the Clerk of Courts shall provide notice the bond must be paid within thirty (30) days of the order to forfeit the bond.

5. If the Surety Bail Bond Agent/Agency does not pay the forfeiture by the due date, the Clerk of Courts office shall not accept any bonds from that agent/agency until the forfeiture is paid in full.

6. The Surety Bail Bond Agent/Agencies shall obtain and maintain contact information from defendants including, but not limited to, phone number, address, e-mail, and an emergency contact person and must maintain at least weekly contact with defendants. Surety Bail Bond Agents/Agencies must provide a written court notice to the defendant at the time of release. Further, they must provide a written court date reminder to defendants within one week of the court date and in person or phone reminder within twenty-four (24) hours of the court date. If the requirements of this section cannot be proven by the Surety Bail Bond Agent/Agency, failure to comply with this Rule will be used as a factor when considering release, remission, or continuance of bond.

Rule 5.6: Appointed Counsel for Indigent Defendants

(A)APPLICATION PROCEDURE

Attorneys who wish to be appointed to represent indigent defendants, or when an appeal has been requested, shall first complete an Application for Approval as Indigent Defense Counsel. (See Appendix C.) Completed applications, along with any other documentation required by court policy, shall be reviewed by the General Division Judges. A decision will be to approve or disapprove applications. Attorneys shall not approach individual Judges for reconsideration. Performance will be reviewed at a minimum of once per year.

Approved attorneys shall follow policies and procedures provided and approved by the Court.

(B)APPOINTMENTS

Appointments shall be made to ensure an equitable division of appointments, in consideration of the seriousness and complexity of the case, the qualifications and experience of counsel, and other particularities of the case.

(C)PRIOR APPROVAL FOR EXPENSES

Appointed counsel in criminal cases shall not incur expenses in the investigation or preparation of their case until they have first submitted to the Court a report disclosing the purpose of the expense, the approximate amount of such expense, and secured the Court's approval by way of an Order therefore.

(D)STATEMENT FOR FEES

Requests for compensation must be made by each appointed attorney on forms supplied by the Ohio Public Defender Commission. The requests for compensation and reimbursement must be completed under the guidelines established by the Ohio Public Defender Commission. Attorneys shall submit bills no later than thirty (30) days from the termination of said case. An attorney will be denied reimbursement for failure to meet the time deadlines or to comply with other reimbursement requirements.

(E)EXTRAORDINARY OR EXCESSIVE FEES

Applications for extraordinary or excessive fees without prior court approval shall not be approved.

Rule 5.7: Discovery

Discovery shall be governed by Criminal Rule 16. A certification to the Court that discovery has been provided shall be filed. The filing of the certification prompts reciprocal discovery. Both sides are under a continuing duty to disclose discoverable materials. Discoverable material not provided in accordance with this rule, or Criminal Rule 16, may be excluded from admission at trial.

Rule 5.8: Continuances

All requests for continuance of a trial or hearing shall be by written or oral motion made during a court proceeding wherein the court reporter will make a record, which shall state the nature of the matter to be continued and the reason(s) for the requested continuance.

No continuance of any trial or hearing shall be granted to the prosecutor or to the defense unless request is made in writing and/or in open court before the assigned Judge.

Request for continuances of any trial or hearing shall be made no less than fourteen (14) days prior to the trial date.

Request for continuances of a trial date shall be accompanied by an irrevocable and unconditional time waiver signed by the Defendant.

Except where a continuance has been granted by the Court prior to the date of the originally scheduled trial or hearing, the parties and counsel shall appear at the scheduled date and time. Failure to appear or to be prepared can result in dismissal of the case and/or other appropriate sanctions.

Rule 5.9: Stipulations and Agreements of Counsel

Stipulations and agreements of counsel or parties to the case must be reduced to writing and signed by the parties to the case or their respective counsel or made in open court and dictated to the court reporter; otherwise, any such stipulations or agreements shall not be recognized by the Court if disputed by any of the parties.

Rule 5.10: Jury Questionnaires

See Rule 3.2(A).

Rule 5.11: Jury Instructions

See Rule 3.2(B).

Rule 5.12: Weapons and Contraband Seized as Evidence

Unless otherwise ordered by the Court, all weapons or other contraband seized as evidence in criminal cases shall, upon conviction of the defendant, be confiscated. Where practicable, the property so confiscated shall be sold and proceeds therefrom used to purchase equipment for the seizing authority or the Prosecuting Attorney's Office. Otherwise, the same will be destroyed.

Rule 5.13: Trial Exhibits

Prior to the time set for trial it will be the obligation of counsel for the defense and of counsel for the State to meet and to mark all exhibits intended to be introduced for trial.

A list of exhibits a party intends to introduce shall be provided to the Court prior to the commencement of trial.

Rule 5.14: Victims of Crime (Marsy's Law)

(A)NOTIFICATIONS

1. To Victims: The prosecutor's office shall provide notice to victims and witnesses of every stage of a criminal case to which they are entitled to notice in accordance with R.C. Chapter 2930.
2. To Court: The prosecutor's office shall provide notice to the presiding Judge or Magistrate if a victim requests to make a statement at a hearing or trial.

(B)PLEADINGS AND MOTIONS

All pleadings and documents filed with the Court that include the victim(s) name and address must also include a redacted copy to be placed in the case file. The unredacted copy will be placed in the "confidential" folder within the case file that is not for public viewing.

(C)VICTIM'S RIGHTS FORMS

Victim's Rights Forms filed with the Clerk shall be placed in the "confidential" folder within the case file that is not for public viewing. Victim's Rights Forms shall be made available to the Prosecutor's Office upon their request. Victim's Rights Forms shall not be made available to anyone else, including the Defendant or defense counsel, unless ordered by the Judge assigned to the case.

(D)PRESENTENCE STATEMENTS

Unless the victim or witness requests otherwise, and at the option of the assigned Judge, victim and witness statements which are permitted by R.C. Chapter 2930 shall be made available to the defendant's counsel at the time of sentencing.

APPENDIX A (Local Rule 2.10)

IN THE COURT OF COMMON PLEAS, MUSKINGUM COUNTY, OHIO

	:	
IN RE: THE APPOINTMENT OF STANDING SPECIAL PROCESS SERVER	:	AFFIDAVIT

I, _____, being first duly sworn and cautioned according to law, state that:

1. I reside at _____.

My telephone number is _____.

My email address is _____.

2. I am eighteen (18) years of age or older.

3. I am a United States citizen or legal resident of the United States.

4. I hold a valid government-issued identification card, passport, or driver's license.

5. I will not attempt to serve process in any case in which I am a party, counsel for a party, or have a familial relationship to any party.

6. I will not attempt to serve process in any case in which I have a financial interest in the outcome of the action.

7. I have not been convicted, within the last ten (10) years, of any felony, offense of violence, or offense involving dishonesty or false statement, and am not currently under community-control sanctions, probation, post-release control, or parole.

8. I am not currently a respondent subject to any civil protection order.

9. I am familiar with and will follow all applicable Local Rules and Ohio Rules of Civil Procedure. I will conduct myself in a professional manner. I will also obey any specific instructions for service of process as ordered by the Court in individual cases, including: *If a pleading is left with a person of a suitable age other than the person to be served, then return is marked as "residential service," and if the pleading is left with the individual to be served, then the return is marked as "personal service."*

10. I am going to be acting as an agent of _____.

_____

Applicant

Sworn to before me and subscribed in my presence this_____day of_____, 20____.

_____

Notary Public

IN THE COURT OF COMMON PLEAS, MUSKINGUM COUNTY, OHIO

	:	
IN RE: THE APPOINTMENT OF STANDING SPECIAL PROCESS SERVER	:	JOURNAL ENTRY APPOINTING PROCESS SERVER

It appearing to the Court that the applicant has satisfied the requirements of Civ.R. 4.1(D);

The Court appoints _____ as a standing special process server. This order expires one (1) year from the date it is filed unless modified earlier by the Court. Continued appointment beyond one (1) year will require reapplication. Additionally, if _____ fails to satisfy the requirements set forth in Civ.R. 4.1(D) during the period of the appointment, the authority to serve under this order will cease.

IT IS SO ORDERED.

_____
ADMINISTRATIVE JUDGE

APPENDIX B (Local Rule 5.6)

IN THE COURT OF COMMON PLEAS, MUSKINGUM COUNTY, OHIO

In the matter of Indigency of:	:	CASE NO:
	:	**AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED *IN FORMA PAUPERIS***
_____ (Applicant Name)	:	

: : : : : : :

INSTRUCTIONS: In order for the Court to properly consider your motion, you must answer each question below and provide the information requested. No motion will be considered until it is fully completed. If necessary, attach additional pages.

I. Are you employed? Yes_____No_____

A. If you answered "Yes":

(1) What is the name and address of your employer?

_____

_____

(2) How much do you earn per month?

_____

_____

II. What is your marital status? Single_____Married____
Windowed_____Divorced_____

A. If you answered "Married":

(1) Is your spouse employed? Yes _____No____
If "Yes": how much does your spouse earn each month?

_____

III. Do you have any dependents? Yes___ No___

A. If you answered "Yes," list each dependent's name, age, and their relationship to you:

Name	Age	Relationship

IV. Within the past 12 months, have you received any income from a business, profession or other form of self-employment, or in the form of rent payments, interest dividends, retirement benefits, annuity payments or any other source, including Workers Compensation, Social Security payments, disability payments? Yes _____No_____

A. If you answered "Yes," describe each source of income and the total amount you received from that source over the 12-month period:

Source	Amount

V. Do you or your spouse have any cash on hand or money in a savings, checking or other account? Yes____ No___

A. If you answered "Yes," state the combined total amount:
$_____

VI. Do you or your spouse own any stocks, bonds, notes?
Yes _____No_____

A. If you answered "Yes," describe each source of income and the total amount you received from that source over the 12-month period:

Asset	Value

VII. List all of our monthly expenses:

Type of Expense	Amount
Child Support Paid Out	$_____
Child Care (only if working)	$_____
Insurance (medical, dental, auto, etc.)	$_____
Medical/Dental	$_____
Rent/Mortgage	$_____
Food	$_____
Telephone	$_____
Transportation/Fuel	$_____
Taxes Withheld or Owed	$_____
Credit Card/Other Loans	$_____
Utilities (gas, electric, water/sewer, trash)	$_____
Other (specify)	$_____
TOTAL EXPENSES	$_____

VIII. State your address and a phone number where the Court can reach you:

_____

_____

_____

_____

(Signature of Plaintiff)

STATE OF OHIO

ss:

MUSKINGUM COUNTY

Sworn to and signed before me this_____ day of_____ , 20____.

_____

Notary Public

CERTIFICATE OF ATTORNEY

I have examined the answers given by my client in the questionnaire and to the best of my knowledge and belief, the answers are true and accurate.

_____

(Attorney's Signature)

IN THE COURT OF COMMON PLEAS, MUSKINGUM COUNTY, OHIO

Petitioner/Plaintiff,	:	CASE NO:
	:	
vs.	:	
	:	**ORDER APPROVING MOTION TO**
Respondent/Defendant.	:	**PROCEED *IN FORMA PAUPERIS***
	:	

Upon Motion of the

_____petitioner/plaintiff _____movant

_____respondent/defendant _____(other)

in this proceeding, the Court having considered the affidavit and support documentation of the movant, it is:

ORDERED that the movant may proceed *In Forma Pauperis* in these proceedings.

Approved:

_____

Judge, Court of Common Pleas

APPENDIX C (LOCAL RULE 5.6)

APPLICATION FOR
APPROVAL AS INDIGENT CRIMINAL DEFENSE COUNSEL
MUSKINGUM COUNTY COMMON PLEAS COURT

Name_____

Muskingum County Business Address_____

_____

(location where you intend to confer with your clients, not a P.O. Box)

Preferred Mailing Address_____

_____

Phone_____Fax_____Cell_____
E-mail_____Attorney Registration #_____

Preferred contact individual (for case assignments) and individual's phone

_____

List any formal post-law school training for criminal representation (including seminars). Include the year in which the formal training took place:

List any professional associations affiliated with, with regards to criminal defense:

Estimate the number of criminal defendants, along with the types of offenses, you have represented (we recognize that for some of you, this will be a very rough estimate). State if case went to evidentiary hearing (motion, court or jury trial, etc.):

Do you have Supreme Court certification for capital cases? Yes_____ No___

Dates and location of training_____

_____

What do you feel are your biggest strengths with regards to criminal defense?

What areas do you feel could use improvement with regards to your criminal defense abilities and what will you do to make those improvements?

Do you have current legal malpractice insurance? List company, policy number, and expiration date of the policy (attach proof of insurance).

List any professional organizations for which you are currently a member:

Review and sign each of the appropriate Certification of Compliance with State Standards for Appointment of Counsel forms for which you are applying:

_____Capital Cases
_____Felony Cases
_____Appellate Cases
_____Misdemeanor Cases

Signature_____

Return completed application and all Certification of Compliance with State Standards for Appointment of Counsel Forms to:

Administrative Judge
Muskingum County Common Pleas Court
401 Main Street, Second Floor
Zanesville, OH 43701

MUSKINGUM COUNTY COURT OF COMMON PLEAS
Certification of Compliance with State Standards
for Appointment of Counsel on Capital Cases

By signing this certification, I represent that I am a licensed attorney in good standing with state requirements governing the legal profession. I am requesting to be considered for court appointments on capital cases. I understand the following standards must be complied with to obtain court appointments on capital cases pursuant to Revised Code Chapter 120, Ohio Administrative Code Section 120-1-10, and the Local Rules of Court.

_____**All Attorneys** appointed to represent indigent clients in capital cases must meet the following requirements: (1) must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20); and (2) must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission); or (3) must have a waiver of pre-qualification issued by the Commission of Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission).

_____**Lead Trial Counsel**: (1) at least 5 years' criminal litigation and experience; and (2) experience as lead counsel for the defense in jury trial of at least one capital case OR experience as co-counsel for the defense in jury trial of at least 2 capital cases; and (3) within 10 years preceding appointment, experience as lead counsel in jury trial of at least one murder or aggravated murder case OR within 5 years preceding appointment, experience as lead counsel in 3 aggravated or first- or second-degree felony jury trials.

_____**Trial Co-counsel:** (1) at least 3 years' criminal litigation experience; and (2) within 10 years preceding appointment, experience as co-counsel in one murder or aggravated murder jury trial OR within 5 years preceding appointment, experience as lead counsel in one first- or second-degree felony jury trial OR within 5 years preceding appointment, experience as lead or co-counsel in at least 2 felony jury or civil jury trials.

By my signature, I certify that I have read and understand these requirements for appointment of counsel. I have checked where appropriate the capital categories for which I am eligible for appointment under these standards. I will notify the Court if an appointment is made in a category where I do not meet the above requirements. I understand I may be requested to document my qualifications for appointment. I have malpractice insurance.

_____

Date Printed Name Signature

Attorney Registration No._____Telephone_____

MUSKINGUM COUNTY COURT OF COMMON PLEAS
Certification of Compliance with State Standards
for Appointment of Counsel on Felony Cases

By signing this certification, I represent that I am a licensed attorney in good standing with state requirements governing the legal profession. I am requesting to be considered for court appointments on felony cases. I understand the following standards must be complied with to obtain court appointments on felony cases pursuant to Revised Code Chapter 120, Ohio Administrative Code Section 120-1-10, and the Local Rules of Court.

_____**All Attorneys** appointed to represent indigent clients in felony cases must meet the following requirements: Within 2 years prior to the appointment, minimum 12 hours CLE in criminal practice and procedure.

_____**Felony OVI**: Within 2 years prior to the appointment, a minimum 6 hours CLE focused on OVI practice and procedure.

_____**Fourth- and Fifth-Degree Felony:** At least one year experience in criminal law.

_____**Third-Degree Felony:** (1) At least one year experience in criminal law; and (2) within 10 years preceding appointment, experience as lead trial counsel in at least one criminal jury trial.

_____**First- and Second-Degree Felony:** (1) At least 3 years' experience in criminal law; and (2) within 10 years preceding appointment, experience as lead trial counsel in 2 criminal jury trials, at least one of which was as lead counsel.

_____**Life Imprisonment Felonies:** (1) At least 5 years' experience in criminal law; and (2) within 10 years preceding the appointment, experience as lead trial counsel in 3 jury trials, at least 2 of which were felonies.

_____**Alternative:** Within 10 years prior to the appointment, successfully complete a trial training program, consisting of 30 or more hours of instruction. Said alternative may satisfy the requirement of service as lead counsel in one jury trial.

By my signature, I certify that I have read and understand these requirements for appointment of counsel. I have checked where appropriate the felony categories for which I am eligible for appointment under these standards. I will notify the Court if an appointment is made in a category where I do not meet the above requirements. I understand I may be requested to document my qualifications for appointment. I have malpractice insurance.

_____

Date Printed Name Signature

Attorney Registration No._____Telephone_____

MUSKINGUM COUNTY COURT OF COMMON PLEAS
Certification of Compliance with State Standards
for Appointment of Counsel on Appellate Cases

By signing this certification, I represent that I am a licensed attorney in good standing with state requirements governing the legal profession. I am requesting to be considered for court appointments on appellate cases. I understand the following standards must be complied with to obtain court appointments on appellate cases pursuant to Revised Code Chapter 120, Ohio Administrative Code Section 120-1-10, and the Local Rules of Court.

_____**Misdemeanors and Fourth- and Fifth-Degree Felony:** (1) Within 2 years prior to appointment, completed a minimum of 6 hours CLE in criminal or appellate practice and procedure; or (2) successful completion of clinical education program focusing on appellate practice; or (3) at least one year experience as an attorney.

_____**Third-Degree Felony:** (1) Within 2 years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least 6 of which must be in appellate practice; and (2) at least one year experience as attorney practicing in appellate law; and (3) within 6 years preceding appointment, filed appeals in 3 cases resolved by plea OR one appeal of a case resolved by trial.

_____**First- and Second-Degree Felony:** (1) Within 2 years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least 6 of which must be in appellate practice; and (2) at least 2 years' experience as attorney practicing in appellate law; and (3) within 10 years preceding appointment, filed appeals in 3 cases resolved by trial.

_____**Cumulative Sentences of 25 Years or More:** (1) Within 2 years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least 6 of which must be in appellate practice; and (2) at least 5 years' experience as attorney practicing in appellate law; and (3) within 10 years preceding appointment, filed appeals in 3 cases resolved by trial.

By my signature, I certify that I have read and understand these requirements for appointment of counsel. I have checked where appropriate the appellate categories for which I am eligible for appointment under these standards. I will notify the Court if an appointment is made in a category where I do not meet the above requirements. I understand I may be requested to document my qualifications for appointment. I have malpractice insurance.

_____

Date Printed Name Signature

Attorney Registration No._____Telephone_____

MUSKINGUM COUNTY COURT OF COMMON PLEAS
Certification of Compliance with State Standards
for Appointment of Counsel on Misdemeanor Cases

By signing this certification, I represent that I am a licensed attorney in good standing with state requirements governing the legal profession. I am requesting to be considered for court appointments on misdemeanor cases. I understand the following standards must be complied with to obtain court appointments on appellate cases pursuant to Revised Code Chapter 120, Ohio Administrative Code Section 120-1-10, and the Local Rules of Court.

_____**All Attorneys** appointed to represent indigent clients in misdemeanor cases must satisfy one of the following requirements: (1) have completed a minimum of 6 hours legal education in criminal practice and procedure within the last 2 years; (2) successfully completed a clinical education program focusing on criminal defense; or (3) have at least one year of experience as an attorney.

_____**Misdemeanor OVI:** Within 2 years prior to appointment, have completed a minimum 6 hours CLE focused on OVI practice and procedure.

By my signature, I certify that I have read and understand these requirements for appointment of counsel. I have checked where appropriate the misdemeanor categories for which I am eligible for appointment under these standards. I will notify the Court if an appointment is made in a category where I do not meet the above requirements. I understand I may be requested to document my qualifications for appointment. I have malpractice insurance.

_____

Date Printed Name Signature

Attorney Registration No._____Telephone_____