

TIMOTHY J. WOLLENBERG
Perry County Clerk of Courts
P.O. Box 67
New Lexington, Ohio 43764

Unless waived by the Court upon a showing of good cause, deposits for costs must be made with the Clerk of Court when pleadings are filed in the following matter:

1. CIVIL COMPLAINT, CROSS – CLAIM AND COUNTERCLAIM	\$ 175.00
2. COMPLAINT AND COUNTERCLAIM FOR DIVORCE, LEGAL SEPARATION OR ANNULMENT.....	\$250.00
3. PETITION FOR DISSOLUTION OF MARRIAGE	\$175.00
4. FORECLOSURE	\$265.00
5. JURY DEPOSIT (REQUIRED WHEN FILING JURY DEMAND).....	\$300.00
6. POST DECREE MOTION ON DIVORCE, DISSOLUTION, ETC.	\$95.00
7. JUDGMENT DEBTOR’S EXAM	\$60.00
8. PROCEEDINGS IN AID OF EXECUTION, GARNISHMENTS, ETC.	\$60.00
9. EXECUTION ON CERTIFICATE OF JUDGMENT EXCLUDING REAL ESTATE.....	\$55.00
10. PUBLICATION – PAYABLE DIRECTLY TO PUBLISHER	Case by case
11. FOREIGN JUDGMENT (OUT OF STATE)	\$55.00
12. CERTIFICATE OF JUDGMENT	\$35.00
13. PREPARATION OF CERTIFICATE OF JUDGMENT	\$5.00
14. RELEASE OF COUNTY CERTIFICATE OF JUDGMENT	\$5.00
15. RELEASE OF STATE CERTIFICATE OF JUDGMENT	\$25.00
16. EXPUNGEMENT OF CRIMINAL RECORD	\$50.00
17. NOTARY EXAM	\$10.00
a. RECORDING NOTARY COMMISSION	\$10.00
b. SWEARING NOTARY	\$2.00
18. GUARDIAN AD LITEM	\$300.00/ PARTY
19. COURT OF APPEALS	\$105.00
20. ORIGINAL ACTIONS IN COURT OF APPEALS	\$100.00
21. PASSPORT – PERSONS AGE 16 AND OVER	\$135.00
22. PASSPORT – PERSONS AGE 15 AND UNDER	\$105.00
23. PASSPORT CARD – PERSONS AGE 16 AND OVER	\$55.00
24. PASSPORT CARD – PERSONS AGE 15 AND UNDER	\$40.00
25. JUROR FEES – PER DAY	\$7.50
26. COURT RULES.....	\$10.00
27. SATISFACTION OF JUDGMENT (OLD CASE)	\$5.00

28. XEROX COPY	\$.10
29. CERTIFICATION (10 CENTS PER PAGE FOR COPIES).....	\$1.00/PAGE
30. INDIGENT APPLICATION FEE	\$25.00
31. NOTICE OF APPEALS TO COMMON PLEAS COURT	\$150.00

In the event that the amount of deposit has been expended, the Clerk may require an additional deposit to reasonably cover the costs of all other filings.

In all Partition actions, the Court shall determine and tax costs and reasonable counsel fees pursuant to Section 5307.25 of the Revised Code of the State of Ohio. The total of such fees shall not be less than \$500.00 nor exceed 7% of the amount for which the estate partition sells or upon the appraised value if not sold.

The Clerk shall not accept for filing, and the Court may Sua Sponte strike from the file, any complaint, cross – complaint, petition, motion, application or other documents not in compliance herewith. The necessity for the costs deposit shall not be abrogated by anyone except under Court order.

When there is a view of the premises in a jury trial, the Clerk of Court shall assess as costs the expense of transporting the jurors to and from the scene.

The Clerk shall keep a list of all unpaid and accrued costs in all proceedings where costs have been taxed. He shall send statements to all persons against whom costs have been taxed at least once every two months. If, after two such notices the costs have not been paid, the Clerk shall issue a Certificate of Judgment for the amount of such costs without further order of Court.

**LOCAL RULES OF PRACTICE
PERRY COUNTY COURT OF COMMON
PLEAS
GENERAL DIVISION**

In accordance with Article IV, Section V (B) of the Ohio Constitution and Ohio Civil Procedure Rule 83, the following rules of Court for practice and procedure in the General Division are hereby adopted. The Court recognizes, and it is the intent of the Court, that all proceedings shall be governed by the Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Rules of Superintendence for Common Pleas Court, Rules of Evidence and Rules for Government of the Bar. To that extent, these rules do not duplicate, nor are they reproduced, but it is the intent of these rules to supplement the above stated rules and to provide rules for local practice. These rules are effective February 15, 2011.

Pursuant to the Rules of Superintendence for Courts of Common Pleas, these rules have been filed with the Ohio Supreme Court prior to the effective date.

Tina M. Boyer
Judge

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**RULES OF COURT
PERRY COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION**

It is ORDERED that the following Rules be, and they are hereby adopted for the governance of the practice and procedures in the General Division, Court of Common Pleas, Perry County, Ohio, until otherwise provided, pursuant to Article IV, Section 5 of the Ohio Constitution, to Rule 83 of the Ohio Rules of Civil Procedure, to Rule 57 of the Ohio Rules of Criminal Procedure and to the Rules of Superintendence promulgated by the Supreme Court of Ohio:

RULE 1. TERM OF COURT

There shall be one term of court – namely, the January Term, and the Court shall be in continuous operation for the transaction of judicial business (2301.05 R.C.). The term shall be divided into three sessions, Winter, Summer and Fall. The Winter session will begin January 1, the Summer session May 1 and the Fall session September 1.

RULE 2. HOURS OF COURT SESSIONS

The sessions of this Court shall begin at 8:00 o'clock A.M. and close at 4:00 o'clock P.M. or at such other hour of the day as the Court may decide is necessary for the proper conduct of the business of the Court, except for days which, by law or proclamation of the President of the United States or Governor of this State, are designated or set aside for their observance as legal holidays.

RULE 3. ASSIGNMENT COMMISSIONER

The Court shall have an Assignment Commissioner responsible for maintaining a record of all firm trial dates (hereinafter sometimes referred to as the trial docket) and who shall also fix all other dates and times for hearing on all matters coming before the Court.

RULE 4. SECURITY FOR COSTS

The Clerk of Courts shall prepare the schedule of fees to be deposited in all civil and domestic relations cases and shall not accept a case for filing until the required deposit is paid, except in cases where an indigency affidavit is filed. In cases where legal advertising is used, the Clerk shall cause publication costs to be arranged for and paid directly to the publisher by counsel or pro se party. A deposit of \$250.00 shall accompany all jury demands. A failure to file the required deposit shall be considered a waiver of the right to a trial by jury. In accordance with Civil Rule 4.4 (A) (2), this Court hereby designates the Perry County Library located at 117 S. Jackson St., New Lexington, Ohio 43764

and the New Lexington Post Office located at 200 W. Brown St., New Lexington, Ohio 43764 as two additional public places in Perry County for posting of notices.

Parties will be required to keep deposits ahead of continuing Court costs. The Clerk of this Court shall keep track of deposit money being held as it relates to court costs taxed on the case and shall send a letter to the responsible attorney requesting an additional deposit of \$100.00 to cover accruing court costs. The Clerk's letter will give the party one week to deposit the additional money with the Clerk. If the additional money is not received by the Clerk within one week, the Judge will be notified to help with the deposit problem. Reopened cases will require additional deposits of \$50.00 as needed.

RULE 5. PLEADINGS

All pleadings and motions shall be legibly typewritten or printed on 8 1/2" by 11" paper. All pleadings and motions shall be securely bound at the top. The caption in every complaint shall state the name and address, if known, of each party. Subsequent pleadings, motions, briefs or other litigation documents shall set forth the case number, the name of the first party plaintiff and the first party defendant. Each party shall also state in the caption the general nature of the action, e.g., action for divorce, dissolution of marriage, foreclosure, personal injury, contract, injunction, habeas corpus, declaratory judgment, etc. The Clerk is authorized to refuse to accept for filing any document which does not comply with the above. No extension of time for pleading will be approved without permission of opposing counsel unless extenuating circumstances are reflected. Any handwritten additions to typewritten documents shall contain the initials of all parties affixing a signature thereto.

Every pleading, motion or document filed on behalf of a party shall be printed or typed thereon the name, address, and telephone number of counsel filing the same. If filed by a law firm, it shall be indicated thereon the name of the particular attorney having primary responsibility for the case.

Sufficient copies of every pleading, motion, or document to be served by the Clerk or Sheriff shall be filed with the Clerk.

RULE 6. FACSIMILE UTILIZATION RULE

1. Local Court Rules regarding the filing of pleadings and other papers by electronic means (FAX). "Any signature on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the pleadings or papers were transmitted without authority, the Court shall order the filing stricken. (Civ. R. 5(E)).

2. Attorneys should limit requests for facsimile transmission to filings of an emergency or time-critical nature. The facsimile is only to be used in appropriate circumstances. The Court reserves the right to revoke this privilege from any attorney who appears to be abusing the privilege.

3. Designated pleadings and other papers may be filed with the Clerk by facsimile transmission at (740) 342-5527 subject to the following provisions:

a. A fax document filed by facsimile transmission will be accepted as original and the signature accepted as original, consistent with Civil Rule 5(E).

b. The attorney or party sending the document must provide all required identification on the cover page of the transmission. Transmissions without such information will not be accepted for filing. A transmitted document must pertain to only one case.

c. The original complaint, counterclaim, cross claim, petition or motion instituting or reopening any legal action will not be accepted by facsimile transmission.

d. The Clerk shall immediately notify the attorney if the transmitted document cannot be filed for any reason. All documents submitted will be considered filed when the date/time has been stamped by the Clerk. For the purposes of this section, the date/time of filing is not determined by the facsimile machine date/time stamp, but is determined by the Clerk's file clock stamp. The risk of facsimile filing remains with the sender, and the Clerk assumes no new responsibilities or liabilities.

e. Court costs are \$2.00 per transmission, plus \$1.00 per page. The Clerk will submit a billing to be paid within 10 days.

4. The Clerk will maintain on the premises a facsimile machine which will be attached to a dedicated phone line and a dedicated electronic circuit equipped with a surge protector. The Clerk will use 20 pound bond paper in a plain paper fax machine.

RULE 7. ATTORNEY OF RECORD

As soon as an attorney ascertains that he/she represents any party in any suit then pending in this Court, he/she shall immediately notify the Clerk so that proper notation can be made upon the file, the appearance and court dockets. A copy of a time stamped notice shall be satisfactory evidence that notice was given. Failure to so notify the Clerk shall be deemed a waiver of any notice required under these court rules. It is the duty of counsel to keep the Court advised as to any change of address of a party or of counsel. Only attorneys of record shall be considered as representatives of any parties in a case. Withdrawal of such counsel shall be made only upon application with judgment entry of approval by the Court made reasonably before trial. If the successor attorney is known by the withdrawing attorney, the name of the successor attorney shall be included in the judgment entry. Upon allowance of withdrawal by the Court, such withdrawing counsel shall serve a copy of said judgment entry on the client, together with a letter, a copy of which shall be deposited with the Clerk. No withdrawals of counsel shall be accepted

without a proper motion and finding by the Court that said withdrawal is proper. A mere entry stating that counsel has withdrawn will not be accepted without ruling by the Court.

All counsel shall be individually responsible for their cases. Copies of rulings and notices of the Court shall be placed in the box provided for each counsel or office in the office of the Assignment Commissioner. Copies will be mailed to out of town counsel stated on the most recent pleading.

RULE 8. COURT FILES AND PAPERS

No person (except the judge of the Court or the judge's staff) shall remove any Court papers, files of the Court, or any of the contents of a file from the custody of the Clerk.

The Clerk shall not permit any party or person to make a copy of or remove trial transcripts of a file. Attorneys, parties to the action, or other interested parties shall be referred to the Court reporter in which the case is pending or in which the case was tried.

RULE 9. PREPARATION OF ENTRIES

Except as to matters in which the Court prepares a property entry or unless the Court otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered shall within ten (10) days thereafter prepare the proper entry and submit it to counsel for the adverse party, or, if the adverse party is unrepresented, to the adverse party directly, who shall approve or reject the same within ten (10) days after the receipt thereof. If counsel fails to approve said entry, the entry shall reflect that it was submitted to opposing counsel but unsigned. When approved by counsel, it shall be so endorsed and furnished to the Court. If counsel is unable to agree upon the form of the entry, it shall be submitted to the Judge, who will direct what entry shall be made. Names of counsel and the Judge shall be typed or printed upon the entry.

If counsel for the prevailing party does not prepare an entry within the ten (10) day period, counsel for the adverse party shall do so and submit it to counsel for the prevailing party who shall approve or reject the same within ten (10) days after the receipt thereof. If approval or rejection of an entry is not communicated to the counsel preparing the entry, such counsel may forthwith present an entry to the Trial Court for signature and filing without such approval. When the entry is approved by counsel, or an unrepresented adverse party, it shall be so endorsed and presented to the judge to whom the case is assigned for approval, and if signed by the Judge, shall be forthwith filed with the Clerk.

If counsel and/or unrepresented parties are unable to agree upon an entry or fail to submit an entry following such order, decree, or judgment, the trial judge, after reasonable notice to the parties, may prepare and enter an entry or dismiss the case in accordance with the Court's civil case management plan.

RULE 10. COSTS

The Clerk of Courts shall not accept for filing any judgment entry or entry of settlement or dismissal of a case unless provision for the payment of costs is made therein.

Within the limitations of Civil Rule 68, the Court retains discretion to tax costs against a party who has demonstrated an unwillingness to make a good faith effort to settle.

Jury fees may be assessed as court costs.

RULE 11. PRE – TRIAL CONFERENCE CIVIL

After a case is commenced, the Court shall assign the case for pre – trial hearing. Clients must be present at all pre – trial hearings, unless excused by the Court and counsel has full settlement authority to act on behalf of said clients. Failure of said clients to appear may result in the dismissal of their actions or sanctions being imposed against said clients and/or their counsel.

The Court may make an order which recites the action taken at said pre – trial hearing, any amendments allowed to the pleadings and the agreements made by the parties as to any matters considered. This shall limit the issues for trial to those not disposed of by admissions or agreements of counsel. The order, when entered, shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

Failure to comply with the above will result in any appropriate sanctions provided by law or by court rules.

If the case has not been settled prior to the time of pre – trial, the parties at the pre – trial conference shall submit to the Court and opposing counsel a pre – trial statement. This statement shall include:

1. A brief statement of the facts of the case.
2. A statement of those issues of facts that are disputed.
3. A statement of those issues of law that are disputed.
4. All exhibits expected to be offered into evidence.
5. An itemization of all expenses, losses of income and any other damages suffered by the complaining parties.
6. The names and addresses of expert witnesses to be called by the parties.
7. The names and addresses of lay witnesses to be called by the parties.
8. An estimate of the total time required for trial.

9. If a request for a jury view is to be made, a statement of what items of objects are to be pointed out by the bailiff.

The pretrial statement shall be binding on the party submitting it. Amendments to the said statement are permitted up to seven days prior to trial and thereafter with leave of Court and for good cause shown. Failure to be present at a pre – trial or present a pretrial statement may constitute grounds for dismissal of the action without prejudice or appropriate sanctions including attorney fees for the opposing parties.

RULE 12. MOTIONS

All motions shall be accompanied by a supporting memorandum citing authorities relied upon and any underlying operative facts. In the absence of such memorandum such motion may be struck from the files.

Rulings on all motions including temporary domestic relations matter, will be on non – oral hearings, unless oral argument is requested and allowed.

Any opposing memorandum shall be filed within 14 days from the date of the filed motion.

No pleading or motion subsequent to filing shall be amended by interlineations or obliteration except by leave of the Court and as shown by a journal entry.

Upon filing of an amended pleading or motion the original shall not be withdrawn from the files.

RULE 13. PLEADINGS AND EXTENSIONS

By agreement of counsel additional time to move or plead may be granted to a party if the total extension of such time does not exceed 28 days. Such consent shall be filed with the Clerk in writing and be signed by all counsel of record and must be submitted to the Court for approval.

Where an extension of time beyond twenty-eight (28) days is required or where the parties cannot agree upon an extension for time, a party not in default for a pleading or motion may obtain leave to have the time extended for filing any pleading or motion, for such time as may be fixed by the Court.

RULE 14. ASSIGNMENT OF CASES FOR TRIAL AND CONTINUANCES

Unless otherwise ordered by the trial judge, every case shall be placed on the trial list immediately following pre – trial of such case. Every case so placed on the trial list is subject to call for trial at any time after being placed on the trial list, regardless of its numerical position upon the trial list.

Request for continuances should be as follows:

A. Except in cases of emergency or by order of the Court, a Motion for Continuance of a case after it has been set for trial must be in writing and set forth the reason for the continuance.

B. A continuance of a case may be granted on the ground of the inability to procure the testimony of an absent witness when it is made to appear that due diligence was used to procure such testimony. To obtain a continuance on this ground the party making the application must support the same by affidavit stating therein what he expects to prove by such witness. If the Court finds the testimony so set forth to be immaterial or if both parties consent to the reading of the affidavit into evidence, the application will not be sustained and the case will proceed to trial.

C. Counsel shall immediately upon being notified of a date for trial inform their clients and witnesses of the date set for trial.

D. Where a continuance of a case is requested on the ground that an attorney in the case is already engaged in another Court of record on the date assigned for trial, the Motion for Continuance shall be filed upon receipt of notice of assignment.

E. No continuances will be granted without a motion, a memorandum giving reasons therefore, and an entry signed by the appropriate Judge. Agreements of the parties to a continuance without the approval of the Court will not be honored.

F. All Motions for a Continuance shall be accompanied by a proposed Journal Entry ordering the reassignment of said case for a date certain. In the event a continuance is granted, the Court may in its discretion assess costs and expenses against the moving party.

G. All requests claiming that counsel has a previously set hearing date shall be accompanied by a copy of the notice for said earlier hearing.

RULE 15. COURTROOM PROCEDURE

1. No photographic, television, recording, broadcasting, telephonic equipment or devices shall be

used within the confines of the courtroom, and in official business, unless otherwise approved by the Court for trial – related proceedings and as long as such action is approved by Canon 3A, Ohio Code of Judicial Conduct.

2. Spectators and others will be seated during recess or adjournment in the courtroom on a first-come, first serve basis, for whom seats are provided behind the rail, and remain there until such time as the Court declares a recess or adjournment.
3. No person shall have on his person or under his control any dangerous weapon or dangerous ordinance other than police officers on official business. Any person within the confines of the courthouse shall be subject to search at any time by the Sheriff of Perry County, Ohio.
4. Representatives of the media will, under no circumstances, question or converse with prospective or selected jurors concerning a cause for trial.
5. No person except officers of the Court and duly authorized persons shall be permitted in front of the railing or bar of the Common Pleas Courtroom.
6. There shall be no eating, drinking or smoking in the courtroom. There shall be no smoking in the outer corridor or witness area of the courtroom. There shall be no loud talking or loud noise of any kind in the outer corridor of the courtroom.
7. The fees of officers taking and certifying depositions shall be paid by the party on whose behalf such depositions are taken. If the deposition is used to present evidence at the trial, such payments may be taxed as costs in favor of prevailing party and shall then become part of the judgment in the action, except as otherwise ordered by the Court. When a deposition has been filed in any action, except in actions in which the law prescribes a different procedure, unless opened in Court during trial, it shall be opened by the Clerk at the direction of the Court. The fact and date of opening and the name of the person making such request shall be endorsed by the Clerk on the envelope containing the deposition, which envelope shall be preserved with the deposition. Deposition on file shall not be withdrawn during the pendency of the action without leave of Court. After final termination of the action, at the instance of counsel for the party on whose behalf the depositions were filed, they may be withdrawn or otherwise disposed of by order of Court.
8. Written notices shall be sent to prospective jurors not less than seven (7) days prior to the date a case is assigned for jury trial. If settlement is reached the Clerk of Courts shall be notified at least three (3) days prior to the trial date so that jurors will not be inconvenienced. Any settlement reached within three (3) days of trial shall cause the parties to be equally taxed the

jurors' per diem for one day of service. Such amounts shall be taxed as costs and deducted from cost deposits.

9. If a case is continued, settled or dismissed after subpoenas have been issued, counsel are responsible for contacting all witnesses not to appear in accordance with the subpoena. If counsel fails to notify witnesses and they appear, counsel shall be personally responsible for the witness fees plus mileage.
10. In any trial where the Court has notified the parties and counsel and those assembled in the courtroom that any person who is to appear as a witness shall leave the courtroom and not return until called for the purpose of testifying, it shall then be the responsibility of counsel to see such witnesses leave the courtroom. It shall also be the responsibility of the bailiff and/or counsel of all parties to thereafter call to the Court's attention the presence of any witness then remaining or who later enters the courtroom. Any witness who enters the courtroom and listens to the testimony of other witnesses may not testify if objection is made by the opposing counsel and so ordered by the Court. The Court, in its discretion, may permit the witness to testify if the Court finds that the interests of justice require the testimony of such witness or that the witness heard or observed nothing that would prejudice the opposing party or parties. It shall be the duty of all counsel to advise all witnesses called by him/her on behalf of the party that he represents to not enter the courtroom until called as a witness.
11. Counsel may use the lectern in any stage of the proceedings.
12. Grounds for objections shall be stated briefly. On motions or other matters determined by the Court during trial wherein counsel has had the opportunity to argue their respective positions on the record, prior to the Court's determination thereof, they shall not thereafter be permitted to delay the trial by again restating such positions into the record where the same is merely cumulative to the position previously stated. This in no way applies to the rights of counsel to proffer evidence.
13. Trial briefs, when ordered by the Court, shall be filed with the Clerk of Court two (2) weeks before trial. Failure to comply may result in dismissal of said cause or appropriate sanctions. Proposed jury instructions and verdict forms shall be filed by counsel in all jury trials one (1) week before trial. They shall be submitted in written form and by email to kris.gillette@perrycountyohio.net.
14. The Court may dismiss, on its own motion, all cases in which:
 - a. There has been no affirmative action taken for an unreasonable time;
 - b. There has been no response to inquiries from assignment commissioner regarding the status of

the case;

- c. The Court is advised by counsel or the parties that the parties to divorce cases have reconciled since the case was filed.
15. After judgment and appeal, or after appeal time has expired without appeal, counsel for each party shall, upon issuing a receipt to the court reporter therefore, obtain return of the exhibits introduced into evidence by him and cause them to be returned to the owner. In cases of doubtful ownership of the exhibits, counsel shall bring the matter before the Court for determination. Any evidence unclaimed within thirty (30) days of disposition by judgment or appeal as above will be disposed of by the Court.
16. Response and/or objections to any motions shall be made within fourteen (14) days after said motion is filed unless a greater time is provided by Rule.
17. The Court has audio-visual playback capability. If services are desired for trial or otherwise, the Court must be notified three (3) days in advance of trial.

RULE 16. DEFAULTS

Default Judgments shall be governed by Civil Rule 55. In cases where a judgment, order or decree has been rendered upon default, in addition to the requirements of Rule 60 (b) of the Civil Rules, the judgment, order or decree shall not be set aside unless the party in default presents a proper pleading in the case, together with his affidavit or the affidavit of his agent or attorney, setting forth the facts, showing the cause of the default. The party shall also show there is a meritorious cause of action or defense and the facts showing the nature of it. The Court may, if justice requires it set aside the default judgment or decree, upon such terms as may be just. The Court shall order the pleadings for want of which the default existed to be filed forthwith, or within such time as the Court may designate.

RULE 17. DOMESTIC RELATIONS PRACTICE

1. Counsel for both parties shall be required to be present with their clients at all pre – trials, unless excused by the Court, and shall be prepared and have authority to discuss and settle, if possible, all issues involved in the case.
2. All complaints for divorce, legal separation and applications for dissolution of marriage will include the birth date of all issue of such marriage, to include adoptions.
3. All new divorces, dissolutions and domestic matters relations filings, shall contain an application

or Child Support Services Non – Public Assistance Applicant/Recipient (IV – D application). The Clerk of this Court will not accept any filings without said Application for Child Support Services attached thereto.

4. All parents seeking a divorce or dissolution and having children under 18 years of age shall be required to attend a two (2) hour educational program which offers information on the divorce process and post – divorce parenting. This program is provided in cooperation with the Ohio State University Extension Office. Divorcing parents shall be required to attend the first session available after the answer date in each particular divorce proceeding or a session prior to their final hearing for dissolution. Costs of attendance shall be paid by each particular parent with proof of attendance to be provided to the Court prior to the final hearing. Failure of a party to attend a parenting session as ordered above may result in a dismissal of the case at bar or a failure to obtain visitation rights until said parenting session is successfully completed.

RULE 18. SPOUSAL SUPPORT, SUPPORT, CUSTODY & PARENTING TIME ORDERS

Subject to the provision of Rule 75 of the Ohio Rules of Civil Procedure and unless otherwise ordered by the Court, all motions for temporary spousal support, support and custody shall be decided on the basis of motions and affidavits. Additional affidavits may be filed regarding custody and parenting time. All temporary hearings shall be non – oral. All worksheet income information shall be supported with documentation. The documentation shall consist at minimum of the previous years W-2 and copies of the last six months paystubs or a written employer’s statement as to this information.

An income expense affidavit with accompanying child support guidelines worksheets, if applicable, shall be filed with the petition for dissolution when child or spousal support is to be paid.

RULE 19. CHILD SUPPORT ENFORCEMENT AGENCY

Upon the filing of an order for child support or spousal support, a copy of such order shall be furnished to the Child Support Enforcement Agency. The Agency shall also be furnished with such necessary information as may be required with forms to be provided by Agency.

The Child Support Enforcement Agency shall keep accurate records of all spousal support or child support payments made by a party charged with making said payments.

RULE 20. GRAND JURY AND CRIMINAL MATTERS

When a Court holds or recognizes a person to appear before this Court for said pending indictment by the Grand Jury, the Clerk shall receive the transcript of the lower Court’s preceding and accompanying documents but shall not docket them until an indictment or information is filed. If no indictment or information is filed, the Clerk, with the consent of the Prosecuting Attorney, shall endorse upon the transcript: “This cause having been submitted to the Grand Jury and no indictment having been

returned nor information filed herein, this transcript and accompanying documents are hereby returned to the Court of original jurisdiction.” The said transcript and documents shall then be returned to said Court.

All criminal pre trials and plea bargaining will be conducted as follows:

1. The Court will not be involved in plea negotiations.
2. A negotiated plea will only be considered in open court and on record. The basis for the plea agreement will be stated.
3. The Court will make no prior commitment with respect to a proposed amendment of a charge other than to assure parties that it will not arbitrarily require the prosecutor to either proceed on the pending charge or dismiss the case.
4. The Court will make no prior commitment with respect to sentence other than to assure the parties the Judge will give due consideration to a sentence they have agreed to recommend to the Court or to a sentence they have agreed that one side may recommend without opposition from the other side.
5. Defendants shall be present for all pre-trials and status conferences.

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.

Counsel who wishes to be paid for their services in criminal cases involving defendants will submit their statements to the Court within thirty (30) days from the date of termination of said case. Otherwise, applications for fees will not be approved by the Court.

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 there from used to purchase equipment for the Sheriff’s Department or the Prosecuting Attorney’s Office. Otherwise, the same will be destroyed.

It shall be the responsibility of the Prosecuting Attorney or his office to timely prepare all entries and rulings of the Court for journalization.

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.

During Voir Dire of a prospective jury panel, upon completion of his/her questioning, counsel shall indicate that he/she passes any challenge for cause or state his/her challenge. If he/she has a challenge for cause he/she shall ask opposing counsel to approach the bench at which time the matter will be discussed. Failure to do so will result in a waiver of any challenge for cause unless in the interest of justice the Court orders otherwise.

In all criminal cases no exhibit once placed in evidence may be withdrawn without the prior approval of the prosecuting attorney and by written order of the Court, designating to whom specifically which items are to be released.

RULE 21. TRANSCRIPT

In every case reported, the Court reporter shall make an appropriate entry on the appearance docket taxing the statutory fee to be collected as other costs in the case. The compensation of reporters for making transcripts and copies shall be paid forthwith to the reporter by the party for whose benefit the same is made. A bill for any transcript ordered by a judge shall be approved unless the same is certified by the reporter that the charge therefore is fair and confirmative with law.

The reporter shall not prepare a transcript of the evidence in any case for any non party unless all parties to the case have consented thereto in advance.

Every transcript filed in this Court shall bear the name, address and telephone number of the court reporter making the same.

A reporter shall not be required to prepare a transcript until satisfactory arrangements for payment have been concluded. Copies of a transcript shall be made only by the reporter with arrangements for payment therefore. Failure to reach an arrangement for payment within 15 days after the request for transcript, shall result in a waiver of said request for transcript.

The rate per page to be charged by the Court Reporter providing transcripts of court proceeding are set and established as follows:

Deposit	case by case
Original	\$5.00 / page
Additional copies to ordering party.....	\$.05 / page

Unless otherwise ordered by the Court, all matters of record shall be preserved by electronic recording.

Tapes and cds of criminal hearings will be maintained indefinitely. Tapes and cds of civil hearings will be preserved at least 1 year after the final judgment is filed or appeals exhausted. Tapes and cds that have been transcribed need not be preserved.

Anyone wishing to extend said time period may do so by the purchase of copies of said tapes or cds. Custody of all tapes and cds shall remain at all times with the Court Reporter, who shall be solely responsible for the transcription of the same.

RULE 22. MEDIA

The terms of Canon 3(A)(7) of the Code of Judicial Conduct shall be strictly complied with. The proposed use of any new media paraphernalia shall be in writing, detailing devices, locations, times and any distraction that would be caused thereby, etc. The filming or recording of any witness shall only be with the written waiver and consent of the witness.

All writings required by Canon 3(A)(7) and this Rule of Court shall be filed on or before two weeks prior to the date set for the relevant court proceeding.

RULE 23. ADOPTIONS OF RULES

These rules are Adopted and shall take effect on the 15th day of February, 2011. After the rules are filed with the Supreme Court of Ohio in accordance with Civil Rule 83, they will govern all future proceedings to be filed and all further proceedings in actions now pending, except to the extent that, in the opinion of the Court, their application in a particular action pending upon the effective date hereto would not be feasible, would work injustice, or are not in conformity with the Rules of Superintendence, the Rules of Civil or Criminal Procedure.

RULE 24. CREATION OF MAGISTRATE

The position of Magistrate is hereby created and established as provided by Criminal Rule 19 and Civil Rule 53.

The office of the Magistrate shall be administered by the Presiding 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. Unless otherwise directed by the Court, the Magistrate shall hear all matters relating to:

1. Pursuant to Criminal Rule 19, the Magistrate may arraign Defendants, set bail, appoint counsel and consider all matters permitted under Rule 19
2. Pursuant to Civil Rule 53, the Magistrate shall hear all matters relating to:
 - a. Changes of residential parent and legal custodian, temporary or permanent.
 - b. Modification of child support and spousal support orders, temporary or permanent.
 - c. Modification of parenting time, temporary or permanent.
 - d. Matters arising under the Uniform Interstate Family Support Act.
 - e. Child Support Enforcement Agency matters.
 - f. Matters of equity triable to a court alone.
 - g. All actions falling under Title 31 of the Ohio Revised Code that would be triable to a Court within the Domestic Relations Division.
 - h. Any such other matters as the Court may from time to time delegate to the Magistrate.
 - i. All hearings for Civil Stalking Protection Orders, garnishments, attachment, execution, replevin and judgment debtor examinations are likewise referred to the Magistrate, on an as needed basis.

The compensation for the Magistrate's services shall be fixed by the Presiding Judge.

RULE 25. COMPUTERIZATION FEE

The Clerk of the Perry County Common Pleas Court shall collect as and for the computerization of the Court and the Clerk's office the fee of \$13.00 for the opening or re – opening of a case as well as for the filing of all Counterclaims and Cross- claims. These fees shall be distributed to the appropriate funds for the Court and the Clerk's office immediately upon payment of the same to the Perry County Clerk of Courts.

RULE 26. ALTERNATIVE DISPUTE RESOLUTION

The Clerk of the Perry County Common Pleas Court shall collect as and for the Alternative Dispute Resolution of the Court the fee of \$5.00 to be assessed as fees in each Domestic and Civil matter filed with this Court excluding execution of judgments. These fees shall be distributed to the appropriate funds for the Court immediately upon payment of the same to the Perry County Clerk of Courts.

RULE 27. SPECIAL PROJECTS FUND

A Special Project Fund was established effective March 22, 1999. A fee of \$15.00, in addition to all other court costs upon the filing of each criminal case, civil action, proceeding or judgment by confession shall continue to be assessed for the fund. All monies collected as part of this filing fee shall be paid to the County Treasurer and deposited into a General Special Project Fund.

All former rules of this Court are repealed as of the effective date hereof with respect to subject matter and numbers and these rules ordered placed on the Journal of this Court.

Amendments and additions may be made from time to time but such amendments shall not be effective until filed with the Supreme Court of Ohio in accordance with Civil Rule 83.

A copy of these rules is to be forwarded to the Supreme Court of Ohio for filing on the 31st day of January, 2011.

RULE 28. COURT SECURITY RULE

The Perry County Common Pleas Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

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

Therefore, pursuant to the Rules of Superintendence for the Common Pleas Court, the Court establishes as follows:

Pursuant to Ohio Revised Code Section 311.07 (A), the Perry County Sheriff's Department shall continue to be responsible for providing sufficient security personnel for securing the safety of all office holders and patrons at all necessary times and places in and about the Courthouse premises.

RULE 29. CASE FLOW MANAGEMENT - CIVIL

A. **SCOPE** In accordance with Rule 9 of the Rules of Superintendence for Courts of Common Pleas the following local rules of practice is hereby adopted for the purpose of ensuring the readiness of cases for pre-trial 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 February 15, 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. **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 12 months of filing; 98% within 18 months of filing and 100% within 24 months of filing, except for individual cases where the Court determines exceptional circumstances exist.

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

D. **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 12-month primary time track or the 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.

E. **12-MONTH TRACK** The 12-month time track is the primary, standard track for the resolution of nearly all of 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

exception to this standard operating procedure and used only for out of the ordinary cases within these classifications.

F. **24-MONTH TRACK** The 24-month time track is for the professional tort and the products liability cases. No case shall be designated as complex litigation until Common Pleas Superintendence Rules 8.01(B) has been met. Cases filed which may later be designated as Complex shall be assigned to a track and given an original case schedule based on their subject matter classification. Such cases shall have a pretrial conference as specified in the Original Case Schedule, or upon request of counsel. The Court shall order a specific Amended Case Schedule appropriate to that particular case, and may use the 12-month and 24-month tracks as models for a proportionately longer track.

G. **NON TRACK CASES** In civil cases filed prior to February 15, 2011, which are not covered by the Case Schedule and are not currently assigned a time track, the Assignment Commissioner shall assign the case the trial with the concurrence of the Court. All cases shall be assigned a trial date consistent with the standards set forth in the Rules of Superintendence of the Courts of Common Pleas.

H. **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 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.

I. **TIME LIMITS** The 12-month track shall consist of the following:

Latest Date of Occurrence in Weeks	
Case Filed	0
Default Motion if No Answer	8
Pretrial Conference and Disclosure of Witnesses	12
Supplemental Trial Date Assigned	14
Joint Disclosure of All Witnesses	26
Dispositive Motions	35
Discovery Cutoff	48
Trial Date	52

The 24 month track shall consist of the following:

Case Filed	0
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Default Motion if No Answer	8
Pretrial Conference and Disclosure of Witnesses	12
Supplemental Joint Disclosure	50
Trial Confirmation Date	52
Dispositive Motions	88
Discovery Cutoff	90
Decision on All Motions	96
Trial Date	104

J. **SANCTIONS** For purposes of these Local Rules, the Trial Judge shall have the power, coextensive with the inherent powers of the Court and the enumerated powers in the Revised Code and Civil Rules, to impose sanctions on attorneys, parties, or both. Sanctions can be monetary, non-monetary, or a combination of monetary and non-monetary. No sanction shall be imposed without the offending party and/or attorney being given an opportunity to be heard, oral or non oral at Court’s discretion, unless the conduct giving rise to the sanction amounts to a direct contempt.

i. “Monetary Sanction” means a monetary cost imposed upon a party and/or an attorney by the Trial Judge for violation of Local Rules and/or a case schedule and/or the Civil Rules. “Monetary sanction” includes, but is not limited to, a specific dollar amount payable to another party or parties or to the Court, actual costs of discovery, extra attorney’s fees incurred, court costs or other liquidated sum.

ii. “Non-Monetary Sanction” means a legal ruling contrary to the interest of a party and/or an attorney imposed by Trial Judge for violation of the Local Rules. It may be, but is not limited to, dismissal with or without prejudice of the case or any claim or counterclaim, or any part of the case or claim, default judgment, exclusion of evidence, issues, or testimony, an order that certain issues or facts be taken as established for the balance of the case, an order striking pleadings or parts of pleadings, and a stay pending compliance with a court date.

K. **ENFORCEMENT AND MONITORING** The Trial Judge, upon motion of a party or sua-sponte, may impose sanctions for failure to comply with the Local Rules and/or a case schedule and/or the Civil Rules. If the Trial Judge finds that a party or attorney has failed to comply with the Local Rules and/or a case schedule and/or the Civil Rules without reasonable excuse or legal justification, the Trial Judge may impose sanctions proportional to the extent or frequency of the violation(s). The Trial Judge and bailiff will monitor cases on an ongoing basis to determine compliance with the case schedule and these local rules.

L. **MODIFICATION OF TRIAL DATE** In any case, any party may file a “Motion to Continue the Trial Assignment Date” with the Clerk of Court. The motion shall be in writing, signed by the

attorney and/or pro se litigant, setting forth good cause for continuing the Trial Assignment date. A modification may make the track shorter or longer based on the circumstances of a particular case. The motion will not be granted unless it is supported by a showing of good cause.

In all cases, a copy of the “Motion to Continue the Trial Assignment Date” shall be served upon all counsel and any party not represented by counsel. A certificate of service shall be filed with the motion. The Trial Judge, sua sponte, may change the Trial Assignment Date, on reasonable notice to all counsel and parties.

RULE 30. CASE FLOW MANAGEMENT-DOMESTIC RELATIONS

A. **SCOPE** In accordance with Rule 9 of the Rules of Superintendence for Courts of Common Pleas the following local rule of practice is hereby adopted for the purpose of ensuring the readiness of cases for pre trial and trial and further for maintaining and improving the timely disposition of cases.

These case flow management rules shall apply to all domestic relations cases filed on or after February 15, 2011 in the General Division of the Common Pleas Court unless (1) the case by its very nature requires a more rapid adjudication; (2) the case, because of court-imposed stays, etc; 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 for the Ohio Rules of Superintendence of the Court of Common Pleas shall be construed as maximum and shall not preclude the more rapid resolution of cases under these rules.

B. **GOAL** It shall be the goal of the case flow rules and the overall management of the docket by the Common Pleas Court that 90% of all domestic relations cases should be settled, tried or otherwise concluded with 12 months of filing and 100% within 18 months, except for individual cases where the Court determines exceptional circumstances exist. All dissolutions shall be settled, tried, or otherwise completed within 90 days of filing, while all motions as required by the Rules of Superintendence shall be heard within 90 days and terminated within 90 days after hearing.

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

D. **CASE TRACKS** Each time track consists of a planned sequence of events leading from filing to trial, assuming the case is not terminated earlier.

E. **12-MONTH TRACK** The 12-month time is the primary, standard track for the resolution of divorce actions without children and child support cases. It shall be presumed that the typical divorce action will be suitable for pleadings, discovery, motions practice, and disposition within this time frame.

F. **18-MONTH TRACK** The 18-month track is for divorce actions with children.

G. **9-MONTH TRACK** The 9-month track is for custody and visitation matters.

H. **90-DAY TRACK** The 90-day track is for UIFSA's.

I. **NON TRACK CASES** In domestic relation cases filed prior to February 15, 2011, which are not covered by the Case Schedule and are not currently assigned a time track, the Assignment Commissioner shall assign the case for trial with the concurrence of the Court. All cases shall be assigned a trial date consistent with the standards set forth in the Rules of Superintendence of the Court of Common Pleas.

J. **OBLIGATIONS** It shall be the obligations 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 date the cases are filed. Discovery must be undertaken promptly to comply with the required dates.

a. **TIME LIMITS**

The 12-Month track shall consist of the following:

Latest date of
Occurrence in weeks

Case filed		0
Temporary Orders		3
Pretrial Conference and Disclosure of Witnesses		12
Supplemental Trial Date Assigned		14
Joint Disclosure of all Witnesses		26
Dispositive Motions	35	
Discovery Cutoff	48	
Trial Date	52	

The 18-month track shall consist of the following:

Latest date of
Occurrence in weeks

Case filed		0
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Temporary Orders		3
Pretrial Conference and Disclosure of Witnesses		12
Supplemental Trial Date Assigned		14
Joint Disclosure of all Witnesses		36
Dispositive Motions	45	
Discovery Cutoff	74	
Trial Date	78	

The 9-month track shall consist of the following:

Latest date of Occurrence in weeks		
Case Filed		0
Joint Disclosure of all Witnesses		4
Dispositive Motions		8
Discovery Cutoff		30
Trial Date		36

The 90-day track shall consist of the following:

Latest date of Occurrence in weeks		
Case Filed		0
Joint Disclosure of all Witnesses		2
Dispositive Motions		2
Discovery Cutoff		3
Trial Date		12

RULE 31. CASE FLOW MANAGEMENT-CRIMINAL

A. **SCOPE** In accordance with Rule 9 of the Rules of Superintendence for Courts of Common Pleas the following local rules of practice is hereby adopted for the purpose of ensuring the readiness of cases for pre-trial and trial and further for maintaining and improving the timely disposition of cases.

These case flow management rules shall apply to all criminal cases filed on or after February 15, 2011. In the General Division of the Common Pleas Court unless (1) the case by its very nature requires a more rapid adjudication (2) the case, because of court-imposed stays, (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. **GOAL** It shall be the goal of the case flow rules and overall management of the docket by the Common Pleas Court that 80% of all criminal cases should be settled, tried, or otherwise concluded within 90 days 100% within 180 days, except for individual cases where the Court determines exceptional circumstances exist.

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

D. **CASE TRACK** Each time track consists of a planned sequence of events leading from arraignment to trial, assuming the case is not terminated earlier.

E. **6-MONTH TRACK** The 6-month track is the primary, standard track for resolution of criminal cases. It shall be presumed that the typical criminal case will be suitable for pleading, discovery, motions practice and dispositions within this time frame.

F. **NON TRACK CASES** In criminal cases filed prior to February 15, 2011, which are not covered by the Case Schedule and are not currently assigned a time track, the Assignment Commissioner shall assign the case for trial with the concurrence of the Court. All cases shall be assigned a trial date consistent with the standards set forth in the Rules of Superintendence of the Courts of Common Pleas.

G. **OBLIGATION** 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.

Latest date of

Occurrence in weeks

Arraignment	0
Pretrial	2
Status Conference-Plea	5
Discovery Cutoff	1 week prior to trial
Trial Date	24 weeks

H. **SANCTIONS** For purposes of these Local Rules, the Trial Judge shall have the power, coextensive with the inherent power of the Court and the enumerated powers in the Revised Code and Criminal Rules, to impose sanctions on attorneys, parties, or both. Sanctions can be monetary, non-monetary, or a combination of monetary and non monetary. No sanction shall be imposed without the offending party and/or attorney being given an opportunity to be heard, oral or non-oral at the Court’s discretion, unless the conduct giving rise to the sanctions amounts to a direct contempt.

i. “Monetary Sanction” means a monetary cost imposed upon a party and/or an attorney by the Trial Judge for violation of Local Rules and/or a case schedule and/or the Civil Rules. “Monetary sanction” includes, but is not limited to, a specific dollar amount payable to another party or parties or to the Court, actual costs of discovery, extra attorney’s fees incurred, court costs or other liquidated sum.

ii. “Non-Monetary Sanction” means a legal ruling contrary to the interest of a party and/or an attorney imposed by the Trial Judge for violation of the Local Rules. The sanction may include, but not limited to, dismissal with or without prejudice of the case or any claim or counterclaim, or any part of the case or claim, default judgment, exclusion of evidence, issues, or testimony, an order that certain issues or facts be taken as established for the balance of the case, an order striking pleadings or parts of pleadings, and a stay pending compliance with a court date.

I. **ENFORCEMENT AND MONITORING** The Trial Judge upon motion of a party or sua sponte, may impose sanctions for failure to comply with the Local Rules and/or a case schedule and/or the Criminal Rule. If the Trial Judge finds that a party or attorney has failed to comply with the Local Rules and/or case schedule and/or the Criminal Rules without reasonable excuse or legal justification, the Trial Judge may impose sanctions proportional to the extent or frequency of the violation(s). The Trial Judge and Bailiff will monitor cases on an ongoing basis to determine compliance with the case schedule and these Local Rules.

J. **MODIFICATION OF TRIAL DATE** In any case, any party may file a “Motion to Continue” with the Clerk of Court. The Motion shall be in writing, signed by the attorney or pro se litigant, setting forth good cause for continuing the Trial Assignment Date. A modification may make the track shorter or

longer based on the circumstances of a particular case. The motion will not be granted unless it is supported by a showing of good cause.

In all cases, a copy of the “Motion to Continue” shall be served upon all counsel and any party not represented by counsel. A certificate of service shall be filed with the Motion. The Trial Judge, sua sponte, may change the Trial Assignment Date, on reasonable notice to all counsel and parties.

RULE 32 . JURY USE AND MANAGEMENT PLAN

PERRY COUNTY COMMON PLEAS COURT JURY USE MANAGEMENT PLAN

A. The opportunity for Jury Service shall not be denied or limited on the basis of race, national origin, gender, age, religious beliefs, 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 of Perry County, Ohio.

II. Jury Source List

A. Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall designate the number of jurors needed for a year of service. The Jury Commissioners shall then receive a computer printout from the Board of Elections.

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 annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.

D. Should the Court determine that improvement is needed in the representativeness and inclusiveness of the jury source list, appropriate corrective action shall be taken.

III. Random Selection Procedures

A. The jury source list from the Board of Elections shall be randomly generated from the computer, which lists registered voters in Perry County.

B. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

IV. Eligibility for Jury Service

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

1. Are less than eighteen years of age;
2. Are not citizens of the United States;
3. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Perry County;

4. Are not able to communicate in the English language; or
5. Have been convicted of a felony and have not had their civil rights restored.

V. Term of and Availability for Jury Service

A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

B. Jurors shall be called for a three month term. They do not report every day. The Common Pleas Court has implemented a telephone system whereby jurors call a local number which informs them as to whether they are still needed for jury service. These calls are made after written notice has been sent for a specific date and time.

VI. Exemption, Excuse, and Deferral

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

B. Prospective jurors are excused for the following reasons: over the age of 75 and request to be excused; financial hardship; personal or family illness; childcare hardship; physician; firefighter; or lawyer. Prospective jurors are rescheduled for the following reasons: vacations; employment hardship; or student.

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

D. Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded.

VII. 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 on the day on which jury selection is to begin unless requested earlier.

C. The trial Judge shall conduct preliminary voir dire examinations. Counsel shall then be permitted to question panel members for a reasonable period of time.

D. The Judge should 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.

F. Rules on Voir Dire

1. The case may not be argued in any way while questioning the jurors.
2. Counsel may not engage in efforts to indoctrinate jurors.
3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
4. Jurors may not be asked what kind of verdict they might return under any circumstance.
5. Questions are to be asked collectively of the entire panel whenever possible.

VIII. Removal from the Jury Panel for Cause

A. If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on Motion of Counsel or by the Judge.

IX. Peremptory Challenges

A. Rules determining procedures for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and Applicable statutory authority.

X. Administration of the Jury System

- A. The responsibility for administration for the jury system shall be vested exclusively in the Perry County Common Pleas Court.
- B. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

XI. Notification and Summoning Procedures

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:

1. Combined in a single document;
 2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 3. Delivered by ordinary mail.
- B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
1. Determining whether a person meets the criteria for eligibility;
 2. Providing a basic background information ordinarily sought during voir dire examination; and
 3. Efficiently managing the jury system.
- D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.
- E. Jurors who fail to report for service are scheduled for a contempt hearing to inform the Judge as to why they did not appear. Sanctions are imposed as warranted.

XII. Monitoring the Jury System

The Court shall collect and analyze information regarding the performance of the jury system annually in order to 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.

XIII Juror Use

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. Jury Facilities

A. The Court shall provide an adequate and suitable environment for jurors.

B. The entrance and registration shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the Courthouse.

C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

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 should be arranged to minimize contact between jurors, parties, counsel and the public.

XV. Juror Compensation

A. Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.

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.

Notes: At the conclusion of jury service, the Clerk's Office shall provide the jurors a warrant to be compensated by the Auditor's office for jury service. (\$7.50 for each day served)

XVI. Juror Orientation and Instructions

A. The Court shall provide some form of orientation or instruction to persons called for jury service.

B. The Trial Judge should:

1. Give preliminary instructions to all prospective jurors.

2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;

3. Prior to commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;

4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

5. Utilization of written instructions is preferable.

6. Before dismissing a jury at the conclusion of a case, the trial judge should;

a. Release the jurors from their duty of confidentiality;

b. Explain their rights regarding inquiries from counsel or the press;

c. Either advise them that they are discharged from service or specify where they must report; and

d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

C. All communications between the Judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Note: Upon completion of jury service, the jurors shall receive a certificate of appreciation for serving.

XVII. Jury Size and Unanimity of Verdict

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

XVIII. Jury Deliberations.

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio Law.

B. The Judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

- C. A jury should not be required to deliberate after a reasonable hour unless the trial Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- D. Training should be provided to personnel who escort and assist jurors during deliberation.

XIX Sequestration of Jurors

- A. A jury should be sequestered only for good cause, including but not limited to, insulating its members from improper information or influences.
- B. The Jury shall be sequestered after a Capital Case is submitted to the Jury in conformity with existing Ohio Law.
- 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. Standard procedures should be promulgated to:
 - 1. Achieve the purpose of sequestrations; and
 - 2. Minimize the inconvenience and discomfort of the sequestered jurors.
- E. Training shall be provided to personnel who escort and assist Jurors during sequestrations.

APPENDIX:

A-6 Appendix A: Standard Parenting Time Order.....A-1-
B-2 Appendix B: Letter to Prospective Jurors.....B-1-

IN THE COURT OF COMMON PLEAS, PERRY COUNTY, OHIO

STANDARD PARENTING TIME ORDER

Pursuant to Ohio Revised Code Section 3109.051(F)(2), the following parenting time schedule is hereby adopted as the Standard Parenting Time Order of this Court, effective with cases decided on or after September 1, 2003.

1. **WEEKENDS:** The nonresidential parent shall have parenting time on alternate weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.
2. **WEEKDAYS:** The nonresidential parent shall have parenting time from 6:00 p.m. until 8:00 p.m. every Wednesday evening.
3. **HOLIDAYS:**

A. The nonresidential parent shall have the child on the holidays in Column 1 in the odd-numbered years and the holidays in Column 2 in the even-numbered years. The residential parent shall have the child on the holidays in Column 1 in the even-numbered years and the holidays in Column 2 in the odd-numbered years. When the holiday falls on a Monday immediately following a parenting time weekend, the nonresidential parent shall be entitled to keep the child continuously from 6:00 p.m. on Friday to 6:00 p.m. on Monday.

COLUMN 1

COLUMN 2

Martin Luther King Day from 9:00 a.m. until 6:00 p.m.

Presiden

t's Day from 9:00 a.m. until 6:00 p.m.

Easter from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.

Mem

orial Day from 9:00 a.m. until 6:00 p.m.

Fourth of July from 9:00 a.m. on July 4 until 9:00 a.m. on July 5

Labor Day from 9:00 a.m. until 6:00 p.m.

Beggar's Night from 4:30 p.m. Until 8:00 p.m. on the evening Beggar's night is observed by the parent's community, who has the child for beggar's night

Veteran's Day from 9:00 a.m. until 6:00 p.m.

B. **Thanksgiving:** In even-numbered years, the residential parent shall have the child from 6:00 p.m. the day before Thanksgiving to 6:00 p.m. on Thanksgiving Day. In all odd-numbered years, the non-residential parent shall have the child from 6:00 p.m. the day before Thanksgiving to 6:00 p.m. on Thanksgiving Day.

C. **Christmas:** In even-numbered years, the residential parent shall have the

child from 9:00 a.m. the day after school recesses until 12:00 p.m. on December 25 and the nonresidential parent shall have the child from 12:00 p.m. on December 25 until 6:00 p.m. on January 1. The schedule is reversed in odd-numbered years. If the child is not of school age, the school schedule of the school district in which the residential parent resides determines the Christmas break.

D. **Mother's Day/Father's Day:** Mother's Day shall always be with the child's mother and Father's Day shall always be with the child's father, regardless of the weekend parenting time schedule. The parenting time shall be from 9:00 a.m. until 6:00 p.m.

E. **Spring Break:** In even-numbered years, the nonresidential parent shall have the child for spring break, starting at 9:00 a.m. the day after school recesses to 6:00 p.m. the day before school resumes. The residential parent shall have the child for spring break in the odd-numbered years. If the child is not of school age, the school schedule of the school district in which the residential parent resides determines the spring break.

4. **SUMMER:**

A. The nonresidential parent shall have parenting time for five weeks each summer. Summer parenting time shall not be exercised in more than two consecutive weeks, unless otherwise agreed. Summer parenting time shall not be extended because other parenting time days fall within the chosen summer parenting time weeks. The nonresidential parent shall give the residential parent written notice of summer parenting time plans by April 1 of each year. The nonresidential parent shall have priority for summer parenting time if written notice is given to the residential parent by April 1, unless the residential parent's vacation is an annual mandatory shut down of the residential parent's place of employment. If the nonresidential parent does not give written notice to the residential parent by April 1, the residential parent has priority in the scheduling of any summer vacation plans. It is the obligation of the nonresidential parent to confirm that the residential parent has received the written notice.

B. The residential parent is entitled to have the child for two consecutive weeks uninterrupted by the nonresidential parent's parenting time, unless it is the nonresidential parent's holiday parenting time.

C. The summer parenting time should be quality time and, therefore, it would be anticipated that a significant amount of the period is time spent with the child.

D. If a parent takes the child on vacation, that parent shall provide the other parent in writing with the destination, times of arrival and departure, methods of travel and the name and telephone number of the hotel or site where the parent and child are staying.

E. The alternating weekend schedule shall recommence the second full weekend after parenting time of seven days or more ends.

F. There shall be no extended summer parenting time for a child under the age of two. For children ages two to five, the summer parenting time may not be taken in more than one-week increments.

5. **BIRTHDAYS:** In odd-numbered years, the nonresidential parent shall have parenting time with all of the children on each child's birthday from 6:00 p.m. until 8:00 p.m. if it is a school day or a workday. If it is not a school day or a workday, parenting time shall be from 9:00 a.m. until 6:00 p.m. In even-numbered years, the residential parent shall have all the children on each child's birthday. The child shall be with the mother on the mother's birthday and the child shall be with the father on the father's birthday. When the parents have the same birthday, the child shall be with the mother on even-numbered years and with the father on odd-numbered years. The parenting time shall be from 6:00 p.m. until 8:00 p.m. if it is a school day or a workday. If it is not a school day or a workday, parenting time shall be from 9:00 a.m. until 6:00 p.m.

6. **OVERNIGHT PARENTING TIME:** When the residential parent will be gone overnight without the child, the nonresidential parent shall be given the first right of refusal to exercise overnight parenting time, regardless of the age of the child.

7. **INFANTS:** The following parenting time schedule shall be followed until the child is two years old. The schedule supercedes all other parenting time schedules.

A. **Birth to six months:** The nonresidential parent shall have parenting time with the minor child every other day from 5:30 p.m. until 7:30 p.m. at a location agreed upon by the parties. If the parties cannot agree, at the home of the residential parent. A relative of the nonresidential parent, who has interest in the child, may accompany the nonresidential parent if they do not cause conflict at the parenting time.

B. **Six months to one year:** The nonresidential parent shall have parenting time with the minor child every other day from 5:30 p.m. until 7:30 p.m. at a location agreed upon by the parties. If the parties cannot agree, at the home of the residential parent. In addition, the nonresidential parent shall have parenting time alternating between Saturday and Sunday. The first week will be on Saturday from 10:00 a.m. until 6:00 p.m. and the next week on Sunday from 10:00 a.m. until 6:00 p.m., which may be at a location chosen by the nonresidential parent.

C. **One year to two years:** The nonresidential parent shall have parenting time with the minor child every Monday and Wednesday from 5:30 p.m. until 7:30 p.m. In addition, the nonresidential parent shall have parenting time every Friday from 6:00 p.m. until Saturday at 6:00 p.m.

8. **ILLNESS:** When parenting time is canceled because of the child's illness,

the parenting time shall be made up the next weekend. The parents shall each immediately notify the other when a child suffers any illness or injury that requires treatment by a physician or other health care provider.

9. **CLOTHING:** The residential parent shall provide clothing for the child that is appropriate for the season and known activities and in sufficient quantity for the entire parenting time period. The nonresidential parent must notify the residential parent in advance of the type of clothing needed for the parenting time. The nonresidential parent shall be responsible for laundering the child's clothes as necessary. The clothing shall be returned at the end of the parenting time period.

10. **MEDICATION:** If the child is taking medication, upon the advice of a Physician, the residential parent shall send with the child on parenting time medication to last the entire parenting time period, written instructions for the administration of the medication to the child, and the name and telephone number of the physician and pharmacy.

11. **EXTRACURRICULAR ACTIVITIES:** The child's participation in extracurricular activities should not be interrupted unless vacationing with a parent. The parent exercising physical possession of the child at the time of a scheduled activity shall provide the child's transportation for the activity. Each parent shall provide the other parent with notice of all extracurricular activities, complete with schedules and the name, address and telephone number of the activity leader, if known.

12. TELEPHONE CALLS:

A. The nonresidential parent shall be permitted to telephone the child at least twice per week. In addition, if parenting time is missed, the nonresidential parent shall be entitled to telephone the child at least one time during that period.

B. The residential parent shall be permitted to telephone the child at least twice per week when the nonresidential parent is exercising summer parenting time.

C. Telephone calls shall be made from the hours of 9:00 a.m. until 8:00 p.m. If the child is unavailable for the telephone call, the parent who has the child shall be responsible for ensuring that the child returns the telephone call within 24 hours.

D. The child shall be permitted to call a parent.

13. TRANSPORTATION:

A. The nonresidential parent shall provide transportation at the beginning of each weekend parenting time period and the residential parent shall provide transportation at the end of each weekend parenting time period.

B. The nonresidential parent shall provide transportation for all other parenting

time.

C. If circumstances prevent a parent from personally providing transportation, another responsible adult may provide the transportation. Parenting time does not mean picking up the child and leaving the child with someone else.

D. The child and the residential parent have no duty to await the nonresidential parent for more than fifteen minutes of the parenting time. A parent late more than fifteen minutes shall forfeit that parenting time period. Exception shall be made if, and only if, the tardiness of the nonresidential parent is for just cause and the residential parent receives both prompt notification and a reasonable estimated arrival time. Except in cases of last-minute emergencies, a parent who cannot exercise parenting time shall give the child and the residential parent at least twenty-four hours notice prior to the beginning of the parenting time period.

14. **CONFLICTING SCHEDULES:** In the event of any conflict in parenting time schedules, the following shall be the order of importance: (for example, a parent may not schedule his or her summer vacation for the 4th of July if it is the other parent's holiday).

- a. Holidays
- b. Birthdays of children
- c. Vacation Periods
- d. Weekends
- e. Mid-week days

15. **TELEPHONE NUMBERS/ADDRESSES:** Each parent shall, unless otherwise Ordered, keep the other parent informed of their residence address, mailing address, current telephone number and a telephone number where the child may be reached.

16. **CAR SEATS / SEAT BELTS:** If a child is required by Ohio law to be transported in a child safety seat, the person transporting the child shall be responsible for transporting the child in a properly installed child safety seat. The person transporting the child shall be responsible to transport all other children in a properly installed and properly operating seat belt.

17. **DRIVER'S LICENSE/INSURANCE:** The person transporting the child shall possess a current and valid driver's license and automobile insurance coverage. Proof of a valid driver's license and automobile insurance coverage shall be provided upon request of either parent.

18. **PHYSICAL APPEARANCE:** The nonresidential parent shall not alter the physical appearance of the child, including cutting or coloring hair, piercing the body and permanent tattooing, without the prior written consent of the residential parent.

19. **RESIDENTIAL PARENT'S DUTY:** It is the affirmative duty of the residential parent to make certain that the child goes for all parenting time periods with the other parent.

20. **RELOCATION:** The residential parent shall not move the child's residence more than 150 miles without first obtaining a modified parenting time order from the Court.