

**Geauga County Local Rules of Court  
Common Pleas Rules**

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## **Geauga County Local Rules of Court Common Pleas Rules**

### **RULE 1. SCOPE.**

These Rules of Court shall apply in all proceedings in all divisions of the Geauga County Common Pleas Court unless inconsistent with any rules promulgated by the Supreme Court of Ohio or unless clearly inapplicable due to Ohio law or order of the judge to whom the case is assigned.

### **RULE 2. COURT ADMINISTRATION.**

A. The session of the court shall be daily Monday through Friday from 8:00 am to 4:30 p.m.

B. The court shall be in session at such other times and hours as necessary to meet special situations or conditions as prescribed by the administrative judge, or required by the judge presiding in a given case.

C. The term of the court is the calendar year. It is divided into three part terms. Part One is from January 1 through April 30; Part Two is from May 1 through August 31; and Part Three is from September 1 through December 31.

D. Arraignments, together with grand jury supervision, shall be assigned to each General Division Judge in alternate part-terms.

E. Upon the filing or transfer to the General Division of a civil case, and upon arraignment of a criminal defendant, the case shall be assigned to a judge by lot. He shall thereafter be primarily responsible for the determination of every issue in the case. In any instance where a previously filed and dismissed case is re-filed, that case shall be reassigned to the judge originally assigned by lot to hear it, unless, for good cause shown the judge is precluded from hearing the case.

F. Motions first invoking the continuing jurisdiction of the General Division pursuant to Rule 75(I), Ohio Rules of Civil Procedure, in cases completed before January 1, 1977, shall also be assigned by lot. Thereafter, such motions and those filed in cases completed after January 1, 1977, shall be assigned to the judge originally selected by lot, or his successor in office.

G. In civil cases the attorney who is to try the case shall be designated as trial attorney on all pleadings filed therein. At the time of arraignment in

criminal cases, the attorney who is to try the case shall be stated, in writing, by such attorney, or his designee.

**RULE 3. CASE MANAGEMENT (General Division only).**

Subject to contrary orders or notice of the assigned judge, general division cases shall be processed at the earliest available times as follows:

**A. Criminal Cases:**

1. Within ten (10) days of arraignment, the case shall be set for pretrial and trial by order of notice. The trial shall be held within one hundred forty (140) days of arraignment.
2. Pre-trial motions shall be filed and processed within the time frames provided in the Ohio Rules of Criminal procedure and/or applicable statutes or rules.
3. Cases bound over to the grand jury and not indicted within sixty (60) days shall be dismissed pursuant to the Sup. R. 39(B)(2).

**B. Domestic Relations Cases (Generally see G.C.R. 11).**

**1. Dissolution of Marriage.**

Within ten (10) days after filing, the case shall be set for hearing at a time no less than thirty (30) nor more than ninety (90) days from the filing date.

**2. Divorce, Legal Separation & Annulment.**

- a. Within thirty (30) days after answer day, uncontested cases (no answer filed) shall be set for hearing on the merits at a time not less than forty-two (42) nor more than ninety (90) days from the filing date.
- b. Within three (3) days after filing, motions for temporary (pendente lite) orders shall be set for hearing; if a hearing is required, at a time not less than twenty-one (21) days from the date of filing of the motion nor more than the time allowed by law, including applicable rules.
- c. Within thirty (30) days after answer day, or the date of filing of an answer of the other spouse, contested cases shall be set for trial at a time not less than ninety (90) days from the date of filing nor more than the time allowed by law,

including applicable rules.

d. Within ten (10) days after the date of filing, post decree motions shall be set for hearing, if hearing is required, at a time not less than twenty-one (21) days from the date of filing nor more than the time allowed by law, including applicable rules.

### **C. Foreclosure Cases (Generally see G.C.R. 12).**

Within thirty (30) days after answer day or the date of filing of the last permitted pleading, whichever is later, all foreclosure partition and quiet title actions shall be set for trial at a time not less than ninety (90) days from the date of filing nor more than the time allowed by law, including applicable rules.

### **D. All Other Cases.**

1. Within thirty (30) days after answer day or the date of filing of the last permitted pleading, whichever is later, the case shall be set for status call on a day not less than ninety (90) nor more than one hundred twenty (120) days from the date of filing. Before such day each party shall advise the court, in writing, of the status of the case, including the following:

a. A brief description of the claims and/or defenses of each party and the dollar amount in controversy.

b. The status of discovery requests by each party, and a proposed schedule to complete discovery.

c. Written and proposed stipulations of the parties, if any.

d. A list of expert witnesses, if any, and a proposed schedule for obtaining experts and submitting reports thereof.

e. Any proposed amendments to the pleadings, including the addition or deletion of parties, and/or claims and defenses.

f. An estimate of total days required for trial.

2. Following the status call day, the court shall issue a pre-trial order scheduling a pre-trial conference in accordance with G.C.R. 9 and setting definite dates for (1) exchange of expert reports; (2) completion of all discovery (including a specific discovery schedule if necessary); (3) amendment of pleadings, if applicable; (4) filing of pre-trial motions and responses thereof, if applicable; and (5) any

other action necessitated by status call reports, such as trial briefs, proposed jury instructions, etc.

3. Within ten (10) days after the pre-trial conference, the case shall be set for trial at a time not later than the time allowed by law, including applicable rules.

**E. Continuances are governed by G.C.R. 17.**

**RULE 4. BROADCAST AND TELEVISION COVERAGE.**

**A. Presiding Judge.**

The judge presiding at the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public as provided in Canon 3A(7) of the Code of Judicial Conduct. The judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and the written permission of the judge required by Canon 3A(7) shall be made a part of the record of the proceedings. Such requests shall be made within a reasonable time before any scheduled proceedings.

**B. Permissible Equipment and Operators.**

1. Use of more than one portable camera (television, videotape or movie) with one operator shall be allowed only with the permission of the judge.

2. Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two (2) cameras with two (2) lenses for each camera.

3. For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available, and suitable, existing audio pickup systems in the court facility shall be used by the media. In the event no such systems are available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible, but must be visible.

4. Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.

5. Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. In the event disputes arise over such arrangements between or among media representatives, the judge shall exclude all contesting representatives from the proceeding.

6. The use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial lighting other than that normally used in the courtroom shall be employed.

7. Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

8. The changing of film or recording tape in the courtroom during court proceedings is prohibited.

### **C. Limitations.**

1. There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the judge.

2. The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed; and objections, if any, shall be honored by the media.

3. There shall be no filming, videotaping, recording, broadcasting, or taking of photographs of jurors.

4. This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted or limited.

5. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

### **D. Revocation of Permission.**

Upon the failure of any media representative to comply with the conditions prescribed by the judge, or the superintendence rules of the Supreme

Court, the judge may revoke the permission to broadcast or photograph the trial or hearing.

### **E. Amendments.**

Any future amendments to either Canon 3A(7) or Sup. R. 12 are incorporated herein and, to the extent that such amendments conflict with this rule, they shall take precedence.

## **RULE 5. FILING FEES AND COSTS.**

### **A. Filing Fees.**

#### **1. In General.**

Unless otherwise provided by law, rule, or judicial determination, fees must be paid to the Clerk before a civil action or proceeding can be filed in this Court. This fee is called the “filing fee” and is the initial cost deposit paid to the Clerk.

Unless otherwise provided by law or rule, filing fees are also assessed when:

- filing a counterclaim;
- filing a cross-claim;
- re-opening a case;
- filing a motion after a judgment or decree;
- requesting a hearing after an administrative hearing, including after a child support enforcement administration (“CSEA”) hearing;
- transferring a case from another court;
- requesting service on multiple parties;
- the deposit amount is insufficient to cover future costs; or
- determined necessary or desirable by the Court.

Failure to pay required fees may result in rejection of the attempted filing or in dismissal of the case.

**2. Determining the Filing Fee.** The Court periodically adopts new fee schedules. The fee schedule is available at the Geauga County Clerk of Court’s office or on the Geauga County Clerk of Court’s website.

**3. Unpaid Fees and Costs.** The Clerk may refuse to accept a filing if the filing party owes costs or fees from another case or matter.

**4. Poverty Affidavits.** A poverty affidavit filed in lieu of cash deposit must state reasons for the inability to prepay costs and is subject to court review at any stage of the proceedings. A party filing a poverty affidavit may later be ordered to pay fees or costs.

**5. The State of Ohio and Political Subdivisions.** The State of Ohio and its political subdivisions, together with governmental agencies or officers of either, are exempt from prepayment of filing fees.

**B. Application of Filing Fees.** Filing fees are applied to costs in the case. Another party may be ordered by the Court to reimburse filing fees and costs.

## **RULE 6. E-FILING PROCEDURES.**

(A) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(B) Electronically transmitted documents may be submitted to the court 24 hours per day, every day of the week including Sundays and holidays. A document submitted after 11:59:59 p.m. is considered received the following calendar day.

When a document is submitted, the e-filing system will issue a confirmation of receipt, showing the submission is pending and the date and time of submission.

The clerk reviews all electronically filed documents for compliance with court rules, policies, procedures, and practices. After review, the document becomes accepted, pending, or rejected.

Only accepted documents are filed, docketed, and time stamped.

### **1. Accepted Documents.**

If the document is accepted for filing, a docket entry reflecting the time of submission as the time of filing is generated. A notice of acceptance is electronically sent to the e-filer. The notice of acceptance specifies the date and time the document was received by the clerk and filed in the court's records.

If the document is an initial complaint or other document requiring service by the clerk, the clerk will follow service instructions provided by the e-filer. If service by the clerk is not required, the electronic filing system will notify registered e-filers of the filing.

### **2. Pending Documents.**

If a document is not accepted, the electronic filing system will notify the e-filer of the document's status as pending or rejected.

If a document is pending, the e-filer may correct all deficiencies and re-submit the document within two business days of the electronic notice of pending status. If a



pending document is timely re-submitted and accepted for e-filing, the docket entry will show the time of submission as the time of the original attempt to file.

### **3. Rejected Documents.**

Rejected Documents are not docketed and do not become part of the official court record.

(C) Any document filed electronically that requires a filing fee may be rejected by the clerk unless the filer has complied with the mechanism established by the court for the payment of filing fees.

(D) Procedures for e-filing are set out in the Court's administrative order.

## **RULE 7. PLEADINGS AND MOTIONS.**

### **A. Filing Complaints, Motions, and Other Documents.**

1. All documents must be either electronically filed in accordance with Local Rule 6 or conventionally filed on 8 1/2" x 11" paper. All paper filings must include:

- Case caption and document title (e.g. motion for \_\_\_\_\_).
- Attorney's signature or unique identifying mark.
- Attorney's typed or printed name (or party's own name for self-represented litigant).
- Attorney's registration number (unless self-represented litigant).
- Firm name (unless self-represented litigant).
- Identity of the party represented (e.g. Attorney for Plaintiff John Doe).
- The filer's address.
- The filer's telephone number.
- The filer's facsimile number.
- The filer's e-mail address.

2. Every complaint or case initiating document must:

- Begin with a caption stating the parties' addresses and the general nature of the action (e.g. complaint for \_\_\_\_\_).
- Be accompanied by service instructions.
- Be accompanied by a case designation sheet identifying the case type (see Appendix).

3. Subsequent filings must:

- Include a caption naming the first parties and the assigned judge.
- Name the magistrate if one has been assigned.

- Include all necessary documents which have not been previously filed with the court.
- Show service or contain service instructions.
- Parties serving or responding to discovery must file a notice of service with the court.

4. No filed documents may be deleted, removed, or altered without a court order. Documents may be withdrawn or amended as permitted by Rule or court order.

**B. Motion Hearings and Rulings.**

1. In general, motions are ruled on without oral hearings and must include:

- A supporting memorandum.
- Citations to legal authority, unless none is available.
- Where necessary, citations to the record (Cited depositions must be filed and include an index. Relevant testimony must be identified by page and line).
- Where necessary, previously unfiled affidavits or other supporting evidence.
- A proposed judgment entry. Failure to include a proposed judgment entry with a motion may result in the motion being stricken or dismissed without a hearing.

2. Unless otherwise provided by Rule or order, opposition to motions must be filed: (a) within 30 days of a motion for summary judgment; (b) within 14 days of all other motions. Oppositions must include:

- A supporting memorandum.
- Citations to legal authority, unless none is available.
- Where necessary, citations to the record (Cited depositions must be filed and include an index. Relevant testimony must be identified by page and line).
- Where necessary, previously unfiled affidavits or other supporting evidence.
- A proposed judgment entry.

3. Evidentiary hearings will be conducted when necessary evidence cannot be presented in documentary form, disposition turns upon a disputed issue of fact, or the court so orders.

**RULE 8. JUDGMENT ENTRIES AND FINDINGS.**

A. After the announcement of the decision of the Court or after the agreement of the parties making a judgment or order which requires

settlement and approval as to form, the Court may order or direct either party or counsel to prepare and present for journalization the judgment entry embodying the Court's decision or the agreement of the parties. When so ordered or directed by the Court, such party or his counsel shall within ten (10) days thereafter, unless the time be extended by the Court, prepare a proper judgment entry and submit the same to counsel for any party who has appeared in the action and to any unrepresented party to the action. The original shall be mailed or delivered to the Judge or Magistrate. All parties or counsel so served shall have eight (8) days from the date of mailing in which to approve or reject the judgment entry. In the event of rejection, the objecting party or counsel shall file with the Court, at the time of said rejection, a written statement of the objections to the judgment entry.

Failure of the parties or counsel so served, to approve or reject any submitted judgment entry as provided above will constitute a waiver of all objections. Any party or counsel who does submit objections in a timely manner shall also submit a draft of the judgment entry or order which he/she proposes as a substitute.

No later than three (3) days after the expiration of the eight-day period for objections, the Judge or Magistrate will sign an appropriate judgment entry or order.

All counsel may approve the original proposed judgment entry in lieu of the foregoing procedure.

B. With respect to any matter involving a child and/or spousal support, a second copy of the proposed entry and order shall be provided for forwarding to the Child Support Enforcement Division.

C. All judgment entries or orders providing for the payment of child support or installment spousal support, temporary or permanent, must order payment through the Ohio Child Support Payment Central (CSPC) and must set forth separately the amounts and due dates of such payments regardless of whether such data is included in a separation agreement. Such order shall be monthly and begin the first day of the month following the hearing, unless otherwise specified. All judgment entries providing for payment of child support or spousal support shall also include the following information as to both Obligor and Obligee: current residence and mailing addresses, birthdates, employers and their addresses, pay rates and pay periods, provided, however, direct payment of spousal support may be ordered consistent with the provisions of R.C. 3121.441.

D. Findings of fact and conclusions of law shall be dealt with as provided at Civil Rule 52, which is hereby incorporated in these rules by reference.

## **RULE 9. PRE-TRIAL PROCEDURES.**

A. Each judge shall be responsible for determining his own procedure for Pre-Trial hearings in civil cases.

B. All cases, except uncontested divorces and dissolutions of marriage, shall be subject to Pre-Trial procedure, if the judge so directs.

C. At the Pre-Trial conference trial counsel shall appear and be prepared to consider:

1. The simplification of the issues;
2. The necessity or desirability of amendments to the pleadings;
3. The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof and securing the same;
4. The ascertainment of the number of expert and lay witnesses;
5. The question of settlement;
6. The waiving of a jury; and
7. Such other matters as may aid in the disposition of the action.

D. At the Pre-Trial conference, counsel for the parties shall be prepared to discuss all phases of their case and be prepared to resolve all preliminary questions of evidence pursuant to Evid. R. 104 and 109.

E. The trial judge may make an order reciting the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties as to any of the matters considered, which shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

F. The trial judge shall have authority, subject to notice requirements of Civil Rule 41, under this rule as follows:

1. Upon failure of plaintiff and his counsel to appear, to grant a dismissal or non-suit on motion of counsel for the defendant.
2. Upon failure of defendant and his counsel to appear, to proceed with the case, allow amendments, fix the number of witnesses, decide all other preliminary matters, hear evidence, make such findings as are proper, and grant judgment in favor of the plaintiff against the defendant.

3. Upon failure of all the parties to appear, in person or by counsel, dismiss the case for want of prosecution, without prejudice, at plaintiff's costs.

4. To continue the case for further Pre-Trial procedure.

G. The parties or counsel shall be required upon request before, at, or after any Pre-Trial conference to provide opposing counsel with a list of names, identities and whereabouts of those witnesses counsel expects to call at the trial. The refusal or willful failure of any counsel to disclose a witness may render evidence by that witness inadmissible at the trial.

H. All Pre-Trials in criminal cases must be had with the prosecutor's office only and the court will not participate in any plea negotiation discussions. All Pre-Trials must be completed no later than two (2) weeks prior to the date set for the trial, unless otherwise ordered by court. Defendant or his counsel has the responsibility to set up appointments with the prosecutor for such Pre-Trials, unless otherwise ordered by court.

I. Unless otherwise agreed by the parties or ordered by court, fees of prospective jurors summoned and appearing to hear a civil case shall be assessed as costs against the party whose final settlement figure pursuant to Pre-Trial conference or order is furthest from the jury verdict.

J. Presentence Investigation Reports shall be kept confidential pursuant to R. C. Section 2951.03. All copies of such reports shall be returned to the Court immediately following imposition of sentence. No persons other than the prosecutor, defendant, and defense counsel shall have access to the Presentence Investigation Report.

## **RULE 10. TRIAL PROCEDURES.**

A. Pursuant to Sup. R. 11, the court may promote or order the use of any device or procedure which would tend to facilitate the earliest disposition of cases.

B. Only one attorney for each party will be permitted to examine a witness on the trial of a case unless leave of court is obtained.

C. Spectators and others will be seated in the courtroom on a first-come, first-served basis.

D. The courtroom shall be cleared at all noon recesses.

E. Representatives of the news media shall not question or disclose names

or addresses of prospective or selected jurors or discuss the cause set for trial with them.

F. There shall be no smoking, eating or drinking in the courtroom.

## **RULE 11. DIVORCE, LEGAL SEPARATION, ANNULMENT, & DISSOLUTION OF MARRIAGE.**

### **A. General.**

1. Divorce pleadings and exhibits shall not contain the Social Security numbers, driver's license numbers or account numbers for financial accounts. Each party shall complete a Family Law Sensitive Information Sheet to be submitted to the Court and to Child Support Enforcement Division. The information is not available to the public.

2. Parenting investigations in domestic relations matters shall be had only by agreement of the parties at the parties' cost, or as ordered by court pursuant to law. An investigative report shall not be admissible at trial unless otherwise agreed by the parties or ordered by the Court. *See also*, subparagraph G of this Rule regarding guardian ad reports.

3. Mandatory Disclosure: Within thirty (30) days of the service of an action for divorce or legal separation, each party shall submit to opposing party or counsel:

- A recent pay stub or equivalent.
- Tax returns for the prior three tax years including all schedules.
- A copy of a health insurance card, if any.
- A list of current monthly expenses.
- Child care expenses, if any.
- Cost of health insurance for the children.

In addition, each party shall cooperate to produce information requested by the other party in discovery.

### **B. Mutual restraining orders, emergency ex parte orders, and Civil Rule 75 Motions:**

1. Upon the filing of a Complaint for Divorce, on its own motion the Court may

automatically issue a standard mutual restraining order as to the parties' conduct and assets. The standard mutual restraining order shall be served by the Clerk of Courts on parties or their counsel. The Clerk shall also serve both parties or counsel with a copy of Local Rule 11(A)(3) as to Mandatory Disclosure.

2. All ex parte requests shall be by written motion with supporting affidavit stating with specificity the grounds and facts supporting the allegation of irreparable harm. Emergency ex parte orders will only be granted where there are exigent circumstances that may result in irreparable harm for which there is no other remedy. Any ex parte motion which is denied shall be set for hearing within twenty-eight (28) days of the request by either party. Any ex parte motion which is granted shall be set for hearing within twenty-eight (28) days upon request of either party. Abuse of ex parte motion filing procedures may subject an attorney or pro se litigant to the imposition of appropriate sanctions, including but not limited to, an award of attorney's fees or a finding of contempt.

3. Motions for temporary child support, temporary spousal support, and temporary allocation of parental rights and responsibilities shall comply with Rule 75(N) of the Ohio Civil Rules of Procedure and with Local Rules of Court.

4. The Court may make orders for temporary support and/or parenting orders without oral hearing in accordance with the provisions of Civil Rule 75(B), or the Court may set such issues for hearing.

5. All ex parte orders for vacation of marital premises by one of the parties shall recite: "Should 'J. Doe' fail to immediately obey this order to vacate, the officer serving it shall forthwith remove 'J. Doe' from the premises."

6. All orders of temporary support, temporary spousal support, or temporary parenting orders shall be made in accordance with Geauga County Local Rule 3(B)(2)(b).

7. All temporary orders of spousal support, parenting orders or temporary child support and/or Health Insurance Order shall become effective on the date of filing of the Complaint, Answer or Counterclaim, or Motion requesting the temporary support or parenting order unless the Court in its order specifically designates a different effective date.

C. After any temporary spousal support, parenting, child support order or Health Insurance Order is journalized, it may be modified pursuant to oral hearing upon a written request filed with the Clerk of Courts. A request for oral hearing shall not suspend or delay the commencement of spousal support or child support payments previously ordered or change the parenting schedule until the order is modified by order of the Court.

D. Final decree judgment entries shall declare the amount of arrearages due, if any, on temporary spousal support and child support orders, as of the date of the trial granting the divorce, otherwise such balance shall be deemed zero.

E. Local Rules 6(F), 8(A), 8(B), and 8(C) shall also apply in actions for divorce, legal separation, and dissolution of marriage.

**F. Standard Parenting Time Guidelines: R.C. 3109.051(F)(2).**

Liberal time between parents and their children is encouraged. It is hoped that the parties can voluntarily arrive at mutually agreeable schedules. In the event they cannot agree, and unless otherwise ordered, parenting time shall not be less than the following:

**1. Weekdays and Weekends**

**a. Children from Birth to Two Months.**

Two weekly times for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Saturday from 2:00 p.m. to 4:00 p.m. and every Tuesday from 6:00 p.m. to 8:00 p.m.

**b. Children Two Months to 12 Months.**

Two weekly times for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m.

**c. Children 12 Months to 24 Months.**

Every Wednesday from 5:00 p.m. to 8:00 p.m. and every weekend from Friday at 6:00 p.m. to Saturday at 6:00 p.m.

**d. Children 24 Months and Older:**

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

**2. Holidays**

**EVEN ODD YEARS and DAYS/TIMES**

1. Martin Luther King Day father mother 9:00 a.m. to 8:00 p.m.



2. President's Day mother father 9:00 a.m. to 8:00 p.m.
3. Easter Sunday father mother 9:00 a.m. to 8:00 p.m.
4. Memorial Day mother father 9:00 a.m. to 8:00 p.m.
5. Fourth of July father mother 9:00 a.m. to 11:00 p.m.
6. Labor Day mother father 9:00 a.m. to 8:00 p.m.
7. Thanksgiving mother father 6:00 p.m. Wed. to Fri. at 8:00 p.m.  
father mother 8:00 p.m. Fri. to Sun. at 8:00 p.m.
8. Christmas Eve mother father 9:00 a.m. 12/24 to 10:00 a.m. 12/25
9. Christmas Day father mother 10:00 a.m. 12/25 to 8:00 p.m. 12/26
10. New Year's Eve mother father 6:00 p.m. 12/31 to 1:00 p.m. 1/1
11. New Year's Day father mother 1:00 p.m. to 8:00 p.m.

### **3. Days of Special Meaning.**

- a. Mother's Day shall be spent with the mother from 9:00 a.m. to 8:00 p.m.
- b. Father's Day shall be spent with the father from 9:00 a.m. to 8:00 p.m.
- c. The children's birthdays shall be spent with the mother in even-numbered calendar years, and with the father in odd-numbered years. Parenting time shall be from 5:00 p.m. to 8:00 p.m. if the birthday is on a school day, and from 9:00 a.m. to 8:00 p.m. if the birthday is not on a school day. Siblings shall be included in the birthday parenting time.
- d. Each parent's birthday shall be spent with that parent from 5:00 p.m. to 8:00 p.m. if the birthday is on a school day, and from 9:00 a.m. to 8:00 p.m. if the birthday is not on a school day.

### **4. Winter Break.**

Winter break shall be divided equally between the parties. In odd-numbered years, the mother shall have the children the first half, and the father shall have the children the second half of winter break. In even-numbered years, the mother shall have the children the second half, and the father the first half of winter break. Winter break begins at 6:00 p.m. on the last day of school before the break and ends at 6:00 p.m. the day before school recommences. Christmas Eve, Christmas Day, New Year's Eve and New Year's Day shall not be included in calculating the equal number of days to which each parent is entitled.

#### **5. Spring Break.**

Spring break shall be divided equally between the parties. The parent having possession on Easter Sunday shall have possession during the half of spring break that includes Easter Sunday, or the second half of the spring break if spring break does not include Easter Sunday; the other parent shall have possession during the other half of the spring break. Spring Break begins at 6:00 p.m. on the last day of school before the break, and ends at 6:00 p.m. on the day before school recommences. Easter Sunday shall not be included in calculating the equal number of days to which each parent is entitled.

#### **6. Summer Vacation.**

##### **a. Children Age 12 Months To 24 Months.**

Two weeks parenting time for each parent, to be exercised in periods of no longer than one week at a time.

##### **b. Children 24 Months and Older.**

Three weeks parenting time for each parent, to be exercised in periods of no longer than two consecutive weeks at a time.

The non-possessory parent shall provide written notice to the other parent by May 1 each year of the dates he or she intends to exercise summer vacation parenting time. The possessory parent shall provide written notice to the other parent by May 15 each year of the dates he or she intends to exercise summer vacation parenting time. If there is a conflict between the parties as to the dates of summer vacation parenting time, the father's dates shall be given priority in odd numbered years, and the mother's dates shall be given priority in even numbered years. Vacation possession must be exercised in minimum periods of seven (7) days. Unless otherwise agreed, summer vacation parenting time shall begin on Sundays at 6:00 p.m.

#### **7. Telephone Contact.**

Each parent may have telephone contact with the children once per day when the children are with the other parent. Each parent has the right to reasonable calls when the child is on vacation with the other parent. Telephone calls should be made during the normal hours the child is awake, and if the child is unavailable, each parent shall take the responsibility of seeing that the child timely returns the call. The child should be permitted to call the other parent if the child so requests. Telephone calls shall be reasonable in duration and not disruptive to the parenting time of the parent in possession. The same rules shall apply with respect to texting and other forms of electronic communication.

## **G. General Rules for Parenting Time.**

### **1. Precedence.**

- a. Holiday parenting time and days of special meaning shall take precedence over all other parenting time.
- b. Vacation parenting time shall take precedence over regular weekend/midweek parenting time.
- c. If a holiday or day of special meaning falls on a day immediately preceding or following that parent's regular parenting time, then the parenting time will be continuous.
- d. A holiday or day of special meaning that falls on a weekend shall be spent with the parent who is designated to have the children for that holiday, and the other parent shall have the children for the rest of the weekend.
- e. The alternating weekend schedule shall not change, even if interrupted or superseded by holiday, birthday, vacation, make-up, or other parenting time.
- f. Midweek or weekend parenting time that is missed due to the other parent's exercise of holiday, vacation or other special parenting time does not have to be made up.

**2. Older Siblings.** If a parent is exercising parenting time with the older sibling[s] of an infant child, the parenting time (except summer vacation, but including holidays, school breaks, and other special parenting time) set forth above for children ages 24 months and older shall govern infant visitation once the infant is twelve months old.

**3. Vacation Destination.** Each parent must provide the other parent with

destination, times of arrival and departure, method of travel, and a telephone number where the parent may be reached, if the vacation will be outside the traveling parent's community.

**4. Summer School.** Summer school necessary for the child to pass to the next grade must be attended. Summer vacation parenting time may be scheduled during a mandatory summer school period, but the parent exercising parenting time must ensure that the child attends all classes.

**5. School Calendar.** If the children are not registered for school, for example if they are home schooled, or not of school age, summer, winter, and spring vacations will be determined based on the public school district in which the primary residential parent resides.

**6. Promptness.** Neither parent shall be more than thirty (30) minutes late picking up the children. If the non-residential parent is more than thirty (30) minutes late, parenting time is forfeited and shall not be made up. The parent with possession of the children shall make sure that the children are ready to be picked up at the scheduled time.

**7. Notice of Intent to Relocate.** A residential parent who intends to move from the residence specified in any order granting parenting time, shared parenting, custody or visitation must immediately file with the undersigned judge a Notice of Intent to Relocate. At the same time, copies of said Notice shall be served upon the other parent and the Geauga County Child Support Enforcement Division. Said Notice must be filed as soon as possible after the parent learns of the move. The Notice shall specify the time and place of relocation. The residential parent may seek, by motion, an order pursuant to R.C. 3109.054(G) that the other parent not be provided a copy of such Notice.

In addition, each parent is prohibited from permanently removing a child from Geauga County or its contiguous counties (Cuyahoga, Summit, Lake, Ashtabula, Trumbull and Portage) without first obtaining the written consent of the other parent or a court order granting permission to remove the child.

If a parent files a Notice of Intent to Relocate, either parent may file a motion to modify the possession schedule.

**8. Cancellation.** A parent shall give twenty-four (24) hour advance notice if the parent intends to cancel parenting time if possible. If not possible, then notification shall be as soon as possible under the circumstances. This time is forfeited and shall not be made up.

**9. Transportation.** The parent who is beginning his or her possessory period shall pick up the children. Unless otherwise ordered by the court or agreed by the parties, drop-off and pick-up shall be at the parents' respective homes.

If either parent is unavailable for the pick-up or delivery of the children, he or she must use an adult well known to the children and/or the other parent for this purpose. Any person driving the children must comply with all child restraint laws, including those pertaining to car seats. No person transporting the children may be under the influence of drugs or alcohol. Only licensed drivers may transport the children.

**10. Illness.** If a child is ill, the possessory parent should give twenty-four (24) hour notice, if possible, to the other parent. The non-possessory parent shall decide whether the parenting time should go forward. If any parenting time, including weekend, holiday, birthday or vacation, is missed due to illness, then any missed parenting time shall commence the first weekend of the other parent's time, and shall continue during the other parent's weekends until made up in full, including partial weekends if necessary.

**11. Prescription Medication.** If a parent exercises parenting time when a child is ill, the possessory parent shall provide the other parent with any prescription medication and instructions for care of the child.

**12. Address and Telephone Numbers.** Each parent must, unless the court orders otherwise, keep the other parent informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.

**13. Children's Activities.** Scheduled parenting time shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.) The parent shall discuss such activities in advance, including time, dates and transportation needs, so that the child is not unreasonably deprived of activities. The parent who has the child during the time of the scheduled activity is responsible for transportation, attendance, and other arrangements. Neither parent shall schedule activities that interfere with the other parent's time without that parent's consent. The parent arranging the child's participation in the activity should provide all relevant information, including schedules, contact information, etc., to the other parent as soon as possible. Both parents are encouraged to attend all of the child's activities.

**14. School work.** Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. Each parent is responsible for providing the other parent all school assignments and books that are necessary for the children to complete their assignments when in the possession of the other parent.

**15. Clothing.** Any clothing provided by a parent for the other parent's possessory time must be returned upon exchange of possession of the children. If the clothing must be laundered, it shall be laundered and returned to the other parent at the following visit.

## **H. Guardian Ad Litem.**

1. A guardian ad litem may be appointed by the Court when requested by either party or on the Court's own motion. Requests by a party shall be made in a timely manner so as not to inconvenience the Court or unduly delay proceedings.

2. The guardian ad litem is appointed by the Court to assist the Court and the parties in determining the best interests of the child or children by making an informed recommendation after investigating the following:

- Family relationships.
- The child's performance and adjustment to school, community, friends, extended family if appropriate.
- The child's health (mental and physical).
- The mental and physical health of other appropriate family members and caretakers, including evidence of alcohol and/or drug abuse and/or sexual abuse.
- The child's wishes and desires, if appropriate.
- Other factors affecting the child's best interest.

3. The guardian ad litem shall have access to medical and school records, and shall be entitled to obtain Court Orders to allow mental and physical health care providers to provide information regarding the child to the guardian ad litem.

4. The guardian ad litem shall inform the child and others during investigation that there is no confidentiality obligation on the part of the guardian ad litem.

5. The guardian ad litem shall prepare a written report and recommendation as ordered by the Court.

6. The guardian ad litem shall attend all proceedings unless excused by the Court.

7. The guardian ad litem may testify at trial, call witnesses, and/or examine witnesses at trial as may be appropriate to assist the Court in determining the best interests of the child. The guardian ad litem may utilize subpoenas for the purpose of calling witnesses and/or obtain documents.

8. The guardian ad litem may not act as legal counsel representing the child, nor may the guardian ad litem give legal advice or act as a counselor or intermediary. If the guardian ad litem believes that the child's best interest requires an attorney to represent the child, the guardian ad litem may file a Motion for Appointment of Legal Counsel for the child accompanied by an Affidavit of the guardian ad litem in support thereof. If the guardian believes the child or other family members need counseling or other medical or psychological/psychiatric care, the guardian may file a motion for same with affidavit in support.

9. The guardian ad litem shall be paid an hourly rate set by the Court with a retainer set by the Court in its Order of Appointment. The guardian ad litem shall submit an itemized statement of services rendered at final trial or pursuant to Court Order. Allocation of fees for the guardian ad litem shall be subject to modification at trial if the fees were advanced by one or both parties.

### **I. Mental Health Evaluations.**

A mental health professional ("evaluator") may be appointed by the court to evaluate mental health questions raised by the Court, the guardian ad litem ("GAL"), or any party. Appointment may be on the Court's own motion at any time or the granting of a timely motion filed by the GAL or any party.

The evaluator shall perform a mental health evaluation in accordance with the Court's Order. The evaluator may access the private health information of the parents and children as well as educational and other relevant information.

The Court's Order expressly authorizes release of protected health information. *See* 45 C.F.R. 164.512(e). All health care entities must disclose all information covered by the Court's Order and requested by the evaluator. No health care entity may require a signed HIPAA release form.

Parties are required to waive their rights to protected health information and must promptly sign any HIPAA releases requested or demanded.

If a GAL and an evaluator are appointed in the same case, the evaluator and the GAL are authorized to communicate and to examine one another's reports and records.

The evaluator shall prepare a signed written report, include any recommendations, and submit it to the Court under seal. It shall not be filed with the Clerk of Courts. Upon reasonable request, the report will be available to counsel of record and any party for review. The report shall not be copied, photographed, or removed from the Court.

The evaluator shall attend proceedings as required by the Court, may be called to testify at trial, and is subject to cross examination concerning the report.

The evaluator shall be paid an hourly rate set by the Court. A retainer may be set by the Court in its Order of Appointment; additional deposits may be ordered. The evaluator shall submit an itemized statement of services. Allocation of the evaluator's fee is subject to modification at trial.

## **RULE 12. FORECLOSURE, PARTITION AND QUIET TITLE ACTIONS.**

### **A. Preliminary and final judicial reports.**

**1. Residential property.** Parties seeking to foreclose, partition, or quiet title to residential property of four or fewer units must file preliminary and final judicial reports. The amount of the treasurer's lien shall be shown on the judicial reports.

**2. Commercial property.** Parties seeking to foreclose, partition, or quiet title residential real estate consisting of more than four single-family units or commercial real estate, must file either preliminary and final judicial reports or a commitment for an owner's fee policy of title.

**3. Necessary parties.** If the title report or other information shows necessary parties, other than the county treasurer, have not been joined, the complaining party shall join them.

**4. Sanctions.** Failure to timely file the required title reports or owner's fee policy of title may result in dismissal of the action without notice. *See R.C. 2329.191.*

**B. Naming the Geauga County Treasurer.** The Treasurer need not be made a party unless the tax lien is challenged or the Treasurer is otherwise a necessary party. In all cases, taxes and the Treasurer's lien shall be satisfied as required by law.

**C. Mediation may be required.** *See G.C.R. 31.*

**D. Service by publication.** Service by publication shall conform to law. *See R.C. 2703.141; compare Civ.R. 4.4.*

## **RULE 13. JUDICIAL SALES.**

### **A. Methods of sale.**

**1. Goods and chattels.** All public auctions of goods or chattels shall be personally conducted by either an officer of the court or an Ohio resident licensed



as an auctioneer. The court may permit a private cash sale. *See* R.C. 2329.15 and .151.

**2. Real estate.** The sale of lands shall be conducted by either the Sheriff or, pursuant to court order, a private selling officer. A “private selling officer” is an Ohio resident licensed as both as: (1) an auctioneer; and (2) as either a real estate broker or real estate salesperson. *See* R.C. 2329.01(B)(2); 2329.151 and 152.

**3. Real estate website.** When operational, the statewide official public sheriff sale website and integrated action management system may be used by the county sheriff. After five years of operation, the county sheriff must use this system for all residential property sales. *See* R.C. 2329.153 and .154; *see also* 2329.26 and .27.

## **B. Deposits, taxes, and payments.**

**1. Sale deposits.** A judgment creditor purchasing residential property is not required to make a sale deposit. All other purchasers must make cash deposits:

(a) If the appraised value is ten thousand dollars or less, the deposit is two thousand dollars.

(b) If the appraised value is more than ten thousand dollars and less than two hundred thousand dollars, the deposit is five thousand dollars.

(c) If the appraised value is more than two hundred thousand dollars, the deposit is ten thousand dollars. *See* R.C. 2329.211.

**2. Deductions from proceeds.** To the extent of sale proceeds, past due taxes, assessments, penalties, and interest are deducted. A purchasing plaintiff must approve any deduction for the current year’s taxes, assessments, penalties, and interest. For all other purchasers, to the extent of sale proceeds, the current year’s taxes, assessments, penalties, and interest will be deducted from the proceeds. Amounts not paid from proceeds remain a lien and must be paid. *See* R.C. 323.47(B).

**3. Time to pay.** All purchasers must pay the balance due within thirty (30) days of the confirmation of the sale. *See* R.C. 2329.31(B); *see also* R.C. 2329.30.

## **C. Unsold property and expedited foreclosure actions.**

1. When property remains unsold, with no sale underway, the county prosecuting attorney may move for sale at public auction with no set minimum bid twelve months after foreclosure was decreed. The judgment creditor may redeem within fourteen days after sale. *See* R.C. 2329.071.

2. Expedited foreclosure of judicially declared vacant and abandoned residential property is available. *See* R.C. Chapter 2308; *see also* R.C. 323.73.

**D. Criminal mischief.** After service of a summons and complaint, the owner of residential property in a pending foreclosure is prohibited from knowingly and purposely diminishing its value. *See* R.C. 2308.04.

#### **RULE 14. RECEIVERSHIP.**

A. As soon as practicable after his appointment, a receiver shall file an inventory of all property and assets in his possession unless otherwise ordered by the court.

B. A receiver shall file reports of receipts and of all monies disbursed by him (with receipts for same) and of his acts and transactions as receiver within three (3) months thereafter until discharged or at such other times as the court may direct.

C. Applications for allowance of compensation to receivers or attorneys for receivers shall be made only upon prior notice to creditors, the debtor, and other persons in interest as the court may direct. Objections to the final accounting shall be heard at the time set for court approval of the final accounting; however, such objections shall be in writing accompanied by a short brief and filed with the Clerk of Courts prior to the hearing on the final accounting.

#### **RULE 15. GEAUGA COUNTY COMMON PLEAS COURT JURY USE AND MANAGEMENT PLAN FOR ALL GEAUGA COUNTY JURORS.**

##### **I. Opportunity for Service.**

A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in Geauga County.

B. Jury service is an obligation of all qualified citizens of Geauga 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 a key number based on the total number of registered voters and the number of jurors needed for a year of service. The Jury Commissioners shall then receive a computer printout from the

Board of Elections (for example, every 10th name).

B. The jury source list shall be representative and shall be as inclusive of the adult population in the county as is feasible.

C. The court shall annually review the jury source list to ensure that it is as representative and inclusive of the adult population in the jurisdiction as is feasible.

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

### **III. Random Selection Procedures. *See also G.C.R. 22.***

A. Pursuant to Court Order, the jury source list from the Board of Elections shall be printed out on address labels which shall be utilized to generate individual names and addresses selected at random during a public jury drawing, according to law.

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 (18) years of age;
2. Are not citizens of the United States;
3. Are not residents of Geauga 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 shall be the shortest period consistent with the needs of justice in Geauga.

B. Jurors shall be assigned to trial judges for a four-month period. The trial judges shall schedule assigned jurors as needed on a one day, one trial basis and notify them to appear. Jurors shall report only as

scheduled. They shall not report every day.

## **VI. Exemption, Excuse, and Deferral.**

A. All automatic excuses or exemptions, except Constitutional and statutory exemptions, from jury service are eliminated.

B. 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 because their service would be a continuing hardship to them or to members of the public and they are excused by a judge or a specifically authorized court official.

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

D. Requests for excuses and deferrals and their disposition shall be written or otherwise recorded. Specific uniform guidelines for resolving such requests should be adopted by the trial judge.

## **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 in writing to counsel for each party on the day on which jury selection is to begin. See questionnaire attached as Exhibit A.

C. The trial judge shall conduct a preliminary voir dire examination.

Counsel shall then be permitted to supplement that examination using the following 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.

D. The judge shall ensure that the privacy of prospective jurors is reasonably protected, and that the questioning is consistent with the purpose of the voir dire process.

E. The voir dire process shall be held on the record.

#### **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. The exercise of 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 of the jury system in Geauga County is vested exclusively in the Geauga County Common Pleas Court to the extent required by law.

B. All procedures concerning jury selection and service shall be governed by Ohio Rules of Court.

C. Trial judges shall manage individual jurors and panels assigned to them.

#### **XI. Notification and Summoning Procedures.**

A. The notice by the trial judge summoning a person to jury service and the questionnaire eliciting essential information regarding that

person shall be:

1. Combined in a single mailing;
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 or notice shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

C. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;
2. Providing a basic background information ordinarily sought during voir dire examination; and
3. Efficiently managing the jury system.

D. Policies and procedures shall be established by the trial judge for monitoring failures to respond to a summons or notice and for enforcing a summons or notice to report for jury service. Sanctions shall be imposed in the discretion of the trial judge as authorized by law.

## **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 area 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 shall be arranged to minimize contact between jurors, parties, counsel, and the public.

#### **XV. Juror Compensation.**

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

B. Such fees shall be paid promptly.

C. Employers are prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service as provided by law.

#### **XVI. Juror Orientation and Instruction.**

A. The Court shall have an orientation program:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and

2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

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

C. The trial judge shall:

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 including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;

3. Prior to the 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 their deliberation.

D. 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.

**XVII. Jury Size and Unanimity of Verdict.**

A. Jury size and unanimity of verdict in civil and criminal cases shall conform with 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 with 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 shall 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 sequestration; and
2. Minimize the inconvenience and discomfort of the sequestered jurors.

E. Training shall be provided to personnel who escort and assist jurors during sequestration.

## **RULE 16. WITHDRAWAL OF COUNSEL.**

A. Entry of Appearance. All entries of appearance of counsel in any action shall be in writing. In civil cases, entry of appearance may be accomplished by signature of counsel on a pleading, motion, or letter to the Court. In criminal cases, entry of appearance shall be on a court adopted form or by letter to the Court.

B. Admission pro hac vice: Out-of-state attorneys who have not been admitted practice law in the State of Ohio may apply to the court for admission pro hac vice on a case-by-case basis. The application must be copied to all other counsel or unrepresented parties.

C. Counsel who have entered an appearance shall remain as counsel of record until the case is concluded or counsel is granted leave to withdraw by the Court. Counsel may seek leave to withdraw by written motion made seasonably before trial or hearing. Motion for leave to withdraw as counsel shall contain:

1. Grounds on which leave to withdraw is being sought.
2. The name of the successor counsel, if available.
3. Counsel's certification that the client has been advised of the dates of all scheduled matters and the arrangements have been made for delivery of the client's file to the client or successor counsel.
4. The client's written consent to counsel's withdrawal OR counsel's certification that that client has been served with a copy of the motion by certified mail and that the client has been advised of the right to object to counsel's withdrawal within 14 days of service of the motion by filing a statement of objections with the Court, OR counsel's certification that after reasonable effort he/she is unable to locate the client.

## **RULE 17. CONTINUANCES.**

A. The continuance of a scheduled trial or hearing is a matter within the discretion of the trial court for good cause shown.

B. When a continuance is requested by reason of the unavailability of any witness, at the time scheduled for trial or hearing, the trial court shall consider the feasibility of resorting to the several methods of recording

testimony permitted by the Civil Rules and the use of such recorded testimony in the scheduled trial.

C. No party shall be granted a continuance of a trial or hearing without a written statement from movant's counsel, stating the reason for the continuance and such statement shall be made part of the record. A continuance shall not be granted to any party without first setting a new date for the trial or hearing, and if the earliest possible new date will cause unreasonable delay under the circumstances of the case, a continuance will not be granted.

D. Sup. R. 41, as amended from time to time, is hereby incorporated in these Local Rules.

### **RULE 18. NOTARY PUBLIC COMMISSION.**

A. Every person desiring to secure from the Judge of the Court of Common Pleas of Geauga County, Ohio, a certificate as to his or her qualifications and ability to discharge the duties of the Office of Notary Public, must first be found competent to discharge such duties by a member of the Geauga County Bar Association Committee on appointment of Notaries Public.

B. The following rules govern Notary Committee Action:

1. A Notary Public Committee is hereby created to serve at the pleasure of the Common Pleas Judges, the three (3) members to be appointed on the recommendation of the President of the Geauga County Bar Association.
2. All applications for the position of Notary Public in Geauga County must pass the examination as established by the Notary Public Commission, unless otherwise qualified by law.
3. The application, review session, and examination fee is \$40.00. Instruction book for Notary Public is \$5.00. All applicants shall attend the review session prior to taking the examination.
4. All notaries applying for renewal must make application to the Notary Public Commission and pay a fee of \$20.00.
5. The Committee shall before December 31 of each year, report all funds received and disbursed and pay over any remaining funds to the Treasurer of the Geauga County Bar Association.

**RULE 19. USE OF VIDEOTAPE.**

Sup. R. 13 is hereby incorporated herein and made part of the Rules of this court.

**RULE 20. CHILD SUPPORT ENFORCEMENT DIVISION.**

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

B. All payments of child support and installments of spousal support shall be paid to the Ohio Child Support Payment Central (CSPC) or the Geauga County Child Support Enforcement Division, provided, however, direct payment of spousal support may be ordered consistent with the provisions of R.C. 3121.441.

C. The Child Support Enforcement Division shall keep accurate records of all support payments made through it.

**RULE 21. MEDICAL CLAIM ARBITRATION (R.C. 2711.21).**

A. The attorney for plaintiff shall advise the trial judge of the filing of any medical claim as defined by Revised Code 2305.113(E)(3).

B. If all parties agree in writing to submit the medical claim to nonbonding arbitration in conformance with Revised Code '2711.21(A), the case shall proceed to arbitration as hereinafter provided by these rules.

C. Within ninety (90) days after receiving the parties' written agreement, the court shall submit the controversy to an arbitration board of three (3) persons each of whom shall be named by the court as follows:

1. One person designated by the plaintiff or plaintiffs.
2. One person designated by the defendant or defendants.
3. One person, who shall be chairperson, designated by the court.
4. Designations by the parties shall be made to the court within thirty (30) days after submission of the parties' written agreement.

D. Upon completion of their service, the arbitrators shall each submit itemized statements of their services and shall receive reasonable compensation based on the extent and duration of their actual service rendered, as fixed by the court. Such compensation shall be paid in equal proportions by the parties in interest or, if the medical claim is accompanied by a poverty affidavit, by the court.

E. The arbitration proceedings shall be conducted in Geauga County, Ohio at times and places set by the Chairperson, after consultation with the other arbitrators. The proceedings shall be conducted within the time periods specified by the court's order submitting the controversy to arbitration and naming the arbitrators. Unless all parties agree, hearings shall not be held on Saturdays, Sundays, legal holidays or in the evening.

F. Neither the parties, nor their attorneys shall communicate with the arbitrators concerning the merits of the controversy, except at the regular scheduled hearings of the arbitration board.

G. All three (3) members of the board shall be present at all hearings unless all the parties consent, in writing, to a lesser number. In any event, the arbitrators participating in the final decision and award must have been present at all hearings. Before commencing trial of the controversy, the arbitrators shall be sworn by some person authorized to administer oaths, to justly and truly try all issues properly submitted to them.

H. The arbitrators shall have the same powers and duties as a Judge of the Court of Common Pleas to the extent and in the manner authorized by Revised Code 2711.06 and 2711.07.

I. Strict adherence to the legal rules of evidence shall not be required.

Evidence may be received by oral testimony, affidavit, written deposition, videotape deposition, interrogatories, or written report and shall be given such weight as the board deems proper in the circumstances, including any objections to the form of the evidence. The arbitrators shall be the judges of the admissibility of evidence.

J. Wherever possible, counsel shall, upon request, produce parties and witnesses at hearing without subpoena. Witness fees shall be taxed as costs and paid in the same amount and manner as witness fees in Common Pleas cases generally.

K. Any party desiring a record of proceedings before the board shall provide a reporter and cause a record to be made at his own expense. Any party desiring a transcript shall be provided it by the reporter upon payment of such reporter's usual charges for trial or deposition transcripts.

L. Within thirty (30) days after final submission of the controversy to it, the board shall file its written report and award with the court, signed by a majority of the arbitrators. If the award is not unanimous, the dissenting arbitrator may, but is not required to, file a dissenting opinion which shall be attached to and filed with the written report and award of the majority. Authentic copies of the report and award, together with any dissenting opinion, shall be provided by the board to each party at the time of filing same with the court.

M. Any party not accepting the decision (award) of the board shall notify the court and each other party of such fact, in writing, within thirty (30) days after the filing (with the court) of the report and award, which notification shall be part of the record in the case. Thereafter, the case shall proceed to trial in accordance with all applicable rules of law and procedure.

N. If no notification of non-acceptance is filed as provided herein above the court shall enter final judgment in accordance with the decision of the arbitration board.

O. The judge to whom the case is assigned shall resolve any disputes regarding procedure or application of these rules which cannot be resolved by the board. Except as otherwise provided by law, discovery motions, motions to dismiss and motions for summary judgment shall be submitted to and determined by the court, not the board. This provision shall not apply to motions made during the course of hearings before the board. Except as otherwise provided by law or this Rule 21, matters of procedure before the board shall be governed by the Ohio Rules of Civil Procedure and these Rules of Practice for the Court of Common Pleas of Geauga County, Ohio.

## **RULE 22. JUROR SELECTION.**

### **A. Technology.**

If the court approves the use of magnetic tapes, magnetic discs, punched paper tapes, or other similar devices, and the use of an automated information retrieval system and visual display apparatus, such devices and procedures shall include provision for the random selection of names of prospective jurors, return of names of persons selected but not used as jurors, public viewing by designated officers or their representatives of the selection process, printing of venires containing the names and respective residences of the persons drawn and specifying for what court and for what term they were drawn, safeguards against unlawful tampering with the encoding device and information storage device or devices, or unlawful activation of the automated information retrieval system.

**B. Random Selection of Names of Prospective Jurors.**

The annual jury list and the updated annual jury list shall be thoroughly intermixed or "randomized" and they shall also be randomized before each venire is drawn pursuant to Revised Code '2313.19. They shall be randomized before a grand jury is drawn and when a venire is drawn pursuant to a special order of court for capital cases or for any other purpose.

**C. Return of Names of Persons Selected but not used as Jurors.**

Pursuant to Revised Code '2313.13, each court may postpone the services of a prospective juror from one part term of court to another during the same annual jury year. The Jury Commission shall cause the names of such persons to be listed on the venire of such court prior to randomization for the venire to be drawn for such court. The number of such "holdovers" shall be deducted from the number of each venire fixed by general order of the Common Pleas court pursuant to Revised Code 2313.19.

**D. Public Viewing by Designated Officers of Their Representatives of the Selection Process.**

A Judge of the Court of Common Pleas, the Sheriff, the Clerk of Courts of the Court of Common Pleas, or their duly appointed representatives, shall view the randomization process, and the printing of the venires, and the Information Technology Department shall make available additional facilities for public viewing.

**E. Printing of Venires Containing the Names and Respective Residences of the Persons Drawn and specifying for What Court and for What Term They Were Drawn.**

The venires shall be printed on the laser printer in the computer room of the Information Technology Department. For the purpose of this Geauga County Local Rule only, the word "court" consists of Common Pleas Court One, Common Pleas Court Two, Probate Court, Juvenile Court and Chardon Municipal Court. Either Common Pleas Court One or Common Pleas Court Two shall order the draw of a separate venire for each part term of court including at least one grand jury venire. "Holdovers" from a venire of prospective petit jurors shall not be added to a venire drawn for any grand jury.

**F. Safeguards Against Unlawful Tampering with the Encoding Device and Information Storage Device or Devices, or Unlawful Activation of the Automated Information Retrieval System.**

The Information Technology Department shall install such safeguards as will make it impossible for electors to be added or to be deleted from the annual jury list except as it is updated by the Clerk of the Jury Commission or by the Jury Commissioners. The date of each jury draw and the court shall be established by order of the Court of Common Pleas only. The sequence in which each venire is drawn shall be at random. The Information Technology Department shall install such further safeguards as to make it impossible to change the draw number, the court, the precinct code, the venire call number, the birthdate and voter identification number. The following security levels shall be established by the Jury Commission for access to the system:

1. Inquire only.
2. Change return dates, exemption codes, home phones, work phones, comments.
3. Change return dates, exemption codes, home phones, work phones, comments, names and addresses.

### **RULE 23. CITATION OF RULES.**

These rules shall be known as the Local Rules of Practice of the Geauga County Court of Common Pleas and may be cited as "Gaugua County Local Rules" or "G.C.R. \_\_\_\_\_".

### **RULE 24: ARBITRATION.**

In order to facilitate and expedite the administration of justice in Geauga County, Ohio, the following procedures, preliminary to the listing on the active list or trial list of the type of cases hereinafter described, shall be in effect from and after July 1, 2001.

#### **PART I.**

**A. Cases for Submission.** Every case in which a pre-trial has been conducted and the amount actually in controversy (exclusive of interest and costs) is Forty-Thousand Dollars (\$40,000.00) per claimant or less, except those involving title to real estate, actions in equity, domestic relations or appeal, may be submitted to, heard and decided by a Board of Arbitration, consisting of three (3) members of the Bar of Geauga County,



Ohio, to be selected as hereinafter provided in Part II. A case shall be placed upon the Arbitration List when so ordered at pre-trial or upon written request by counsel for any party after a pre-trial, by a Judge upon the determination that the amount actually in controversy, exclusive of interest and costs, is Forty Thousand Dollars (\$40,000.00) per claimant or less.

The Court may order a case to be scheduled for trial to the court or jury, without referral to arbitration.

**B. Cases Submitted by Stipulation.** The parties in any action which is at issue may stipulate in writing, before or after pre-trial, that it may be submitted for arbitration in accordance with this Rule, without monetary limit. Upon the filing of such stipulation, the action may be ordered upon the Arbitration List.

**C. Cases Submitted by Motion.** Any party to an action which is at issue and has been pending at least six (6) months may file a motion that the case be submitted for Arbitration in accordance with this Rule. The assigned Judge may, in accordance with Local Rule 7 and without the necessity of a hearing, grant such motion and order the case placed upon the Arbitration List.

## **PART II.**

**A. Selection of Arbitrators.** In all cases subject to arbitration, the members of the Board of Arbitration shall be appointed by the Court from the list of members of the Bar of Geauga County who are qualified and have volunteered to act.

**B. Manner of Appointment.** The Court shall appoint a panel of three arbitrators, the chair of which shall be a Notary Public. Upon written agreement of the parties, one arbitrator may be assigned to hear their case. The parties may agree upon the arbitrator, and/or the arbitrator shall be appointed by the Court. The arbitrator shall be entitled to receive compensation equal to the total compensation paid to the Board of Arbitrators of Five Hundred Dollars (\$500.00) pursuant to the schedule in Part V.

**C. Composition of Board; Disqualification.** Not more than one (1) member of a law partnership or an association of attorneys shall be appointed to the same Board, nor shall an attorney be appointed to the Board who is related by blood or marriage to any party or attorney of record in the case, or who is a law partner or an associate of, or shares expenses with, any attorney of record in the case.

**D. Assignment of Cases.** The Court shall, if possible, assign two (2) or more cases to each Board at the time of appointment. Said cases shall be taken in order from the Arbitration List.

**E. Disclosure.** No disclosure of any offers of settlement shall be made to the arbitrators prior to the filing of the report and award referred to in Part IV.

### **PART III.**

**A. Hearings: When and Where Held; Notice; Referral Entry; Deposit.**

Hearings shall be held at a place provided by the Chair of the Board of Arbitration. Unless counsel for all parties and the entire Board agree, the location shall be Chardon, Ohio. Should the Chair be unable to provide a place for the hearing, the chair shall request another member of the Board to make such provision. Hearings shall not be held in the courthouse without the prior approval of the assigning Judge. The Chair shall schedule a hearing not less than fifteen (15) days nor more than ninety (90) days after the appointment of the Board of Arbitration and shall notify the arbitrators and the parties or their counsel in writing, at least ten (10) days before the hearing, of the time and place of the hearing. The ninety (90) day period may be extended by the Court. No hearings shall be scheduled for Saturdays, Sundays, legal holidays or evenings, except upon agreement by counsel for all parties and the arbitrators. In the event of scheduling problems, and upon the Chair's request, the Court may set the arbitration for hearing by court order. Since sufficient time is available to the parties prior to the hearing date to settle or compromise their disputes, the hearing shall proceed forthwith at the scheduled time. Neither counsel nor the parties shall communicate with the arbitrators concerning the merits of the controversy prior to the commencement of the hearing.

The Entry referring a case to Arbitration shall include the following:

1. Case referred to Arbitration. Arbitration hearing shall be held and concluded within ninety (90) days from the date of referral **UNLESS THE COURT APPROVES A REQUEST FOR CONTINUANCE BEYOND SUCH NINETY (90) DAY PERIOD.**
2. Arbitration hearings scheduled prior to Court trials should be given priority.
3. If continuance of a hearing is agreed to by the Chair of the Arbitration Board upon request of an attorney or a party, the party requesting the continuance shall have the responsibility of contacting all parties and Arbitration Board members to obtain a date and time, agreeable to all involved, for the rescheduled

hearing and notifying all parties and Board members in writing of the rescheduled date, time and place of the hearing. Continuances should be granted by the Chair only in situations of extreme hardship. Nothing herein shall be construed to permit an Arbitration Chair to continue an arbitration beyond ninety (90) days from the date of referral.

**B. Oath of Arbitrators.** When the whole number of the Arbitrators shall be assembled, they shall be sworn or affirmed to well and truly try all matters properly at issue submitted to them, which oath or affirmation may be administered to them by any person having authority to administer oaths, including any one of their number.

**C. Default of a Party.** The arbitration may proceed in the absence of any party, who, after due notice, fails to appear or obtain a continuance. An award shall not be made solely on the default of a party; the Board of Arbitration shall require the other party to submit such evidence as it may require to make an award.

**D. Conduct of Hearing; General Powers.** The three (3) members of the Board, unless the parties agree upon a lesser number, shall decide the relevancy and materiality of the evidence offered. Strict adherence to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators and parties except when a party is absent, in default, or has waived the right to be present. The Board may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they deem it is entitled after consideration of any objections made to its admission. Each party is strongly urged to limit presentation of evidence to thirty (30) minutes. If special and unusual circumstances require additional time, the Chair and the other parties must be notified in advance.

**E. Specific Powers.** The Board of Arbitration shall have the general powers of a Court including, but not limited to, the following powers:

**1. Subpoenas.** To cause the issuance of subpoenas to witnesses to appear before the Board and to request the issuance of an attachment according to civil and local court rules for failure to comply therewith. Counsel shall, whenever possible, Produce a party or witness at the hearing without the necessity of a subpoena.

**2. Production of documents.** To compel the production of all books, papers and documents which they shall deem material to the case.

**3. Administering Oaths; Admissibility of Evidence.** To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions,

affidavits, reports or otherwise and to decide the law and the facts of the case submitted to them.

**F. Proof of Damages.** In actions involving personal injury, damage to property or both, the following bills or estimates may be offered and received in evidence to prove the value and reasonableness of the charges for services, labor and material, or items contained therein and, where applicable, the necessity for furnishing the same, on condition that copies of the bills to be offered in evidence are provided to the adverse party at least seven (7) days prior to the arbitration hearing. Adverse parties are not bound by such evidence and may present evidence to the contrary regarding such bills or estimates.

**1. Health Care Bills.** Hospital bills on the official letterhead or billhead of the hospital when dated and itemized; bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge therefor; bills of registered nurses, licensed practical nurses, or physical therapists and other healthcare professionals, when dated and containing an itemized statement of the days and hours of service and the charges therefor; bills for medicines, eye glasses, prosthetic devices, medical belts, or similar items.

**2. Property Repair Bills or Estimates.** Property repair bills or estimates when identified and itemized setting forth the charges for labor and material used in the repair of the property.

**3. Lost Wages.** A statement of lost wages signed by the employer, or otherwise verified, which indicates lost time by date, hourly rate or salary, commissions and similar information.

**G. Exchange of Documentary Evidence.** Copies of all documents and/or evidence which a party intends to introduce at the arbitration, including, but not limited to, medical and other expert reports, shall be provided to the other party seven (7) or more days prior to the scheduled arbitration date. For good cause shown, the Board may permit admission of documents provided to the other party less than seven (7) days before the hearing.

**H. Supervisory Powers of Court.** The assigned Judge shall have full supervisory powers with regard to any questions that arise during arbitration proceedings and in the application of these rules.

**I. Witness Fees.** Witness fees in any case referred to arbitration shall be the same amount as fees for witnesses in trials in the Common Pleas Court of Geauga County, Ohio. Witness fees may be ordered taxed as costs in the case. The costs in any case shall be paid by the same party

or parties to whom taxed as if the case had been tried in the Common Pleas Court of Geauga County, Ohio.

**J. Transcript of Testimony.** The Arbitrators shall not be required to make a transcript of the proceedings before them. Any party desiring a transcript shall provide a court reporter, cause a record to be made and pay the cost thereof, which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided with it by the court reporter upon payment thereof.

#### **PART IV.**

**A. Report and Award.** Within seven (7) days after the hearing, the Chair of the Board of Arbitration shall file the original report and award with the Clerk of Courts and on the same day shall mail or otherwise provide copies thereof to all parties or their counsel. An award for each party may not exceed Forty Thousand Dollars (\$40,000.00) per claimant, exclusive of interest and costs, except an award greater than Forty Thousand Dollars (\$40,000.00) per claimant may be made when the parties have consented to arbitration. The report and award shall be signed by all the members of the Board. In the event the three members do not agree on the finding and award, the dissenting member shall write the word "Dissents" before his or her signature. A minority report shall not be required unless the arbitrator elects to submit the same due to unusual circumstances. The Clerk of Courts shall docket the original report.

**B. Legal Effect of Report and Award; Entry of Judgment.** The report and award, unless appealed from as herein provided, shall be final and shall have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified therefor, the prevailing party shall provide to the Court a judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments.

#### **PART V.**

**A. Member's Compensation.** Each member of a Board of Arbitration shall receive a fee of One Hundred Fifty Dollars (\$150.00), and the Chair shall receive Two Hundred Dollars (\$200.00), as compensation for services in each case. When more than one (1) case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one (1) case insofar as compensation of the arbitrators is concerned. The members of a Board shall not be entitled to receive their fees until after filing the report and award with the Court. Fees paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

**B. Deposit for Arbitrators' fees.** One-half (1/2) of the Board of Arbitrator's

fees in the amount of Two Hundred Fifty Dollars (\$250.00) shall be paid by plaintiff(s), and one-half (½) of the Board of Arbitrator's fees in the amount of Two Hundred Fifty Dollars (\$250.00) shall be paid by defendant(s). The arbitrators' fees shall be deposited with the Chair or sole arbitrator at least fourteen (14) days prior to the scheduled arbitration.

**IF A PARTY FAILS TO TIMELY DEPOSIT ARBITRATION FEES THE CHAIR, AFTER NOTICE, MAY CANCEL THE ARBITRATION. UPON CANCELLATION OF THE ARBITRATION THE CHAIR SHALL NOTIFY THE COURT. FAILURE TO DEPOSIT ARBITRATION FEES MAY RESULT IN THE IMPOSITION OF AN APPROPRIATE SANCTION INCLUDING DEFAULT JUDGMENT, DISMISSAL OF CLAIMS, AND THE AWARDING OF LEGAL FEES AND EXPENSES TO ADVERSELY AFFECTED PARTIES.**

**C. Dismissal of Case.** In the event that a case is dismissed more than two (2) days prior to the scheduled hearing, the Board members shall not be entitled to the aforesaid fee. In the event that a case is settled or dismissed within two (2) days of the hearing, the Board members shall be entitled to receive said fee. Upon receiving notice that a case has been settled or dismissed more than two (2) days before the date set for hearing, the Court may assign another case to the same Board.

## **PART VI.**

**A. Right of Appeal.** Any party may appeal the award of the Board of Arbitration to the Common Pleas Court of Geauga County. Appeal by any party shall require a trial de novo of the entire case on all issues and as to all parties. Separate appeals by each are not necessary. The right of appeal shall be completed subject to the following conditions, compliance with which shall be within thirty (30) days after the entry of the award of the Board on the docket of the Clerk of Courts.

**1. Notice of Appeal.** The appellant shall file with the Clerk of Courts a notice of appeal. A copy shall be served upon all parties or their counsel.

**2. Repayment of Arbitrators' Fees.** The appellant shall pay to the Clerk of Courts the appellee's portion of the arbitrators' fees in the amount of Two Hundred Fifty Dollars (\$250.00) contemporaneously with filing the appeal. The sum shall be paid to appellee or appellee's counsel, shall not be taxed as costs in the case and shall not be recoverable by the appellant in any proceeding. Failure to pay arbitrators' fees may result in dismissal of the appeal.

**3. Poverty Affidavit and Notice.** A party desiring to appeal an award may apply by a written motion and affidavit to the Court alleging by

reason of poverty the inability to make the payments required for an appeal. If after due notice to the opposite parties the Court is satisfied of the truth of the statements in such affidavit, the Court may order that the appeal of such party be allowed although the said amounts are not paid by the appellant.

**4. Withdrawal of Appeal.** An appeal of an award of the Board of Arbitration filed hereunder may be withdrawn only upon agreement of all parties to the action.

**5. Return to Active List.** The case shall thereupon be returned to the assigned Judge for trial de novo.

**B. Prevailing Party.** In order to recover costs upon trial de novo, the appellant must obtain a more favorable result than awarded by the Board of Arbitration.

**C. Testimony of Arbitrators on Appeal.** In the event of an appeal from the award or decision of the Board of Arbitration, the arbitrators shall not be called to testify at any hearing de novo as to the proceedings which occurred before them in their official capacity as arbitrators.

**D. Exceptions and Reasons Therefore.** Any party may file exceptions with the Clerk of Courts from the decision of the Board of Arbitration within thirty (30) days from the filing of the report and award for the following reasons and for no other:

1. that the arbitrators misbehaved in the conduct of the case, or
2. that the action of the Board was procured by corruption or other improper means.

Copies of said exceptions shall be served upon each arbitrator within forty-eight (48) hours after filing, which shall be forthwith set for hearing before the assigned Judge, and which shall toll the thirty (30) day appeal period until decided by the Court. If such exceptions shall be sustained, the report of the Board shall be vacated by the Court, and the case assigned for trial or reassigned for arbitration.

## **RULE 25. COURT SECURITY POLICY AND PROCEDURES PLAN.**

**A. Purpose.** To ensure security in the Geauga County Courthouse and comply with Sup. R. 9.

**B. Security Policy and Procedure Manual.** As soon as practicable, and pursuant to findings and recommendations of the Geauga

County Court of Common Pleas Court Security Advisory Committee, if any, the provisions of the within plan shall be amended and a written manual shall be established, pursuant to Ohio Supreme Court Security Standard 1.

**C. Security Advisory Committee.** A local security advisory committee has been appointed by court order and shall serve as a standing committee to aid and assist in the amendment and/or implementation of this plan and all other matters affecting security in and around the Geauga County Courthouse.

**D. Security Screening.**

1. All persons entering the court facility, including elected officials, court personnel, attorneys, law enforcement and security officers, shall be subject to security screening. Screening shall occur for each visit to the court facility regardless of the purpose during normal working hours (Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m.). Access at other times shall be limited to those persons authorized by a judge of the court.
2. To assist in identification of access-authorized persons, the Geauga County Sheriff may issue photo identification cards to court employees and other frequent users of the court facility.
3. All ingress to the Geauga County Courthouse shall be through the SOUTH ENTRANCE; provided, however, that handicapped persons may enter/exit through the basement handicap access ramp once screened by court security personnel.
4. A security screening station shall be maintained and staffed by the Geauga County Sheriff at the SOUTH ENTRANCE Monday through Friday from 7:00 a.m. to 5:00 p.m. Persons who refuse to be screened shall be denied access to the court facility.

**E. Court Security Officers.**

1. Uniformed, armed law enforcement officers shall be assigned specifically, and in sufficient numbers, to court security, to ensure the security of each court and court facility. Generally, at least one (1) such officer shall be assigned to the screening station. Additional such officers shall be assigned as needed.
2. All security officers assigned to court security shall receive specific training on court security and weapons instruction specific to the court setting as determined by the Geauga County Sheriff or a judge of the court.



## **F. Weapons.**

1. No weapons shall be permitted in the court facility except:
  - a. Those lawfully carried by court security officers;
  - b. Those lawfully carried by law enforcement officers acting within the scope of their employment, including adult parole authority parole and probation officers.
2. In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside of the scope of their employment shall not be permitted to bring weapons into the court facility.
3. Weapons and/or other property lawfully possessed but not permitted in the court facility shall be retained at the security screening station for safekeeping and thereafter returned at the time the possessor leaves the court facility. The sheriff shall maintain a secure property storage at the screening station.

## **G. Prisoner Transport.**

1. Prisoners shall be transported securely into and within the court facility through areas which are accessible to the public. When public hallways must be utilized, prisoners should be handcuffed behind the back and, when appropriate, secured by leg restraints.
2. Prisoners shall be held in a secure holding area where practicable, while awaiting court hearings and during any recess.
3. Law enforcement officers shall accompany prisoners in the court facility and to the courtroom, remain during the hearing and return prisoners to secured holding areas. Court security officers and bailiffs shall not assume this responsibility except under exigent circumstances.

**H. Duress Alarms.** As soon as practicable and economically feasible, courtrooms, hearing rooms, and work stations shall be equipped as recommended in Ohio Supreme Court Security Standard 7. In the interim, all courtrooms and hearing rooms shall be equipped with remote audio duress alarms.

**I. Video Surveillance.** As soon as practicable and economically feasible, a closed-circuit video surveillance system shall be designed and installed for the court facility as recommended in Ohio Supreme Court

Security Standard 8.

**J. Office Access.** To the extent practicable and economically feasible, public and other access to judges and staff offices and work areas shall be restricted to those having event-specific business and/or appointments in the court as recommended in Ohio Supreme Court Security Standard 9.

**K. After Hours Security.** The Geauga County Sheriff shall, upon request, design and provide specific security measures for judges and court personnel in emergency and other circumstances which present security risks at times other than normal working hours or places other than the court facility. Such measures shall consider those matters enunciated in the commentary to Ohio Supreme Court Security Standard 10.

**L. Structural Design.** To the extent practicable, future design and construction/ remodeling shall utilize to the extent practicable and economically feasible, the principles enunciated in Ohio Supreme Court Security Standard 11.

**M. Incident Reporting and Recording.**

1. Every violation of law that occurs within a court facility shall be reported to the law enforcement agency having jurisdiction, and to the presiding judge of the court.
2. The presiding judge shall maintain a log of security incident reports. Each security incident shall be separately reported, in writing, to the presiding judge of the court by the security officer who processes it.
3. On or before January 15th of each year, the presiding judge of the court shall prepare a tabulation of the prior year's security incidents and submit it to the Supreme Court of Ohio.
4. The Geauga County Sheriff shall devise a standard incident reporting form for security officer use.
5. A "security incident" is any disruption within the court facility which requires or results in processing by a security officer or other law enforcement officer.

**RULE 26. EXPERT WITNESSES.**

A. Since Ohio Civil Rule 16 authorizes the Court to require counsel to exchange the reports of medical and expert witnesses expected to be called by each party, each counsel shall exchange with all other counsel written reports of medical and non-

party expert witnesses expected to testify in advance of the trial. The parties shall submit expert reports in accordance with the time schedule established by the Court. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established by the Court. Upon good cause shown, the Court may grant the parties additional time within which to submit expert reports.

B. A party may not call a non-party expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the non-party expert's opinion. However, unless good cause is shown, all supplemental reports must be supplied no later than thirty (30) days prior to trial. The report of a non-party expert must reflect his opinion as to each issue on which the expert will testify. A non-party expert will not be permitted to testify or provide opinions on issues not raised in his report.

C. All non-party experts must submit reports. If a party is unable to obtain a written report from a non-party expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise together with his qualifications and a detailed summary of his testimony. In the event the non-party expert witness is a treating physician, the Court shall have the discretion to determine whether the hospital and or office records of that physician's treatment which have been produced satisfy the requirements of a written report. The Court shall have the power to exclude testimony of the expert if good cause is not demonstrated.

D. If the Court finds that good cause exists for the non-production of a non-party expert's report, the Court shall assess costs of the discovery deposition of the non-complying expert against the party offering the testimony of the expert unless, by motion, the Court determines such payment would result in manifest injustice. These costs may include the expert's fee, the Court reporter's charges and travel costs.

E. If the Court finds that good cause exists for the non-production of a report from a non-party treating physician, the Court shall assess costs of the discovery deposition of the physician equally between the Plaintiff and the party or parties seeking discovery of the expert. These costs may include the physician's fee, the Court reporter's charges and travel costs.

F. A party may take a discovery deposition of their opponent's nonparty medical or expert witness only after the mutual exchange of reports has occurred. Upon good cause shown, additional time after submission of both sides' expert reports will be provided for these discovery depositions if requested by a party. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the

discovery deposition of the proponent's expert. Except upon good cause shown, the taking of a discovery deposition of the proponent's non-party expert prior to the opponent's submission of an expert report constitutes a waiver of the right on the part of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.

#### **RULE 27. REPRODUCTION OF HOSPITAL RECORDS.**

A. Upon motion of any party showing good cause and upon notice to all other parties and the individuals who is the subject of the reports, the Judge may order any hospital by any agent competent to act in its behalf, to reproduce all or any portion of designated hospital records, not privileged, which constitute or contain evidence pertinent to an action pending in this Court. The order shall direct the hospital to describe by cover letter 'the portion or portions of the records reproduced and any omissions and specify the usual and reasonable charges. The order shall designate the person or persons to whom such reproductions shall be delivered or made available.

B. Objections to the admissibility of such reproduced hospital records on the grounds of materiality or competency shall be deemed reserved for ruling at the time of trial without specific reservation in the order to reproduce. Reproductions made pursuant to 'this procedure may be admitted in evidence without further identification or authentication but subject to rulings or objections impliedly or specifically reserved unless the order expressly provides otherwise.

C. Charges for reproduction of its records shall be paid directly to the hospital by the movant or movants, unless otherwise ordered by the Court.

D. Where original records are produced in Court and reproductions subsequently substituted by agreement of the parties or by order of the Court, the movant or movants shall be responsible for the cost. Unless otherwise ordered by the Court, all original records shall be returned by the Court reporter to the hospital upon entry of judgment in this Court.

#### **RULE 28. RECORD OF PROCEEDINGS, TRANSCRIPTS.**

A. Proceedings before the Court shall be recorded by stenographic means, audio electronic recording devices, or video recording systems as ordered by the Court.

B. The record of proceedings or appropriate portions thereof must be transcribed in written form by the court reporter or such other person as

designated by the Court for purposes of objections to findings of fact in a magistrate's decision, appeals, or any other matters requiring the Court's review of the record.

C. Compensation of the court reporter and such other persons as designated by the Court for the furnishing of transcripts shall be fixed by Court order.

D. Counsel, parties, and any persons desiring a transcript of proceedings shall order such transcript from the court reporter or such other person designated by the Court for the furnishing of transcripts using forms approved and adopted by the Court.

E. Preparation of the transcript shall not be commenced until there is deposited with the court reporter or such other person as designated by the Court a sum equal to one-half of the estimated cost for preparation of the transcript. Upon completion and prior to delivery of the transcript the remaining balance of the cost for the preparation of the transcript must be paid to the court reporter or such other person as designated by the Court. Should the cost for preparation of the transcript be less than the deposit, the unused portion of the deposit shall be returned to the person who paid the deposit.

F. Counsel or pro se parties shall be responsible for filing transcripts and any exhibits with the Clerk of Courts for objections to magistrate's decisions, appeals, and all matters requiring such filing.

G. No person other than the court reporter, or such other person as designated by the Court, or Clerk of Courts personnel shall disassemble, duplicate, or otherwise copy a transcript of proceedings. Counsel and/or parties must obtain all copies of transcripts from the court reporter or such other person as designated by the Court after payment of costs of such copies as determined by the Court.

## **RULE 29. SERVICE BY PUBLICATION.**

Service of Process by Publication for cases in the General Division shall be in accordance with Civil Rule 4.4 and the following procedure:

A. Except in an action governed by division (D) of this Rule, if the residence of a defendant is unknown, service shall be made by publication in actions where such service is authorized by law. Before service by publication can be made, an affidavit of a party or his counsel shall be filed with the Court. The affidavit shall aver that service of summons cannot be made because the residence of the defendant is unknown to the affiant, shall detail all of the efforts made on behalf of the party to ascertain the residence of the defendant, and shall aver that the residence of the defendant cannot be ascertained with reasonable diligence.

B. Counsel for a party desiring service by publication shall submit to the Clerk of Courts the aforementioned affidavit and the proposed legal notice in conformity with Civil Rule 4.4(A)(1). The Clerk of Court will cause publication pursuant to Civil Rule 4.4(A)(1) by returning said notice to counsel for transmittal to a newspaper of general circulation in Geauga County. The party desiring service by publication shall arrange for such publication with a newspaper of general circulation in Geauga County and shall be responsible for payment of the costs of publication. The costs of publication may be taxed as costs upon the publisher or its agent filing with the court an affidavit showing the fact of publication together with a copy of the notice of publication and the costs for publication.

C. The publication shall contain the name and address of the Court, the case number, the name of the first party on each side, and the name and last known address, if any, of the person or persons whose residence is unknown. The publication shall also contain a summary statement of the object of the complaint and demand for relief, and shall notify the person to be served that he or she is required to answer within twenty-eight (28) days after publication. The publication shall be published once a week for six successive weeks unless publication for a lesser number of weeks is specifically provided by law. Service shall be complete at the date of the last publication.

After the last publication, the publisher or its agent shall file with the Court an affidavit showing the fact of publication together with a copy of the notice of publication. The affidavit and copy of the notice shall constitute proof of service.

D. In a divorce, annulment, or legal separation action, if the plaintiff is proceeding in forma pauperis and if the residence of the defendant is unknown, service by publication shall be made by posting and mail. Before service by posting and mail can be made, an affidavit of a party or the party's counsel shall be filed with the Court. The affidavit shall contain the same averments required by division (A) of this Rule and, in addition, shall set forth the defendant's last known address. Upon the filing of the affidavit, the Clerk of Courts shall cause service of notice to be made by posting in a conspicuous place in the courthouses in which the General and Domestic Relations Divisions of the Court of Common Pleas for the county are located and in the following two additional public places in the county:

- a. Geauga County Library in the township of Middlefield, Ohio.
- b. Geauga County Library in the township of Chester, Ohio.

The notice shall contain the same information required by division (A) of

this Rule to be contained in a newspaper publication. The notice shall be posted in the required locations for six (6) successive weeks.

The Clerk shall also cause the complaint and summons to be mailed by ordinary mail, address correction requested, to the defendant's last known address. The Clerk shall obtain a certificate of mailing from the United States Postal Service. If the Clerk is notified of a corrected or forwarding address of the defendant within the six-week period, that notice is posted pursuant to division (D) of this Rule, the Clerk shall cause the complaint and summons to be mailed to the corrected or forwarding address. The Clerk shall note the name, address and date of each mailing in the docket.

After the last week of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

## **RULE 30: MEDIATION.**

### **A. Referral.**

1. A Mediator may be appointed by the Court when requested by either party or on the Court's own motion. A referral to mediation by the Court may be made at any stage of the proceedings. There are no limitations either as to type or the amount in dispute of any civil or domestic case referred to mediation. The parties may agree to use an outside mediator as long as there is an agreement as to payment of fees, and the Court has given prior approval. The provisions of Ohio Revised Code Section 2710 ("Uniform Mediation Act") (UMA) and Rule 16 of Ohio Supreme Court of Ohio Rules of Superintendence are incorporated into this Rule by reference.
2. Unless proceedings are stayed by Court order during the process of mediation, the parties shall continue to engage in discovery or other trial preparation and the Court shall continue to manage the case by establishing deadlines and placing the matter on the trial docket.
3. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
4. Parties shall be allowed to participate in mediation and if they wish, their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
5. The Court will create a brochure to be displayed in public areas and

have available by mediators and other staff to distribute to clients as appropriate. The brochure will include local attorney contact information; resource information for local domestic violence prevention, counseling, substance abuse and mental health services; and information regarding children services.

6. The use of mediation is prohibited in any of the following:

- a. As an alternative to prosecution or adjudication of domestic violence.
- b. In determining whether to grant, modify or terminate a protection order.
- c. In determining terms and conditions of a protection order; and
- d. In determining the penalty for violation of a protection order.

7. In addition to mediation referrals to an appointed mediator as set forth above, the Court may refer mediations to a Court employed mediator whose function is to mediate cases referred to him or her by the Court. Such employee shall be compensated and conduct mediations as the Court determines and not pursuant to Paragraph G of this Rule.

## **B. Qualifications.**

1. Any mediator to whom the Court makes referrals in civil cases, other than domestic relations, shall have such qualifications as deemed appropriate by the referring judge.
2. Any mediator to whom the Court makes referrals pursuant to Ohio Revised Code Section 3109.052 and in any domestic relations case in relation to disputes involving the allocation or parental rights and responsibilities shall have the minimum qualifications set forth in the Rules of Superintendence for the Courts of Ohio. When fear of violence is alleged, suspected, or present, the mediation shall proceed only if all the following conditions are satisfied:
  - a. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
  - b. The parties have the capacity to mediate without fear of coercion or control.
  - c. Appropriate procedures are in place to provide for the safety of the



person who is or may be the victim of domestic violence and all other persons present at the mediation.

d. Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.

e. Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

### **C. Mediation Sessions and Process.**

1. Cases referred by the Court shall be scheduled for mediation by the mediator. All cancellations and re-scheduling of mediation dates shall be made only upon approval of the mediator. Mediation shall be held at a place convenient to the mediator, and in Geauga County, Ohio, unless all parties otherwise agree.

2. The mediator shall fix a time for mediation to occur, not more than sixty (60) days after submission to mediation and shall notify the parties or their counsel, in writing, at least ten (10) days before the mediation of the time and place of the mediation. The sixty (60) day period may be extended once by the mediator for up to fifteen (15) days. Notwithstanding any continuance, the mediation shall be held and concluded within seventy-five (75) days from the date of submission, unless the Court permits a further extension. The initial mediation session will be scheduled for a minimum of two (2) hours.

3. The parties to the case shall attend all mediation sessions unless their attendance has been excused in advance by the mediator. All persons necessary for authority to settle the case must attend. The lawyer who is primarily responsible for handling trial of the matter shall also attend the mediation unless the attorney is excused by the mediator.

4. All mediations shall be conducted in accordance with the Uniform Mediation Act (ORC Section 2710.01 et. seq.) and, where applicable, with R.C. Section 3109.052.

5. Communication in the mediation process, regardless of the method of referral or the nature of the issues referred, are governed by the Uniform Mediation Act (Chapter 2710 R.C.); R.C. Section 3109.052 where applicable; and, Rule 408 of the Ohio Rules of Evidence. The entire mediation process, including any correspondence with the mediator prior to the mediation conference is confidential except as otherwise provided by law. The parties and the mediator may not disclose information regarding the process, including settlement terms, to the Court or to other persons, unless the parties otherwise agree. A mediator may disclose whether the mediation has occurred

or has terminated; whether a settlement was reached; attendance; and, may make the disclosures authorized by Revised Code Section 2710.06. The mediator is disqualified as a witness, consultant, attorney or expert in any pending or future actions relating to the dispute, including actions between persons not parties to the mediation process.

#### **D. Participation.**

1. Parties referred to mediation shall participate in good faith in the mediation process and cooperate in all matters pertaining to the mediation, including payment of mediator fees if ordered by the referring judge.
2. The Court may order parties to return to mediation at any time.
3. In mediations involving the allocation of parental rights and responsibilities pursuant to Revised Code Section 3109.052, the following rules apply: if the opposing parties to any case are a) related by blood, adoption or marriage, or have resided at a common residence; and b) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator. The parties in such a case have a duty to participate in any screening process and the Court may order mediation only if it determines that it is in the best interest of the parties to proceed to mediation. The Court must support such determination with specific written findings of fact.

#### **E. Sanctions.**

1. If a party or counsel for a party fails to attend mediation session(s) without good cause or otherwise violates this rule, the Court may, on motion by a party, the mediator, or upon the Court's own motion, impose appropriate sanctions, including, but not limited to, an award of counsel fees and for costs, dismissal, default judgment or contempt.
2. Attorneys shall submit a "Mediation Case Summary" to the mediator prior to mediation. The Mediation Case Summary shall contain the following: a) summary of material facts; b) summary of legal issues; c) status of discovery; d) listing of special damages; and e) settlement attempts to-date, including demands and offers.

#### **F. Conclusion of Mediation.**

1. Immediately on conclusion of the mediation, the mediator will report to the Court only the status of the mediation, i.e., whether a settlement was reached, all or part; and whether all necessary parties attended.
2. If the mediator determines that further mediation efforts would be

of no benefit, he or she shall advise the parties and the Court of such determination.

3. If the mediation was successful, the assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing any agreement reached by the parties. The “Mediation Memorandum” may be signed by the parties and counsel (if the “Mediation Memorandum” is signed, it will not be privileged pursuant to R.C. 2710.05(A)(1)). The written “Mediation Memorandum of Understanding” may become an order of the Court after review and approval by the parties and their attorney. No oral agreement by counsel or with parties or an officer of the Court will be binding unless made in open Court. No agreements developed in mediation shall be legally binding until reviewed and approved by the parties and their attorneys. In cases in which an agreement is reached, the parties or their attorneys shall submit final judgment entries to the Court within fourteen (14) days of the conclusion of the mediation, or at such other time as may be ordered by the Court. If an agreement is not reached, the case shall be returned to the assigned judge.

4. If the parties fail to submit an appropriate judgment entry in a timely fashion, then the Court may dismiss the case administratively or impose appropriate sanctions. Upon such administrative dismissal, Court costs and mediator fees shall be paid as ordered by the Court.

#### **G. Compensation of Mediator.**

Each mediator shall receive a lump sum compensation in the amount of five hundred dollars (\$500.00) per case. Mediators shall not receive additional compensation for subsequent sessions.

All mediators will provide an application for an order to pay mediation fees upon completion of the mediation and attach an approval order. All compensation for a mediator shall be paid, upon proper warrant, from the funds of Geauga County, Ohio, which have been allocated for the operation of the Common Pleas Court of Geauga County, Ohio. In the event that the mediation is unsuccessful, the cost of the mediation shall be taxed as costs through the Clerk of Courts Office. Upon receipt of costs, the Clerk shall deposit the mediation costs with the Treasurer who will place the funds in the General Division Arbitration/Mediation Special Project Fund.

In the event that the case is settled or dismissed sooner than two days prior to the date scheduled for the mediation, the mediator shall not be entitled to any fees. In the event a case is settled or dismissed within the said two-day period, the mediator is entitled to receive a fee of fifty dollars (\$50.00).

#### **H. Dispute Resolution Fees.**

Pursuant to R.C. Section 2303.201(E)(1), commencing February 1, 2010, fees in addition to the fees and costs authorized under R.C. Section 2303.20, shall be charged and collected by the Clerk of Courts upon filings in the General Division, as follows: (a) on the filing of each foreclosure action or proceeding, a fee of ninety dollars (\$90.00); (b) on the filing of every other civil (including domestic and domestic post decree) action or proceeding, a fee of twenty-five dollars (\$25.00). Such additional fees shall be used to implement the procedures set forth in this Rule.

All fees collected shall be paid to the Clerk of Courts for deposit with the County Treasurer who will place the funds from these fees in the General Division's Arbitration/Mediation Special Project Fund with an annual report of collection to the Administrative Judge.

If the Court determines that the amount of the money in the fund described herein is more than the amount sufficient to satisfy the purpose for which this fee was imposed, the Court may declare a surplus in the fund and expend the surplus moneys for other appropriate expenses of the Court.

At any time after a lawsuit is filed, the Common Pleas Court, General Administrative Judge may, in the exercise of his or her discretion, order a Plaintiff, Counter-Claimant, Cross Claimant and/or Third-Party Plaintiff to deposit money, up to one thousand dollars (\$1,000.00) per party, in addition to the usual filing fees, for any case which may require extraordinary expenditures to implement mediation. The additional fees shall be paid to, and collected by, the Clerk.

## **RULE 31: FORECLOSURE MEDIATION.**

### **A. Referral.**

A foreclosure case other than a tax-foreclosure may be referred to mediation as follows:

1. The court on its own motion may do so at any time; or
2. The mortgagor may file with the Clerk of Courts a Request For Mediation on a form prescribed by the court and provide the financial information as requested within the time provided in this Rule.

### **B. Request for Mediation.**

The mortgagor will be provided with a Request For Mediation, Debtor's Questionnaire for Foreclosure Mediation, and Estimated Monthly Income/Expense Worksheet with the service of summons. The mortgagor is required to file the same with the court within 21 days after service of summons. Failure to do so may result in the case being denied for mediation.

Upon the court's receipt of the mortgagor's Request For Mediation and other appropriate documentation, the same will be reviewed by the mediator to determine if the case is appropriate for mediation. If the case is ordered referred to mediation, the order shall include a stay of the case until the conclusion of the mediation process. If it is not referred to mediation, then the case will remain on the regular court docket.

### **C. Mediation Process.**

Upon referral to mediation a hearing will be scheduled with the court's mediator. The parties and counsel are required to attend. An appropriate representative on behalf of plaintiff may attend the mediation by telephone only if prior court approval has been granted. More than one mediation session may take place if it is deemed appropriate by the mediator and the parties are attempting to resolve the matter in good faith.

The parties shall fully cooperate with the mediator and shall provide all information as requested. Failure to do so will result in appropriate court sanctions being imposed.

The case will remain in mediation and stayed until it is dismissed or the mediator has determined that mediation has been unsuccessful. The mediator shall communicate to the Judge to which the case has been assigned if the mediation has not been successful. Unsuccessfully mediated cases shall be ordered back on the court's regular docket.

The provisions of Ohio Revised Code Section 2710 ("Uniform Mediation Act") are incorporated into this Rule by reference.

## **RULE 32. CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT.**

A. The purpose of this local rule is to define the requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and Administrative Rule 5120-15-01 established by the Department of Rehabilitation and Corrections (DRC).

B. In order to request a CQE, the Petition for Certificate of Qualification for Employment (RC 2953.25) [Form A] shall be filed with the Clerk of Courts by the Petitioner. The Petitioner shall provide the DRC Electronic Petition Number and attach a printed receipt of electronic Petition if submitted through the DRC. If not submitted electronically through the DRC, a written Petition must be completed on the form prescribed by the DRC and attached to the pleading.

C. All Petitions submitted through the DRC shall include electronic access to the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).

D. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of \$250. A Judge or Magistrate may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of

Indigency or other relevant information for the Court's consideration if requesting a reduction in the filing fees.

E. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.

F. Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a trial judge.

G. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition or otherwise.

H. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Clerk of Courts shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to each court so identified. Such Notice shall be sent via ordinary US mail.

I. The Clerk of Courts shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to the Prosecuting Attorney of the county in which the Petition was filed.

J. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.

K. The Court may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision.

L. Once all information requested has been received, the Court shall decide whether to Grant or Deny the Petition within sixty days, unless Petitioner requests and is granted an extension of time.

M. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.