

**RULES OF PRACTICE AND PROCEDURE**

**for the**

**HARRISON COUNTY COURT OF COMMON PLEAS  
Judge T. Shawn Hervey**

**100 West Market Street-Cadiz, Ohio 43907  
(General Division)**

**RULES EFFECTIVE DATE: APRIL 29, 2026**

**AMENDMENT TO RULES:**

**APRIL 29, 2026**

- **Electronic Filing Policy located at the conclusion of the Local Rules.**

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**RULES OF PRACTICE AND PROCEDURE OF COMMON PLEAS COURT**

**HARRISON COUNTY**

**(General Division)**

**RULE 1**

**DIVISIONS OF THE COURT**

- 1.01 The Court of Common Pleas of Harrison County shall be divided into two divisions: the General Division with jurisdiction in Criminal, Civil and Domestic Relations matters and the Probate-Juvenile Division. These rules apply only to the General Division of the Common Pleas Court.

**RULE 2**

**TERM OF COURT**

- 2.01 The Court shall be in continuous operation for the transaction of judicial business.
- 2.02 There shall be one term of court, commencing on January 1 of each calendar year.

**RULE 3**

**HOURS OF SESSION**

- 3.01 The sessions of the courts shall begin at 9:00 A.M. and close at 12:00 noon and shall resume at 1:00 P.M. and close at 4:30 P.M. on Monday through Friday each week except on those days designated by law as legal holidays. Such days and hours may be modified by the trial judge to meet special circumstances or the exigencies of trial.

**RULE 4**

**ASSIGNMENT COMMISSIONER**

- 4.01 The Court shall have an Assignment Commissioner responsible for maintaining the Court's trial docket and to set for hearing all matters coming before the Court.
- 4.02 The Assignment Commissioner shall also be charged with implementing the Court's Case Management Plan as directed by the terms of the plan and the judge.

## **RULE 5**

### **CASE MANAGEMENT PLAN**

- 5.01** This Court has enacted a Case Management Plan, effective on July 1, 1991, for the efficient handling of cases; prompt resolution of legal issues; avoidance of unnecessary delay; and to insure fair and speedy deliverance of justice.
- 5.02** This Court's Case Management Plan is an attempt to balance several countervailing pressures; an ever increasing case load; a need for a framework for scheduling purposes; a necessity for flexibility to meet the unique responsibilities of a one judge unified jurisdiction court; inadequate funding and staffing and a lack of sufficient equipment. Time Management and Resource Management must be considered in the implementation of the Case Management program.

## **RULE 6**

### **PROCEDURE FOR SCHEDULING INDIVIDUAL CASES**

- 6.01** If both or all legal counsel of record are new, plaintiff's counsel or movant's counsel shall confer with the Assignment Commissioner prior to filing the pleading(s) with the Clerk of Courts. This applies to new case filings and Motion filings in previously docketed cases. Prior to filing the pleadings, an informal Scheduling Conference shall be held to set a Final Trial date, a Pre-Trial date, Motion Hearing date or any other date necessary. The Assignment Commissioner shall conduct the Scheduling Conference in person or by phone in the Court office.
- 6.02** If there is no legal counsel of record, opposing counsel shall nevertheless request the Assignment Commissioner to set a Final Trial date and Pre-Trial date, as well as Motion Hearing date, if applicable.
- 6.03** At any time following service of the Complaint, the judge may make a Scheduling Order. The Judge or the Assignment Commissioner shall conduct a Scheduling Conference in person, or by telephone and this shall be an informal procedure in form and manner as the Court desires. The purpose of said Scheduling Order is to limit time and to expedite the resolution of the instant case. A time limit shall be placed upon:
- a.** Joiner of new parties;
  - b.** Amendment of pleadings;
  - c.** Completion of discovery;
  - d.** Motion filing;
  - e.** Any other matters the Court deems to be in the best interest of justice.
- The Scheduling Order shall be modified only by the Court by written order.
- 6.04** All cases filed with the Harrison County Clerk of Courts not containing a Notice of Hearing shall be brought to the attention of the Common Pleas Assignment Commissioner by the Clerk of Courts by the close of the next business day following filing of said case.

- a. The Assignment Commissioner shall then assign appropriate dates to each case and shall prepare notices of said dates to be sent to the appropriate parties and return said case file to the Clerk of Courts by the close of the next business day following receipt of the file.
- b. The Clerk of Court's Office shall mail the Notices prepared by the Assignment Commissioner as directed by legal counsel for the service of the pleadings to which the Notice is attached. If no directions are included, said Notices of Hearings are to be mailed by regular U.S. mail by the close of the next business day following receipt thereof to the last address of record.
- c. Notices for local legal counsel may be placed in the filing slot maintained for said legal counsel by the Clerk of Courts. Legal counsel has the responsibility of checking the box regularly. Notice is considered made once the Notice is placed in the legal counsel's box.

## RULE 7

### UNIFORM SCHEDULE PROVIDED

- 7.01 Because of this Court's necessity to schedule a variety of hearings and proceedings in several different areas, the Court finds it appropriate to set aside certain days and dates of each and every month for certain kinds of hearings and proceedings. These are set forth as follows:
- 7.02 MONDAYS: Mondays shall be reserved for the purpose of hearing Pre-Trials, Non Oral Hearings, Garnishment Hearings and any other matter that will be conducted in the Judge's Chambers.
- 7.03 TUESDAYS: Tuesdays shall be dedicated to the hearing of Criminal Cases. Hearings will be held in the Large Court Room.
- 7.04 WEDNESDAYS: Wednesdays shall be scheduled for various hearings as follows:
- a. Oral Hearings when needed – Large Court Room
- 7.05 THURSDAYS: The schedule shall be as follows:
- a. Judge's Chambers – Pre-Trial Hearings, Non-Oral Hearings and any other matters deemed necessary.
  - b. Oral Hearings when needed – Small Court Room
- 7.06 FRIDAYS: Large Court Room
- a. Contested Divorces
  - b. Other Domestic Cases
  - c. Motions - Contempt

## RULE 8

### MONITORING PROGRESS OF CASES

- 8.01 The Common Pleas Court Administrator and other designated Court personnel shall monitor the progress of each case and keep appropriate records, issue necessary notices, report to the Judge any information requested by the Judge and the Common Pleas Court staff and shall keep legal counsel informed of the status of their cases.
- 8.02 The Assignment Commissioner shall notify the Plaintiff's or Movant's legal counsel after 15 days of filing any action when there is no service of the parties to be served. If within another 15 days, Plaintiff's or Movant's legal counsel has not been able to obtain service, this Court shall dismiss the filed action for lack of prosecution (civil cases only), subject to refile. The Assignment Commissioner shall prepare and send such other Notices of proposed court action as the Court deems appropriate in a timely fashion.
- 8.03 In assigning cases for trial, the Assignment Commissioner shall set Trial date, Pre-Trial date and Motion Hearing date as follows:
- a. **DOMESTIC RELATIONS:**
- (1) **MOTIONS** shall be scheduled for the 2<sup>nd</sup> Wednesday of each month.
  - (2) **DISSOLUTIONS** shall be scheduled for the sixth Monday after Filing or as soon as the calendar permits.
  - (3) **DIVORCES** shall be scheduled for the eighth Monday following filing. All Uncontested divorces shall proceed as filed, provided there is proper service of process. Contested divorces shall be heard as set, but for Pre-Trial, not final trial. Counsel shall advise the Court no later than Thursday before the Monday trial date that the case is contested. The Court shall then assign a new trial date, if necessary, and the parties shall meet in a Pre-Trial Conference at the initial trial date.
  - (4) **THE FINAL HEARING** shall be held within ten (10) months of filing the case.
- b. **OTHER CIVIL CASES:**
- (1) All other civil cases, excepting complex litigations, shall proceed to Final Hearing within ten (10) months of filing
- c. **TORTS AND PRODUCTS LIABILITY CASES:**
- (1) These matters shall be resolved within eighteen (18) months of filing.

**d. CRIMINAL CASES:**

(1) All criminal matters shall be heard within 270 days of indictment.

**e. APPEALS:**

(1) All appeals of administrative decisions shall be tried within twelve (12) months of filing with this Court.

**RULE 9**

**CASE/MOTION CODING**

**9.01** To facilitate record keeping, the coding system shall be changed effective August 1, 1991. Such coding shall be in conformity with Common Pleas Supreme Court Rules and Supreme Court Statistical Report Forms A (General Division) and B (Domestic Relations Division). Each initial pleading of all new civil and domestic relations cases and all post decree domestic relations matters filed in this Court on or after August 1, 1991 shall be coded in conformity with Supreme Court Statistical Reporting Forms A and B. Counsel shall report the correct coding. (Persons representing themselves are likewise obligated.)

The Clerk of Courts may refuse for filing any incorrectly coded or uncoded pleadings after August 1, 1991.

The Alphabetic designations are as follows:

**CODES - GENERAL DIVISION - CIVIL**

<b><u>Alphabetic Designation</u></b>	<b><u>Application</u></b>	<b><u>Explanation</u></b>
A.	Professional Tort	(medical, legal, accountant malpractice)
B.	Product Liability	
C.	Other Torts	(wrongful death, assault, auto. personal injury, defamation, etc.)
D.	Worker's Compensation	(W.C. appeals)
E.	Foreclosures	(mortgage, judgment lien, mechanics land contract foreclosure)
F.	Administrative(unemployment compensation, license Appeals	suspension, state personal bd. of review, etc.)
G.	Complex Litigation	
H.	Other Civil	(Replevin, money judgments, cognovits)

**CODES - DOMESTIC RELATIONS - NEW / POST-DECREE**

**Alphabetic**

<u>Designation</u>	<u>Application</u>	<u>Explanation</u>
A.	Term of marriage with children	(divorce with children)
B.	Term of marriage without children	(divorce; annulment)
C.	Dissolution with children	
D.	Dissolution without children	
E.	Change of custody	(post-decree only)
F.	Visitation enforcement/modification	(post-decree only)
G.	Support enforcement/modification	(child support, alimony post-decree only)
H.	Domestic violence	(non-criminal only)
I.	U.R.E.S.A.	(uniform support actions)
J.	Other	(alimony only actions; post-contempts, etc.)

## RULE 10

### PLEADINGS, MOTIONS -GENERAL FORM

**10.01** Pleadings, motions and applications shall be legibly typewritten or printed on letter size paper (approximately 8 1/2" x 11"). The caption at the top thereof, in addition to stating the name of the Court, County and State, shall state the name and address, if known, of each party in the case of complaints, with space for the number and blank space of at least three inches at the top of the first page for endorsement thereon by Clerk. Pleadings filed subsequent to the complaint, including motions and applications shall state the number of the case pursuant to L.R. 9, the name of the first party-plaintiff and first party-defendant on each side. Each pleading, motion or application shall bear the name, office address and telephone number of the Attorney or Law Firm, if any; otherwise, the name of the party filing and the type of action, such as "Complaint for Money Judgment", etc.

**10.02 Post Judgment Motions:**

In the caption of a Post Judgment Motion there shall be typed the name and address of each party.

## **RULE 11**

### **SERVICE OF COPIES AND NOTICE**

- 11.01** Upon filing of a Complaint, the person filing the same shall submit to the Clerk a true copy thereof for each party-defendant, and the Clerk shall arrange for service to be made thereon as set forth in the Ohio Rules of Civil Procedure or as otherwise provided by law.
- 11.02** A true copy of each subsequent pleading, motion, response, brief, application or other paper filed in any cause shall be served forthwith by the party filing the same or his counsel upon opposing counsel and each party not represented by counsel, except that transcripts of the proceedings, deposition, and other transcripts of evidence shall not be required to be so served. Such service as well as proof of service shall be made as set forth in the Ohio Rules of Civil Procedure or as otherwise provided by law or local Rule of Court.
- 11.03** In Domestic Relations matters, all motions and applications filed after decree shall be served upon the adverse party pursuant to Civil Rules.
- 11.04** The Clerk of Courts shall provide and maintain a place for the deposit of notices, pleadings and other documents for each law office maintained in Harrison County. All pleadings subsequent to the original Complaint may be served by placing in the slot designated for each legal counsel or law office. Such action shall constitute full and complete service upon said attorney of record. Such action shall be noted in a Proof of Service when required and shall be deemed by this court as sufficient.
- 11.05** The Clerk of Courts is authorized to complete service upon the Harrison Co. Treasurer by personal service or an executed waiver of service regardless of the type of service requested. If service cannot be accomplished in a prompt manner in personal service or waiver, the Clerk shall proceed to the manner sought by counsel.

## **RULE 12**

### **ATTORNEY OF RECORD**

- 12.01** As soon as an attorney ascertains that he represents any party in any suit pending in this Court, he shall immediately notify the Clerk so that proper notation can be made upon the file, the appearance and Court dockets. A copy of a time stamped notice shall be satisfactory evidence that notice was given. Failure to so notify the Clerk shall be deemed a waiver of any notice required under these Court rules.
- 12.02** All counsel shall be individually responsible for their cases and copies of rulings of the Court shall be placed in the box provided for each counsel or office by the Clerk. Copies will be mailed to out of county counsel at the address stated on the most recent pleading.

## **RULE 13**

### **WITHDRAWAL**

#### **13.01 LEAVE OF COURT REQUIRED**

Counsel for any party shall be permitted by the Court to withdraw from an action in all cases where he is obligated to withdraw under Disciplinary Rule 2 - 110 of the Ohio Code of Professional Responsibility. The Court may also permit counsel to withdraw when withdrawal is permitted under Disciplinary rule 2 - 110.

#### **13.02 PROCEDURE:**

(1) When Counsel's client consents to counsel's withdrawal, counsel shall file with the Court a written Motion to Withdraw, together with an entry and appearance of substitute counsel. The court need not allow a continuance of the matter because counsel has been substituted.

(2) In all other cases counsel shall file a written Motion to Withdraw with the Court and counsel shall send written notice to the client of the time, date, and place of the hearing of the Motion by certified mail, return receipt requested. A copy of said notice shall be attached to the Motion.

In the event that counsel is unable to locate his client, he shall submit with his Motion a statement as to his efforts to communicate with his client.

(3) If the Motion is granted, counsel shall notify his client of his withdrawal by sending him a copy of the Entry by certified mail, return receipt requested, at the client's last known address. A copy of the Entry permitting withdrawal shall be filed and docketed by the Clerk, with a copy provided to the Assignment Commissioner and all other counsel of record or parties unrepresented by Counsel.

## **RULE 14**

### **SERVICE BY PUBLICATION**

14.01 Counsel for a party desiring service by publication shall submit to the Clerk of Courts the proposed legal notice for such publication.

14.02 This notice shall be promptly published in a local newspaper by the Clerk of Courts. The cost of the legal notice shall be taxed as court costs.

14.03 Pursuant to Civil Rule 4.4 as amended, the Clerk of Courts shall cause to be posted in three (3) conspicuous places notices concerning Domestic Relations matters wherein the whereabouts of the Defendant is unknown and service is being made by publication. All notices, pleadings, etc. required to be posted shall be posted on 1) the bulletin board on the main floor, 2) in the Commissioner's Office on the ground floor and 3) outside the Clerk of Court's office on the top floor.

## RULE 15

### COURT COSTS

15.01 As of August 1, 2013, the following costs will be in effect for the Harrison County, Ohio Clerk of Courts: (Judgement Entry Attached-Effective Date 8-1-13)

### HARRISON COUNTY COMMON PLEAS COURT

	DEPOSIT
Civil - Foreclosure	\$400.00
Preaicepe for Order of Sale	\$300.00
CIVIL - All other civil	\$250.00
Cost for each additional Defendant over and above 10 defendant's	\$ 10.00
Jury Demand	\$300.00
Complaint of 3rd Party	\$135.00
Answer and Counterclaim	\$ 80.00
Execution	\$151.00
<b>JUDGMENT/TAX LIEN FEES</b>	
Filing, Docketing & Endorsing Certificate	\$ 10.00
Certificate of Judgment Recording	\$ 20.00
Preparation of Certificate of Judgment	\$ 5.00
Release Judgment-Civil Court Case	\$ 5.00
W/Comp & Dpt. of Taxation Judgment Rel.	\$ 25.00
Foreign Judgment Filing Fee	\$ 65.00
Debtors Exam	\$ 76.00
<b>GARNISHMENT FILINGS</b>	
Wages	\$151.00
Assets other than wages	\$125.00
<b>NEW DIVORCE/DISSOLUTION/ANNULMENT CASES</b>	
Divorce	\$300.00
Dissolution with children	\$250.00
Dissolution without children	\$225.00
Answer and Counterclaim	\$ 60.00
<b>POST DIVORCE ACTIONS</b>	
Modification with Stipulated Judgment Entry	\$ 50.00
Modification without stipulated Judgment Entry	\$200.00
Contempt (Re-open)	\$200.00
Mediation Fee	\$100.00
EXPUNGEMENT	\$250.00
CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT	\$100.00

<b>7th District Court of Appeals</b>	<b>\$175.00</b>
<b>Record Notary Public Commission</b>	<b>\$ 5.00</b>
<b>Notarize and Record Notary Public Commission</b>	<b>\$ 6.00</b>
<b>Copy of Local Rules</b>	<b>\$ 10.00</b>
<b>Authentication/Certified Copy of Record</b>	<b>\$ 5.00</b>
<b>Electronic Transmission plus \$1.00 per page</b>	<b>\$ 2.00</b>
<b>Copies per page</b>	<b>\$ 1.00</b>

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2013
<b>Civil - Foreclosure</b>		<b>deposit</b>	<b>\$ 376.00</b>
Court Computerization (Legal Research)	2303.20.1(A)(1)	\$ 6.00	\$ 6.00
Clerk Computerization	2303.20(B)(1)	\$ 20.00	\$ 20.00
Legal Aid	2303.201(C)	\$ 26.00	\$ 25.74
1% of Legal Aid paid in clerk fees			\$ 0.26
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	\$ 20.00
Filing Fee for New Action	2303.2A	\$ 25.00	\$ 25.00
Clerk Fees			\$ 25.00
Common Plea Special Projects	2.30E+04	\$ 26.00	\$ 30.00
		<b>Initial costs</b>	<b>\$ 152.00</b>
<b>Preacipe for Order of Sale</b>			<b>\$ 300.00</b>
<b>CIVIL - All other civil</b>		<b>deposit</b>	<b>\$ 226.00</b>
Court Computerization (Legal Research)	2303.20.1(A)(1)	\$ 6.00	\$ 6.00
Clerk Computerization	2302.20(B)(1)	\$ 20.00	\$ 20.00
Legal Aid	2303.201(C)	\$ 26.00	\$ 25.74
1% of Legal Aid paid in clerk fees			\$ 0.26
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	\$ 20.00
Filing Fee for New Action	2303.2A	\$ 25.00	\$ 25.00
Clerk Fees			\$ 25.00
Common Plea Special Projects			\$ 30.00
		<b>Initial costs</b>	<b>\$ 152.00</b>
<b>CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT</b>			
Clerk Computerization	2302.20(B)(1)		\$ 25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	\$ 75.00

**NEW DIVORCE/DISSOLUTION/ANNULMENT CASES**

<b>Divorce</b>			<b>Deposit</b>	<b>\$</b>	<b>240.00</b>
<b>Dissolution with children</b>			<b>Deposit</b>	<b>\$</b>	<b>215.00</b>
<b>Dissolution without children</b>			<b>Deposit</b>	<b>\$</b>	<b>190.00</b>
Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Fund Victims of Dom. Viol. Shelters	2303.201(D)	\$	32.00	\$	32.00
Child Abuse/Child Neglect Prev. Program	3109.14(B)(2)	\$	11.00	\$	10.67
3% of Child Abuse/Neglect in clerk fees				\$	0.33
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Filing Fee for New Action	2303.2	\$	25.00	\$	25.00
Clerk Fees				\$	25.00
Common Plea Special Projects				\$	30.00
			<b>Initial Costs</b>	<b>\$</b>	<b>169.00</b>

**DOMESTIC VIOLENCE/CIVIL PROTECTION ORDER/LEGAL SEPARATION/OTHER DOMESTIC**

			<b>Deposit</b>	<b>\$</b>	<b>-</b>
Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Filing Fee for New Action	2303.2	\$	25.00	\$	25.00
Clerk Fees				\$	25.00
Common Plea Special Projects				\$	30.00
			<b>Initial Costs</b>	<b>\$</b>	<b>126.00</b>
				<b>\$</b>	<b>-</b>

**POST DIVORCE ACTIONS**

Motion for Modification	2303.20(T)	\$	15.00	\$	15.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Clerk Fees					
Common Plea Special Projects					
			<b>Initial Costs</b>	<b>\$</b>	<b>61.00</b>

**NEW APPEAL CASE**

Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Legal Aid	2303.201(C)	\$	26.00	\$	25.74
1% of Legal Aid paid in clerk fees				\$	0.26

Filing Fee for New Action	2303.2	\$	25.00	\$	25.00
Clerk Fees					
Common Plea Special Projects		\$	30.00	\$	30.00
			Initial Cost	\$	107.00

**NEW CRIMINAL CASE**

Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Victims of Crime-County	Local Court Rule				
Victims of Crime-State	2743.7	\$	30.00	\$	30.00
Indigent Defense Support	2937.22	\$	30.00	\$	30.00
Crime Stoppers	County Resolution	\$	1.00		
2% poundage on Restitution/Bond					
Filing Fee for New Action	2303.2	\$	25.00	\$	25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Common Plea Special Projects				\$	30.00
			Initial Cost	\$	161.00

**EXPUNGEMENT**

	<b>Deposit</b>	<b>\$</b>	<b>200.00</b>		
Motion to Open Case	2302.2	\$	15.00	\$	15.00
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
State Treasury Fee	2953.32	\$	30.00	\$	30.00
County Sealing Record Fee	2953.32	\$	20.00	\$	20.00
Sealing Record after Not Guilty Plea	2953.52	Determined by Court		\$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Clerk Fees				\$	45.00
Common Plea Special Projects				\$	30.00
			Initial Costs	\$	200.00

**JUDGMENT/TAX LIEN FEES**

Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Satisfaction-Partial or Full	2303.20(K)	\$	5.00	\$	5.00
Marking Certificate of Judgment	2303.20(O)	\$	5.00	\$	5.00
Filing, Docketing & Endorsing Certificate	2303.20(P)	\$	10.00	\$	10.00

**GARNISHMENT FILINGS**

<b>Wages</b>			<b>Deposit</b>	<b>\$</b>	<b>126.00</b>
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Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Comm/2% on money received/handled	2303.20(V)				
Common Plea Special Projects				\$	30.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Fees				\$	63.00
				\$	139.00
<b>Assets other than wages</b>				<b>Deposit</b>	<b>\$ 65.00</b>
Clerk Computerization	2302.20(B)(1)	\$	20.00	\$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		\$	20.00
Comm/2% on money received/handled	2303.20(V)				
Common Plea Special Projects				\$	30.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	\$	6.00	\$	6.00
Clerk Fees				\$	63.00
				\$	139.00

No party shall be prohibited from presenting proof that the party is unable to pay a deposit in accordance with law.

## RULE 16

### RULE DAY FOR PLEADINGS – EXTENSIONS

**16.01** Any party may be permitted leave to move or plead provided the total extension of time does not exceed twenty-one (21) days.

**16.02** Where an additional extension of time beyond that provided by the foregoing paragraph is needed, the party desiring the extension shall file a written motion supported by an affidavit stating facts indicating the practical impossibility of pleading within rule and demonstrating good cause for further extension. The motion and affidavit shall be served upon the adverse parties by regular mail or by box for local counsel. The motion and affidavit will be required even though consent of counsel is obtained if the extension is for a period of time beyond that permitted by the first paragraph hereof.

## RULE 17

### AMENDING PLEADINGS, MOTIONS

**17.01** No Pleading or Motion shall be amended by interlineations or obliteration except upon leave of the Court. Upon the filing of an amended pleading or motion, the original of any prior amendment thereof shall not be withdrawn from the file except upon leave of the Court.

## **RULE 18**

### **ATTORNEY REGISTRATION NUMBERS**

- 18.01** Effective January 1, 1992, every attorney at law licensed to practice law in this state shall include his Ohio Supreme court registration number on all documents filed in this Court.

## **RULE 19**

### **DISMISSALS**

- 19.01** Due to the statistical reporting requirements imposed by the Rules of Superintendence, all dismissals of original actions and post-judgment matters must be approved by the Court. A dismissal on the appearance docket by counsel is not effective until approved or ordered by the Court.
- 19.02** Cases which have been on the docket for six (6) months without any proceedings taken therein, except those awaiting final trial assignment, shall be subject to dismissal by the Court, after notice to counsel of record or to a pro se party, for want of prosecution unless good cause is shown to the contrary.

## **RULE 20**

### **MOTIONS FOR SUMMARY JUDGMENT**

- 20.01** Motions for Summary Judgment shall be managed in compliance with Civil Rule 56. Motions for Summary Judgment shall be decided without oral argument, unless oral argument is requested and found to be necessary by the Court. Pursuant to Rule 56 (c), the Court shall set a hearing date by entry and cause notice to be served upon counsel.
- 20.02** The Court shall decide the Motion for Summary Judgment based upon the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence and written stipulations of fact timely filed. Documents not expressly mentioned in rule 56 (c) shall be attached to an affidavit and filed. To avoid exclusion by the Court, the documents must be properly filed with the Clerk of Courts. No document unfiled with the Clerk of Courts shall be considered.

## **RULE 21**

### **ALL OTHER MOTIONS**

- 21.01** All other Motions will be decided without oral hearing unless a request for oral hearing is made and it is determined necessary by the Court. The moving party shall file all appropriate supporting documents with the motion, including a brief memorandum supporting the Motion and citing cases and authorities relied upon. Within fourteen (14) days of receipt of the Motion each party opposing the motion shall file a written response with supporting documentation. No other briefs shall be filed or accepted by the Court.

## **RULE 22**

### **DEFAULT JUDGMENTS AND RELIEF FROM JUDGMENT**

- 22.01** Default judgments shall be granted in accordance with Civil Rule 55. All motions or default judgment shall be accomplished by a proposed judgment entry.
- 22.02** No motion for relief from judgment pursuant to Civil Rule 60 (B) shall be granted by the Court by operative facts of evidentiary quality that (A) the movant has a meritorious defense or claim to present if relief is granted; (B) the movant is entitled to relief under one of the grounds stated in Civil Rule 60 (B) (1) through (5); and (C) the motion is made within a reasonable time.

## **RULE 23**

### **PRE-TRIAL PROCEDURE**

- 23.01** All cases shall be set for a Pre-Trial Conference at the Scheduling Conference. Additional Pre-Trials may be set at the request of either counsel or in the discretion of the Court. A Final Pre-Trial shall be set within fourteen (14) days of trial. Pre-Trials shall conform with the provisions of Rule 16 of the Ohio Rules of Civil Procedure.
- 23.02** Pre-Trial Conferences shall be held in the Judge's Chambers, or at such other place as the Court may direct. Pre-Trials (not the Final Pre-Trial) may be held by conference telephone call at the request of counsel or upon the initiative of the Court. Counsel must request phone Pre-Trial three (3) days in advance of the scheduled Pre-Trial date. The party requesting Pre-Trial by phone conference shall be responsible for arranging the conference phone call.
- 23.03** Counsel who are to try the case shall be present at the pre-trial conference, with authority to discuss all phases of the case, with authority to negotiate toward settlement of the case, enter into stipulations, and conduct good faith negotiations. Counsel must be prepared to certify that they have conferred with each other prior to the pre-trial conference.

**23.04** At all Pre-Trial conferences, counsel or the parties, if not represented by counsel, shall be present at the Pre-Trial conference. If any party is a corporation, insurance company, or any other artificial legal entity, then a representative of that party, other than counsel for the party, must be present with authority to settle the case, unless otherwise excused by the Court or counsel shall have complete authority to settle the matter.

**23.05 PRE-TRIAL STATEMENT:**

At the Court's discretion, counsel shall file within five (5) days of a Pre-Trial a "Pre-Trial Statement" containing the following required data:

- (1) The counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party.
- (2) A statement of the issues involved and a statement in writing of all questions of law which it is expected will be involved in the case.
- (3) All exhibits which are expected to be offered in evidence at the trial; an itemization of all special damages claimed; the names of all witnesses, both expert and non-expert, expected to be called at the trial; whether or not a jury trial if previously demanded, will not be waived, and if not, the number of jurors demanded, and whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages if liability be found.

**23.06** Unless the Court determines that a Final Pre-Trial Conference would be unnecessarily burdensome to the court or the parties, or the Court determines that a Final pre-trial conference is otherwise unnecessary, a final pre-trial conference shall be scheduled during the 14 day period immediately preceding the trial date. In the event a final pre-trial conference is held, pre-trial statements shall be prepared by counsel for all parties, or by the party if unrepresented, and shall be filed with the court and served upon opposing counsel not less than 3 business days prior to the date of the final pre-trial conference. The pre-trial statement shall include the following:

- a. A concise summary of the essential facts.
- b. A brief statement of the issue involved.
- c. A brief statement of the applicable law and the authorities upon which counsel relies.
- d. A list of demonstrative evidence or exhibits which will be offered on date of trial.
- e. An itemized statement of damages by persons claiming such damages.
- f. Names and addresses of prospective lay and expert witnesses.
- g. Estimate of trial time.
- h. A brief statement that counsel conferred prior to the final pre-trial conference, discussed in depth the issues involved, proposed offers of settlement, that such offers were refused, and a statement as to the prospects of settlement prior to trial.

- 23.07 If the matter is to be tried to a jury, counsel shall also file with the court and serve upon all parties at least 3 business days before the date of pre-trial a draft of substantive jury instructions, interrogatories (if any), verdicts, and an indication as to whether a jury view will be requested and, if so, details as to the site and parameters of the view.
- 23.08 When justice so requires, such as when the party represents a limited or a peripheral interest, or is not involved in the contested issues in the case, the court may excuse any party or counsel from appearance at the final pre-trial conference or from the preparation of a pre-trial statement, or both. A party desiring to be excused from attendance or preparation of a court's notice of final pre-trial conference, shall request such consideration by written motion.
- 23.09 **Failure to appear or failure to comply.** Should a party or counsel fail to appear at a conference held pursuant to this Rule or fail to comply with the directions set forth in this Rule, an ex parte hearing may be held and judgment of dismissal or default or other appropriate judgment may be entered and sanctions imposed.

## RULE 24

### FIRM TRIAL DATES

- 24.01 Firm trial dates will be fixed at the Scheduling Conference, or at other times as deemed appropriate by the Court.

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

- 24.02 The Assignment Commissioner may assign cases as first, second or subsequent alternate to a primary case. The Court will endeavor to notify counsel for alternate cases not later than 24 hours before trial time that the alternate case will or will not be heard on said date. However, the purpose of assigning cases as alternates is to utilize the courtroom and to get cases tried and the Court reserves the prerogative of requiring alternate cases to be ready for trial if it appears to the court that there is a strong possibility that the principal case will at the last moment be settled, dismissed or continued.

## RULE 25

### TRIAL BRIEFS

25.01 When a case has been given a firm trial date, each attorney representing a party thereto shall file with the Court, for the Court's personal use, a trial brief, no less than seven (7) days before the trial, with contents as required below:

**Trial Briefs shall contain:**

1. A short statement of the case.
2. A memorandum of the law upon which Plaintiff relies for relief requested in the complaint. Memorandum of Defendant on law which Defendant relies to deny relief requested by Plaintiff.
3. Memorandum of the law involved with unusual trial procedure that may be contemplated including introduction of evidence, motions, or any special request to be made to the Court for both Plaintiff and Defendant.
4. Issues of fact to be determined. Both plaintiff and defendant must comply.
5. Names of witnesses and/or exhibits to be presented to prove each issue for both Plaintiff and Defendant.
6. Advice to the court as to whether or not, (1) special finding of the jury will be request; (2) interrogatories will be submitted to the jury.
7. Xerox copy of any major cases or authorities cited and Xerox copy of any unreported cases upon which the party relies.
8. In case it is a trial to the Court, the trial brief will contain information as to whether or not the party will desire the Court to make a special finding of fact and conclusion of law.
9. Any complaint, counterclaim, or other affirmative relief pleading may be dismissed without prejudice for lack of prosecution if a party seeking such affirmative relief through its complaint, counterclaim or other affirmative relief pleading does not file a trial brief within the time limit prescribed herein at said party's costs. In the event of jury trial, any jury costs incurred by the County may be assessed against the dismissed party.

## RULE 26

### JURY TRIALS

26.01 A. The jury venire will issue ten (10) days prior to the scheduled trial date, and should a case be dismissed and/or settled after the venire is issued, the court reserves the right to assess the costs and expenses of the jury to one or more of the parties.

B. If a case proceeds to trial and a jury is sworn, the juror's fees (not exceeding four days of service) shall be taxed as court costs and assessed to one or more of the parties. (R.C. 2335.28).

C. It is established after consultation with the Board of Commissioners of Harrison County, Ohio, that individuals who appear before the Court pursuant to a summons for jury duty shall be paid the sum of \$25.00 for each day or pay therefore for jury service. This fee shall apply to to service on the grand jury as well as service on the petit jury.

A jury will not be summoned in any trial in a civil case unless a party requesting a trail by jury has deposited the sum of \$300.00 with the Clerk of this Court at least 21 days in advance of the scheduled trial date. In the event that jurors are not summoned in said case, the deposit shall be returned to the party, less any costs charges to the party. This requirement shall not be waived except in accordance with law. Ruling located in J 46, page 174.

## **RULE 27**

### **COGNOVIT NOTES / CONFESSION OF JUDGMENT**

- 27.01** Requests for congovit judgments not involving mortgage foreclosures or other relief shall be submitted to the Judge.
- 27.02** When a petition is presented to the Court for the rendering of a cognovit judgment, it shall contain, or be accompanied by, an affidavit to the effect:
- (1) that the maker of the cognovit note resides in Harrison County, or
  - (2) That the maker, or any one of several makers, of the cognovit note signed the warrant of attorney in Harrison County.
- 27.03** The attorney who represents the judgment creditor shall include in the petition a statement setting forth to the best of his knowledge the last known address of the defendant or defendants.
- 27.04** Immediately upon the entering of any judgment the attorney who represents the judgment creditor shall furnish a copy of the judgment entry to the Clerk of this Court. The Clerk shall notify the defendant or defendants by mailing a copy of the judgment entry by registered or certified mail at the address set forth in the petition.

## **RULE 28**

### **INTERROGATORIES AND PRODUCTION OF DOCUMENT**

- 28.01 Interrogatories may not exceed 35 in number, including sub-parts, without leave of Court first obtained.
- 28.02 Counsel demanding discovery shall file with the Clerk of Courts a one page certificate bearing the case caption, the type of discovery requested, the name of the party required to respond, the name and address of the counsel to whom the demand for discovery was directed and the date of mailing.
- 28.03 Interrogatories directed to any party and the answer thereto shall not be filed in any case unless in conjunction with a motion seeking affirmative relief, and then, only the pertinent parts thereof are to be filed. In lieu thereof, a certificate of service of the serving of interrogatories or answers thereto shall be filed as proof of the serving of the same upon the opposing party or parties.

## **RULE 29**

### **DOMESTIC CASES - DOMESTIC HEARINGS**

- 29.01 Effective September 16, 2008 all parties to actions seeking termination of marriage by divorce or dissolution with minor children shall be required to complete the "Helping Children Succeed Divorce" program offered by the Ohio State University Extension Office. Only parties who do not live in Harrison Co., Ohio or a county contiguous to Harrison County shall be excused. The program must be completed by January 16, 2009 or within 120 days after commencement of action to terminate marriage (by divorce or dissolution). Each party is responsible to register himself/herself with the Ohio State University Extension Office (740-942-8823) & pay the fee for the program.
- 29.02 Ex-Parte Domestic Orders:
- A. Counsel desiring an ex-parte order pursuant to Civil Rule 75 (H) or (M) must arrange a personal conference with the Judge and present the complete file together with a proposed entry or entries. During the conference counsel may be required to provide background information and respond to inquiry pertinent to the relief sought.
  - B. Ex-parte restraining orders will not be considered unless there is presented an Affidavit of a party sworn to absolutely, containing information and respond to inquiry pertinent to the relief sought.
  - C. Requests for allowance of alimony, child support and custody must either be included in the Complaint or a Motion accompanied by satisfactory proof by Affidavit. Generally custody will not be awarded on an ex-parte basis, to a party who does not have physical custody of the child or children involved.

29.03 At the time of filing a Petition for Dissolution; a complaint or Counterclaim for Divorce, Alimony, Separate Maintenance or Annulment, or a Motion to Modify Child support or a Motion to Modify Alimony, there shall be filed an affidavit in form and manner as prescribed by this Court (attached hereto as Exhibit "A"). Said affidavit will also be filed with the Answer and served with the Answer unless the person filing the Answer has no dispute with the Affidavit filed by the other party.

Additionally, in all cases where a support order is to be issued or modified, the Obligee shall sign and file with the Obligee's first pleading, an application for Title IV-D Services.

29.04 In the event the Complaint or Petition discloses minor children, there shall be filed therewith the Affidavit required by R.C. 3109.27 together with a completed child support worksheet.

29.05 The Clerk of courts shall refuse to receive for filing any pleading which fails to comply with paragraphs 29.03 and 29.04.

29.06 **Journal Entries:**

A. The Court will not approve a Journal Entry relative to custody or support that fails to specify that the Court inquired of the parties and found it to be in the best interest of the child(ren) that custody be placed with the party to whom custody is awarded and that the person awarded custody is a proper person to be the custodian.

The Entry must include a finding that each party had a duty to support their child(ren), the custodial parent to provide support in-kind and the non-custodial parent to pay support to the custodial parent. The Entry shall state the monthly support obligation, and shall specify how that monthly amount is to be paid in increments, plus poundage, through the office of the Harrison County Child Support Enforcement Agency which is authorized to deduct poundage; the first payment date shall be specifically stated in the Entry. Visitation rights shall be spelled out as to date and hour or shall provide for reasonable visitation at reasonable intervals and hours. Reasonable visitation shall include, as a minimum, the standard visitations set forth by this Court. A copy is attached.

B. In any entry relative to support, in which there are minor children, the Entry shall include a provision designating who is to provide hospitalization insurance for the minor children.

C. Any Entry relative to support or alimony shall include the following required information: (1) Name; (2) Address; (3) Social Security Number or any other identification number of each person responsible for support payments; (4) That the support order is being administered by a Harrison County Child Support Enforcement Agency; (5) The name and address of each obligor's employer.

Additionally, each such entry shall specifically state that any Employer, Workers Compensation Agency or Unemployment Compensation Agency may be ordered to withhold Child Support payment or alimony payments from any payments coming due to any child support obligor or alimony obligor.

- 29.07 Child support will normally be calculated by the Child Support Enforcement Agency under guidelines then in effect. In all uncontested cases, the parties shall provide necessary information to the Child Support Enforcement Agency, so that the calculation may be made and signed by the parties before the hearing date.
- 29.08 Whenever the address of a party changes from the address listed on the petition or complaint, the party shall file a change of address notice with the Clerk, listing the new address.
- 29.09 No complaint for Divorce, Annulment, Alimony Only, or Petition for Dissolution of Marriage, shall be filed until the party filing the same makes a prepayment or deposit with the Clerk of Courts in a sum or sums established by the Clerk of courts, Statutes of Ohio or Rules of this Court to secure the costs likely to accrue in such action, exclusive of attorney fees. An indigent party may execute and file with such party's pleadings, an affidavit of the party's inability to prepay the costs required in this Court, whereupon such pleadings shall be filed with the Clerk. In cases wherein the Plaintiff has executed and filed a poverty affidavit, a Defendant filing a counterclaim shall comply with the provisions of this Rule with respect to the prepayment of a deposit of court costs, unless the party filing the counterclaim is also indigent and likewise executes and files an affidavit of inability to pay together with his or her pleading.
- 29.10 Requests for temporary restraining orders ordering the spouse to move from the established home of the parties, without notice to the opposing party will be granted only in extreme circumstances upon a separate affidavit of the moving party detailing the reasons for the restraining order, and are to be requested only when counsel can assure the Court that the circumstances warrant the same.
- 29.11 A visitation Schedule is set forth and found to be reasonable visitation as set forth. Visitation in excess of this schedule is considered liberal visitation. Deviations from this schedule can be made only upon showing of just cause such as distance and the tender age of a child.
- 29.12 **Post Judgment Motions:**
- A. All motions requesting modification of a prior order and/or a Show Cause for violation of a prior order shall be accompanied by an Affidavit of Support/Alimony.
  - B. Each Motion to Modify shall contain the following:
    - 1. The exact language of the prior order sought to be modified and a date filed;
    - 2. The reasons for requesting modification;
    - 3. The modification requested, with particularity;
    - 4. The names and addresses of all parties;
    - 5. The names, addresses and ages of all the children; and
    - 6. Such other information as required by R.C. 3109.27.
  - C. Each Motion to Show Cause shall contain the following:
    - 1. The exact language of the prior order sought to be enforced and the date filed;

2. The facts alleged to be a violation of that order;
3. The relief requested, with particularity;
4. The names and addresses of all parties; and
5. If pertinent, the names, addresses and ages of all the children.

D. The courts may, on their own, dismiss any pleading or motion failing to comply with these rules.

- 29.13 All Motions will be decided upon the pleadings and Affidavits unless a request for oral hearing is made. However, all post judgment Motions will be assigned for hearing unless the parties agree upon the relief sought and in which case an agreed judgment entry is to be prepared and signed by counsel for the parties or by a party who is not represented by counsel.

### **RULE 30**

#### **ENTRIES**

- 30.01 Unless the trial judge otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within ten (10) days thereafter prepare the proper judgment entry, and submit it to the counsel for the adverse party, who shall approve or reject the same within five (5) days after the receipt thereof. Name of the counsel and of the trial judge shall be typed or printed upon the entry. When the entry is approved by counsel, it shall be so endorsed and presented to the court for approval and if signed by him shall then be filed with the Clerk. If counsel are unable to agree upon the entry, it shall be submitted to the Court, who will direct what entry shall be made.
- 30.02 If counsel fail to present an entry within twenty (20) days after the order is decreed, or judgment is rendered, the judge may cause proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.
- 30.03 Counsel shall promptly submit an entry of dismissal to the judge following settlement of any case. Counsel shall submit an order of dismissal for a case not later than ten (10) days after notice to the Court of settlement. If counsel fail to present such an entry to the judge within ten (10) days after representation to the Court that a case has been settled, the judge may order the case dismissed as for want of prosecution.
- 30.04 The Clerk of Courts will not accept for filing any judgment entry unless it is accompanied by a copy thereof.

## RULE 31

### FINDINGS OF FACT AND CONCLUSION OF LAW

- 31.01 When a request under Rule 52 of the Ohio Rules of Civil Procedure is timely made for findings of fact and conclusion of law, the Court may direct the party making the written request to prepare within seven (7) days proposed findings of fact and conclusions of law and submit them to the Court and to opposing counsel and parties unrepresented by counsel. Within seven (7) days thereafter, opposing counsel or a party unrepresented by counsel shall submit any objections or counterproposals to the Court in writing. Only those findings of fact and conclusions of law made or adopted by the Court shall be incorporated into the record.

## RULE 32

### CONTINUANCES

- 32.01 Requests for continuance shall be submitted in writing by Motion and proposed journal entry which shall state:
- a. The reason for the request shall be noted. If the continuance is requested on the cause of a conflict with another Court, the Motion shall include the name of the Judge, name of the case, case number, the date and time of conflict and when the case was scheduled for trial.
  - b. The Entry shall include language as follows: this matter has been continued to   (day)  ,   (date)  , at   (time)  . The new date shall be obtained from the Assignment Commissioner.
  - c. A second continuance request by the same counsel of the same matter shall bear the signature of the client, as well as counsel's signature.
  - d. Requests for continuances shall be made at least ten (10) days prior to the trial or hearing date, emergency and sufficient cause (such as illness) excepted.

## RULE 33

### APPEALS FROM ADMINISTRATIVE AGENCIES

- 33.01 Except as otherwise provided by specific rule, statute or court order, in all cases originating in administrative bodies and appealed to this court, the appellant shall serve and file a brief in support of his appeal within thirty (30) days after the date on which the record is filed. The appellee's brief shall be served and filed within fourteen (14) days after service of the brief of the appellant. The appellant may serve and file a reply brief within seven (7) days after service of the brief of the appellee.

- 33.02 In all cases in which demand or request to the agency by the Appellant is prerequisite to the preparation of filing of the transcript of the record by the agency such demand or request shall be filed by the Appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law, or Rule of Supreme Court.
- 33.03 Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the Court or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by Court.
- 33.04 The foregoing procedures as they may be applicable shall apply to all appeals including those under Chapter 2506, ORC, and Chapter 119, ORC.
- 33.05 Failure of an Appellant to file his bill of exceptions, assignments of error, brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the Judge and consistent with Civil Rule 41 (B) (1).

## RULE 34

### MEDICAL MALPRACTICE ARBITRATION

- 34.01 All initial complaints which are filed on or after October 20, 1987, shall be scheduled for arbitration as required by Ohio Revised code.
- 34.02 **Pre-trials:** After the filing of a malpractice case as defined in Section 2305.11 (D) (3), ORC and as soon as the case is at issue, a pre-trial conference shall be held in accordance with the pre-trial procedure before referral is made to a Malpractice Panel.
1. All Pre-trial matters relative to motions, pleadings, discovery, etc., and all matters subsequent to the arbitration proceeding shall be determined by the Court.
  2. At the pre-trial a schedule for discovery and completion thereof will be established and the date for the arbitration hearing will be set.
- 34.03 **Rules of Arbitration.** When notice of pre-trial is sent to counsel of record, a copy of the Malpractice Arbitration Rules will be attached to said notice.
- 34.04 **Selection of Chairman.** The Court shall provide in the Pre-trial conference Order, a minimum of three (3) potential chairmen who are practicing attorneys in the State of Ohio. Each party shall rate the potential chairman in order of priority. These nominations must be filed and a copy forwarded to the Court within ten (10) days prior to the pre-trial conference. The final selection of the panel Chairman, based on the returns of the parties in interest, shall be made by Court.
- 34.05 **Arbitrators.** Pursuant to the provisions of Section 2711.21, ORC, the members of the panel shall be appointed by the Court in the following manner:

1. The name of the two (2) members of the panel to be appointed by the plaintiff and defendant, respectively, plus two (2) alternates shall be submitted to the Judge within four (4) months from the date the action was filed.
2. Prior to the submitting names of the two (2) on the panel to be appointed by the plaintiff and defendant, counsel are to contact their Arbitrators, and inform them of Section 38.20 Compensation of Arbitrators, and submit to the Court their names, addresses and telephone numbers. All submitted names are to be filed with the Clerk of courts. If there is more than one (1) plaintiff with separate counsel, counsel are to submit one (1) Arbitrator for the plaintiff, and one (1) Arbitrator for the defendant. If more than one (1) Arbitrator is submitted for either the plaintiff or defendant, the Court shall upon motion, appoint only one (1) Arbitrator for each side.
3. If there is a failure of one or more parties to appoint one or more Arbitrators, the Court shall appoint an Arbitrator for the party or parties failing to comply. Such appointment shall be made by the Court within fifteen (15) days of the filing of said motion.
4. Objections to an Arbitrator shall be by motion filed within seven (7) days of the filing of the notice of assignment and shall be heard by the Court.
5. No persons appointed as Arbitrator which includes the Chairman, shall have any interest in the case being heard. Each arbitrator shall be unbiased, impartial and fair.
6. Each arbitrator appointee including the Chairman, shall receive with service of appointment by the Court a copy of the local Malpractice Rules of Court. In the event a hearing is continued or canceled, each Arbitrator will be notified by the Court.

**34.06 Continuance.** When the case has been scheduled for arbitration, a request for continuance of an arbitration hearing date shall be filed and served at least fourteen (14) days before the hearing date, except in extreme emergencies or unless agreed to by all parties as well as the Chairman of the board of Arbitrators, including the agreed date to which the hearing is continued.

Every request for continuance shall be accompanied by an advance deposit of seventy five dollars (\$75.00) and if the continuance is granted, the deposit becomes a part of the costs to partially offset the administrative costs of rescheduling the arbitration hearing.

**34.07 Oath of Arbitrators.** When the whole number of the Arbitrators shall be assembled, they shall be sworn or affirmed justly and equitably to 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.

**34.08 Default of a Party.** The arbitration hearing may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment.

The panel may proceed with the hearing in the absence of either party. Furthermore, the panel may require the other party to submit evidence for the making of an award. The panel may recommend dismissal for want of prosecution in the event of default or absence of the plaintiff.

**34.09 Conduct of Hearing: General Powers:**

1. The three (3) members of the panel shall be the Judges of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence of the parties shall be taken in the presence of the Arbitrators, except where any of the parties is absent, in default, or any of the parties waived the right to be present.
2. In addition to oral testimony, the panel may receive the evidence of witnesses by affidavit, deposition, videotape deposition and interrogatories, or written report and shall give it such weight as the panel deems is justified after consideration of any objections which may be made to such evidence. In the instance of affidavits and written reports, copies shall be furnished to counsel for all parties not less than two (2) weeks in advance of hearing.
3. Counsel shall, upon the request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

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

1. **Subpoenas:** To cause the issuance of subpoenas to witnesses to appear before the board and request the issuance of an attachment according to the practice of the Court for failure to comply therewith. Issuance of subpoenas will be done in the same manner as is used in other type cases.
2. **Production of Documents:** To compel the production of all books, papers and documents which are deemed material to the case.
3. **Administering Oaths:** Admissibility of Evidence: To administer the oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to the panel.

**34.11 Supervisory Powers of the Court.**

1. The Court of Common Pleas shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in the application of these rules.
2. After a cause has been heard and decided by a panel of arbitrators, the Court shall not permit any party to plead or offer new evidence regarding a new theory of liability, a new defense, or new expert witness without leave of court and for good cause shown.

**34.12 Witness Fees.** Witness fees shall be in the same amount as now or hereafter provided for witnesses in the Common Pleas Court of Harrison County, Ohio.

- 34.13 Communications with Arbitrators.** Counsel and parties at no time prior to the hearings and the filing of the Arbitrator's Report and Award, if any, shall disclose to any or all of the arbitrators any motions and orders on limine and or offers of settlement made by any party and all such information shall be deleted from the file prior to it being used in the arbitration proceeding. Further, there shall be no communications by counsel and/or the parties with the Arbitrators.
- 34.14 Discovery.** The assignment of a case to an Arbitration Board shall not limit the right of the parties to continue discovery pursuant to the Rules of Civil Procedure.
- 34.15 Hearings: When and Where Held and Notice.** Hearings shall be held at a place scheduled by the Court. Unless counsel for all parties and the entire board agree otherwise, the place for such hearing shall be the Harrison County Court House. A hearing shall be scheduled normally not more than eight (8) months after the action was filed. The Assignment Commissioner shall notify the Arbitrators and the parties or their counsel in writing at least thirty (30) days before the hearing of the time and place of the hearing. The eight (8) month period may be extended by the filing of a motion showing good cause. No hearing shall be fixed for Saturdays, Sundays, legal holidays or evenings except upon agreement by counsel for all parties and the Arbitrators.
- 34.16 Transcript of Testimony:** The Court shall provide a taping system for each Malpractice hearing. No transcripts of the proceedings, or any part thereof, may be ordered by the Arbitrators, except with the leave of the trial Judge for good cause shown. If a Court Reporter must be retained, other than the taping system for the Court, appointment must first be made by the Court, and all costs for appearance by said Court Reporter shall be assessed as Costs in the case.
- 34.17 Decisions:** Deliberations of the Arbitrators shall commence immediately after conclusion of the hearing and the Arbitrators shall reach a decision and file their findings and award, if any, within twenty-one (21) days with the Court, which on the same day shall mail or otherwise forward copies thereof to all parties to the arbitration or their counsel, seal the original in an envelope and file it with the Clerk of Courts. In the event that all three arbitrators do not agree on the finding and award, it any, the dissenting Arbitrator shall submit a written dissenting opinion to be filed with the majority report.
- 34.18** After a cause has been heard and decided by a panel of arbitrators, the trial judge shall not permit any party to plead or offer new evidence regarding a new theory of liability, a new defense, or a new expert witness without leave of court, and for good cause shown.
- 34.19 Report and Award:** Within thirty (30) days after the hearing, the Chairman of the panel shall file a written report and award with the court and Clerk of Courts and on the same day shall mail or otherwise forward copies thereof to all parties or their counsel. In the event that all three members do not agree on the finding and award, the dissenting member shall submit a written dissenting opinion to be filed with the majority report.

**34.20 Compensation of Arbitrators:**

1. Each member of the panel of arbitrators appointed pursuant to this rule, unless he has waived in writing his right to compensation prior to the hearing shall receive as compensation for services in each case, a fee of three hundred dollars (\$300) for the first day plus one hundred fifty dollars (\$150) for each fractional one-half day thereafter. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as the compensation of Arbitrators is concerned. The members of the Board shall not be entitled to receive their fees until after filing the report and award with the Clerk of Courts. Fees paid to the Arbitrators shall be assessed pursuant to Section 2711.21, ORC, and shall be taxed as costs, one-half to plaintiff(s) and one-half to defendant(s) in Arbitration.
2. The Court may approve the payment of fees in those cases no arbitration hearing was held and an award or a report has not been signed, if the Arbitrators rendered actual service in the case. Such compensation shall be based upon the extent and duration of actual service rendered.

**34.21** At the filing of the complaint, the moving party shall deposit Four Hundred Fifty Dollars (\$450) as a guarantee for such costs. If there are multiple movants and they cannot agree as to their proportionate share of the deposit, upon proper motion the Court shall order the apportionment. When it appears proper the Court may order additional deposits.

**34.22** In cases which require additional deposits for payment of Arbitrators due to the arbitration lasting more than one day, the deposit to cover the additional costs shall be made not later than five (5) days after the completion of the arbitration.

**34.23** Payment of fees shall be authorized by the Court.

**34.24** In all cases in which the movant(s) has filed a poverty affidavit or in which an insufficient deposit had been made in favor of the movant(s), the losing party (parties) shall first pay the Clerk of this Court out of such award, settlement of judgment to the other movants, and before making any payment to other movant(s), an amount equal to the undeposited movant(s) portion of the compensation due the Arbitrators.

**34.25** All compensation for the Arbitration hearing shall be paid upon proper warrant from the funds of Harrison County, Ohio.

**34.26** Immediately following an arbitration hearing the Chairman shall submit statement setting forth actual time of services in hearing to be filed with the Clerk of Courts, unless a waiver in writing for compensation has been filed with the Clerk of Courts.

- 34.27 When a case is settled after a Chairman and two Arbitrators are appointed, and prior to any Arbitration Hearing, a joint motion by all counsel is to be filed stating the case is settled and to be dismissed, setting forth instructions to the Chairman and Arbitrators to submit a statement for compensation for services rendered, if any, to be filed with the Clerk of this Court, within two (2) weeks of the filing of the motion, with proof of service to all counsel, chairman and arbitrators, unless a waiver in writing for compensation has been filed with the Clerk of Courts. The final journal entry of dismissal will be executed and filed after the two week time period.
- 34.28 **Time Limits for Rejection of Findings and to Amend Pleadings:** If a party desires to reject the findings and award, if any, notice of rejection must be served upon all other parties within thirty (30) days after the award was served upon said party and filed. If the award of the Arbitrators is timely rejected by any party, the pleadings shall be amended and filed with the Clerk of Courts within fifteen (15) days following said rejection pursuant to Section 2711.21, ORC. The parties making such pleading amendments shall serve other parties pursuant to Ohio Rules of Civil Procedure.
- 34.29 **Legal Effect of Findings and Award, if any, Entry of Judgment.** The findings and award, unless rejected pursuant to these rules, shall be final. If no rejection is made within the manner specified by these rules, the Court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments. Subsequent to the time for rejection, the responsibility for the preparation of judgment entry and submission to the Court rests with the prevailing party or parties.
- 34.30 **Procedure After Findings and Award, if any:** the Court, on proper motion, will consider staying the release of information regarding the finding and award, if any, by counsel, parties, and the Arbitrators as well as communications between the parties and their counsel and the Arbitrators concerning the Arbitrator's deliberations pending further proceedings in the case.

## RULE 35

### PARTITION ACTIONS

- 35.01 **Approval of Valuation; Election:** It shall be the responsibility of Plaintiff to become informed of the Sheriff's action relative to the Writ of Partition and within ten days of the return of said writ to file a Motion concerning the approval of the valuation contained in said writ and to cause notice of a hearing of the Motion to be given to counsel and to parties having no counsel, including parties served by publication for whom addresses have been obtained. Said notice shall also inform the Defendants of the appraised value and of the right of each party to elect to purchase the real estate at the appraised value in writing filed with the Court three days before the date set for hearing with copies being served upon all counsel, parties having no counsel and other parties served by publication for whom addresses have been obtained. Any opposition to the appraised value as in Plaintiff's notice shall be by writing stating the grounds thereof and filed at least

three days before the date set for hearing and served on all parties and counsel as set forth above.

The hearing shall be conducted on the date set forth in the notice. The Court will receive evidence on the question of approving the appraisal. If the Court disapproves, an Alias Writ shall issue on the request of a party or upon the order of the Court. If the Court approves the appraisal, the Court will consider written elections of parties to purchase at the appraised value.

If one or more parties (jointly) elects to purchase the property at the appraisal, it shall be adjudged to the party or parties (jointly) pursuant to Section 5307.09. If no one elects to purchase or more than one party individually elects to purchase, the real estate shall be sold pursuant to Section 5307.11.

**35.02 Computation of Time:** Time shall be computed as set forth in Civil Rule 6

**35.03 Fees for Plaintiff's Counsel in Partition Actions:** If Plaintiff's counsel shall in a timely manner benefit the interest holders and perform the duties imposed herein, Plaintiff's counsel shall be allowed fees upon motion setting forth the proposed fee after hearing, notice of which shall be given as provided herein. The following fees for Plaintiff's Counsel shall be considered prima facie reasonable in uncontroverted cases, based on the purchase price as follows:

- a. On the first One Thousand (\$1000.00) 10%
- b. On the next Four Thousand (\$4000.00) 8%
- c. On the next Five Thousand (\$5000.00) 4%
- d. On the remainder 2%
- e. In no case shall the fee be less than \$200.00

**35.04 Fees for Counsel other than Plaintiff's Counsel in Partition Actions:** Motions for fees for counsel other than Plaintiff's counsel and for fees for Plaintiff's counsel in excess of the schedule set forth herein shall set forth the proposed fee and will be determined at a hearing.

**35.04 Allowance of Counsel Fees:** The motion for allowance of counsel fees (in election cases) pursuant to Section 34.03 may be determined at the election hearing. In non-election cases, the question of counsel fees shall be determined upon motion at the hearing for confirmation of sale and for allowance of fees conducted after notice is given pursuant to Section 34.01.

## RULE 36

### SHERIFF'S SALES

#### 36.01 Payment by successful bidder:

(1) In every Sheriff's sale of real property, the successful bidder as purchaser, shall be required to deposit by 3:00 o'clock P.M. on the day of sale, in cash or by certified check payable to the Sheriff, not less than ten percent (10%) of the amount of such bid. The unpaid balance of the purchase price at an annual rate of interest provided in Section 1343.03 of the Ohio Revised Code from the date of the sale to the date of payment of the balance unless the balance shall be paid within such time period. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority. The provisions of this paragraph shall not be applicable when the purchaser is the Plaintiff.

(2) In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within the time set forth herein, he shall be in contempt of this Court and any attorney of record in the case may forthwith cause a citation to issue commanding such defaulting purchaser to appear before the Judge of the Court having such matters in charge and show cause why he should not be punished. Upon a finding of guilty of contempt, the court shall proceed in accordance with Section 2329.30 of the Ohio Revised Code.

#### 36.02 Return and confirmation.

(1) By the first Monday following the date of sale, the Sheriff shall make his return to the Court. the Plaintiff shall prepare and deliver a proposed entry confirming the sale to the Assignment Commissioner, and serve copies upon all parties or their attorneys of record by regular mail within seven (7) days after the date of sale. Proof of service of such proposed Entry shall be filed with the Clerk. It shall not be necessary to obtain the approval of other parties or their attorneys of record prior to the filing of such entry, though such approval may be obtained if expedited confirmation is desired. Unless proper written objection to the proposed confirmation entry is received by the Court within twenty-one (21) days after the date of sale, the proposed entry shall be approved by the Court and filed with the Clerk of Courts forthwith. If proper written objection is made, the Court shall determine the validity of the objection and make an order determining the issue. By the end of the day immediately following the filing of the entry confirming the sale, the clerk shall deliver to the Sheriff a certified copy of such entry. The Sheriff shall prepare a deed conforming to the requirements of Section 2329.36 of the Ohio Revised Code and shall deliver the same to the purchaser upon payment of the full purchase price and interest, if any.

(2) Insofar as is possible, all such entries of confirmation shall distribute proceeds according to their priorities and discharge liens of record. Every effort shall be made by counsel for plaintiff, or the party requesting confirmation and distribution, to secure and protect the title of the purchaser at the sale.

## RULE 37

### CERTIFICATE OF TITLES FOR JUDICIAL SALES

- 37.01** In every action hereinafter filed wherein a judicial sale of real estate is contemplated by the complaint or subsequent pleadings the party praying for said sale or the attorney for the party praying for said sale shall endorse thereon the following certification:  
"The undersigned hereby certifies that an examination of the public records of Harrison County, Ohio had been made to determine the ownership of subject real estate and all parties who may claim an interest therein, and that, in the opinion of the undersigned, all such parties have been named as parties to this action," stating as exceptions any interested party not so named.
- 37.02** Upon any decree subsequently issued which orders the sale of real estate, the party or attorney having requested said sale shall further certify:  
"The undersigned hereby certifies that the examination of title to subject real estate has been extended to \_\_\_\_\_ to determine if any parties have acquired any interest therein subsequent to said previous examination and said examination discloses that, in the opinion of the undersigned, there are no such parties except parties to whom the doctrine of lis pendens applies," also stating as further exceptions any such party not subject to lis pendens.
- 37.03** The Sheriff, deputy or party conducting the sale shall, prior thereto, announce that any purchasers shall have thirty (30) days from the date of sale to obtain an examination of title to said real estate. Should such examination disclose the title so purchased to be unmarketable by reason of any defect in the proceedings or the existence of any interest not disclosed in either of the certifications described above, no liability shall be predicated on the certifications but said purchaser may within the thirty (30) day period, notify the court thereof by written motion requesting that said sale be set aside. If the court, upon hearing thereof, finds said title to be unmarketable, the court shall refuse to confirm said sale. The court may, however, fix a reasonable time, not to exceed ninety (90) days, within which such defects may be corrected.
- 37.04** A purchaser may waive any part or all of the thirty (30) day period by signing the confirmation entry, but no confirmation entry not approved by the purchaser shall be filed until said period had expired.
- 37.05** This rule shall not apply to proceedings under R.C. 5721.18.

## RULE 38

### APPRAISER'S FEES

- 38.01** Appraiser's fees as to actions relating to real or personal property shall be allowed to each appraiser as follows:

\$ .50 per \$1,000.00 or fraction thereof of the appraised value up to \$50,000.00.

\$ .25 per \$1,000.00 or fraction thereof of the appraised value of all over \$50,000.00.

A minimum fee for each appraiser based on the above amounts shall be \$15.00.

## RULE 39

### MEDIA COVERAGE

- 39.01 Scope, Effective Date:**

In addition to Superintendency Rule 11 and Canon 3(A)(7) of the Code of Judicial Conduct, the following rules shall govern the broadcasting, television, recording, and photographing by news media during any judicial proceeding of these Courts of Common Pleas.

- 39.02 Requests for Permission:**

Requests for permission to broadcast, televise, record, and/or photograph any courtroom proceeding, including recesses between sessions and entry into and the exit from the courtroom shall be in writing. Permission shall be granted or denied, in whole or in part, by the Judge whose order shall be in writing and journalized as a part of the record of the proceedings. Such requests shall be directed to and received by the Clerk of Courts, with copies to all parties to the action, or their counsel, no less than 72 hours prior to scheduled commencement of the proceeding. The Clerk of Courts shall immediately thereafter notify the judge of the request. Such requests shall specify : A) the name of the case; B) the case docket number; C) the type of proceeding; D) type of equipment to be used; and G) the names of all operating personnel.

- 39.03 Limitations:**

The judge shall retain discretion at all times to limit the photographing, filming, and/or recording of the victim(s) or witnesses. If any party objects in writing to the photographing, filming, and/or recording of his testimony within 24 hours of receiving notice of the news media's request, the trial judge shall conduct a hearing to consider such objections, or such hearing being waived, the trial judge may require written briefs to determine whether good cause is shown for the objection. Only the parties involved and their counsel shall be permitted to attend the hearing. If the news media wishes to support their request for photographing,

filming, or recording the testimony of the objecting party, it may do so in writing, filed with the court prior to the scheduled hearing. Failure to honor any rulings as to the photographing, filming, or recording of a particular witness which the judge shall make will result in immediate revocation of the privilege extended to the news media representative and, if warranted, may result in a charge of contempt of court.

The filming, videotaping, recording or taking of photographs of victims or witnesses who object shall not be permitted.

The filming, videotaping, recording or taking of photographs of jurors shall not be permitted.

**39.04 Courtroom Decorum:**

Proper courtroom attire and decorum shall be exercised by media representatives at all times.

**39.05 Revocation of Permission:**

Upon the failure of any media representative to comply with the conditions prescribed by the trial judge, the rules of superintendence, or this rule, the trial judge may revoke the permission to broadcast, photograph, or record the trial or hearing. Any intentional and serious violation of a prescribed condition may result in a citation for contempt of court.

**RULE 40**

**USE OF VIDEOTAPE**

**40.01** The use of videotaped depositions and testimony is permissible, providing the following guidelines are met:

**A.** When testimony is recorded on videotape pursuant to Civil Rule 40, Sup. R. 10 and 15, it will be the responsibility of counsel to instruct the notary Public before whom the testimony is taken to note by the use of a digital counter or other clock device connected with the tape the point on the videotape where objections are made. The Notary will then number the objections consecutively and attach this record to the certification when filed with the Clerk.

**B.** Objections must be made at the conclusion of the question and answer only. Counsel may state the basis for the objections and read citations into the record at this time. Any objections made prior to the completion of an answer may in the court's discretion be considered overruled.

**C.** When cases are assigned for trial pursuant to Civ. R. 40 and Sup. R. 15, a date will be assigned for the filing of plaintiff's testimony and defendant's testimony for editing. A transcript of the testimony shall accompany a videotape deposition.

**D.** In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to Sup. R. 12 (D). Any party intending to use videotape must provide the appropriate equipment for the exhibition of videotape.

## **RULE 41**

### **BAIL AND SURETY BONDS**

- 41.01 Attorneys and other officers of the court shall not be accepted as bail or surety, and no bond shall be approved having the name of such persons thereon as surety.

## **RULE 42**

### **FILES - REMOVAL**

- 42.01 No person, whether an attorney or party to an action, other than the Judge may remove any Court file from either the Clerk of Courts office or the Judge's office and Chambers without prior approval of the Clerk, Deputy Clerk, Assignment Commissioner, or Judge. Any removal of files shall rely upon a signed receipt authorizing removal of the file.
- 42.02 The Clerk shall permit any party to an action or his attorney to make copies of any papers in the Court file except depositions, bills of exceptions and the Judge's notes.

## **RULE 43**

### **APPOINTED COUNSEL**

- 43.01 An attorney appointed by the court to provide legal representation for an indigent criminal defendant (excluding the Public Defender Staff) shall be compensated pursuant to R.C. 120.33 and 2941.51, or any other applicable Ohio law, upon the schedule of fees adopted and approved by the Board of Harrison County Commissioners. The reasonableness and award of such fees is left to the Court's discretion.

Court-appointed counsel shall submit to the court a properly executed Affidavit of Indigency and Judgment Entry of Appointment within one (1) week after his appointment. No fees will be paid if these documents are not timely filed.

The attorney's final Certificate for Legal Services shall be submitted to the Court for review and approval, only on prescribed forms supplied by the Clerk of Courts, within thirty (30) days of the termination of such services.

## **RULE 44**

### **EXAMINATION AND APPOINTMENT OF A NOTARY PUBLIC**

- 44.01 The Commons Pleas Court no longer accepts Notary Public Applications as of September 1, 2019. Please refer to the Ohio Secretary of State—Ohio Notary Commission website: [www.sos.state.oh.us/notary](http://www.sos.state.oh.us/notary) or by calling (877) 767-6446 for requirements and new state regulations.

**RULE 45**  
**(filed June 20, 1997)**

**COURT COSTS ASSESSED TO PARTIES IN MULTIPLE COMPLAINTS FILED  
UNDER A SINGLE CASE NUMBER**

- 45.01 Inasmuch as statute provides for multiple complaints by the county versus different defendants in delinquent real estate tax collection cases to be filed under one case number, and inasmuch as the Clerk of Court's Office must expend the same substantial time and expenses, the Court finds it appropriate to assess full court costs on each complaint filed within the master complaint.
- 45.02 The Clerk of Courts shall assign a sub number to each complaint within the master complaint. By way of example, the master complaint would receive number (#907) and each complaint therein would receive a small case letter (a) and be repeated (aa) until conclusion.
- 45.03 Court costs shall be assessed, handled and disbursed with regard to the sub-complaints as would be any other complaint.

**RULE 46**

**TEMPORARY RULE (Filed May 13, 2013) & FINAL RULE (Filed August 1, 2013)**

**TEMPORARY COURT RULE TO ESTABLISH PROCEDURES TO BE USED  
FOR THE PROCESSING OF APPLICATION FOR CERTIFICATE OF  
QUALIFICATION FOR EMPLOYMENT**

- 46.01 Court establishes procedures to be used for the processing of applications For Certificate of Qualification For Employment pursuant to Ohio Revised Code Section 2953.25. Rule shall expire on September 1, 2013 unless extended by subsequent order of this Court.

**FINAL COURT RULE TO ESTABLISH PROCEDURES TO BE USED FOR THE  
PROCESSING OF APPLICATION FOR CERTIFICATE OF QUALIFICATION  
FOR EMPLOYMENT**

- 46.02 Court establishes procedures to be used for the processing of applications For Certificate of Qualification For Employment pursuant to Ohio Revised Code Section 2953.25. Rule shall take effect August 1, 2013.

### **RULE 47 – GUARDIAN AD LITEM**

- 47.0 Court Procedures & Responsibilities for Guardian Ad Litem – Appointment. This Court will follow the Ohio Supreme Court – Rules of Superintenance - Rule 48: Guardian Ad Litem-Section (G) – Responsibilities of the Court.

### **RULE 48 – ORDER AUTHORIZING COURT RECORDS TO BE MAINTAINED IN ELECTRONIC FORMAT**

- 48.0 The Clerk of Court of the Common Pleas Court placed a Judgment Entry on the docket on April 2, 2018 authorizing the Court records to be maintained in electronic format. A copy of said Judgment Entry is attached.

IN THE COURT OF COMMON PLEAS  
HARRISON COUNTY, OHIO

FILED  
2018 APR -2 PM 2:40  
LESLIE J. MULLIKEN  
CLERK OF COURTS  
HARRISON COUNTY, OHIO

IN THE MATTER OF THE HARRISON :  
COUNTY CLERK OF COURTS' :  
MAINTENANCE OF RECORDS IN :  
ELECTRONIC FORMAT :

ORDER AUTHORIZING COURT RECORDS TO BE MAINTAINED IN  
ELECTRONIC FORMAT

Ohio Revised Code Section 2303.12 requires the Clerk of the Court of Common Pleas to keep an appearance docket, trial docket, journal, and execution docket. Additionally, R.C. 2303.12 indicates that a record can be kept in either book form or by alternative electronic means. Further, Rule 26 of the Rules of Superintendence for the Courts of Ohio expresses a clear intention that Rules 26.01 – 26.05 “shall be interpreted to allow technological advances that improve the efficiency of the courts and simplify the maintenance, preservation and destruction of court records.” See Rule 26(A)(2). In furtherance of this interpretation, Rule 26(D) allow this Court to preserve records in various forms of alternative media including, but not limited to, electronic media and electronic data processing.

In accordance with the expressed interpretation of Rule 26, and in the interest of improving the efficiency of the Harrison County Common Pleas Court, and simplifying the maintenance, preservation, and destruction of the Court’s records, the Harrison County Clerk of Courts is hereby authorized to preserve all records in an appropriate electronic media or electronic data processing format. Additionally, all new records shall be created and maintained through the use of electronic media or electronic data

processing. Finally, in accordance with Rule 26(D)(2)(d), the Harrison County Clerk of Courts is hereby authorized to destroy all paper media following its conversion to the appropriate electronic format, after the case has been closed for statistical purposes.

The authorizations outlined in the preceding paragraph are limited solely to records of the General and Domestic Relations Division of the Harrison County Common Pleas Court and do not extend to records created and preserved in accordance with the proceedings of the Seventh District Court of Appeals.

SO ORDERED.

  
\_\_\_\_\_  
T. Shawn Mervey, Judge

Stamped copies:  
Lestle A. Milliken, Clerk of Courts

### Harrison County Common Pleas Court e-Filing Policy

#### (A) Filing Pleadings, Motions

1. The Clerk of Courts started offering e-Filing October, 2024.
2. Pro Se Litigants and Attorneys have the ability to register and utilize the e-Filing system but it is not mandatory at this time.
3. Documents must be uploaded and submitted by 3:50:00 p.m. local observed time in Cadiz, Ohio on or before the date they are due.
4. Documents submitted through e-Filing after 3:50:00 p.m. will not be reviewed by the Clerk's office until the next business day (Effective June 1, 2026 this time will change to 3:30:00 p.m.).
5. Technical and Clerk's office support is only available Monday through Friday, excluding legal holidays, between the hours of 8:30 a.m. and 4:00 p.m. local observed time in Cadiz, Ohio. (Effective June 1, 2026 this time will change to 8:00 a.m. and 3:30 p.m. respectively).
6. When Filing documents through the e-Filing Portal, please allow sufficient time to set up your account credentials and familiarize yourself with the e-Filing Portal.
7. Using the e-Filing Portal does not alter the filer's obligation to serve the other parties to the case.

#### (B) Format of Documents Electronically Filed

1. Document Types.
  - (a) All documents submitted for filing, with the exception of proposed orders and entries (or other documents requiring a judge's signature) shall be filed in Portable Document Format (PDF). Such documents may either be signed by hand or scanned in or they may be signed electronically as set forth in this rule.
  - (b) Proposed Orders/Entries.
    - (i) Proposed orders and entries (or other documents requiring a judge's signature) shall reference the specific motion to which they apply, and shall be filed in Microsoft Word document format, and shall not contain any mail merge fields or macros embedded in the documents.
2. Signatures.
  - (a) Attorney's/ Submitter's Signature. Any document submitted electronically with the Clerk that requires an attorney's or submitter's signature (other than hand signed documents scanned in PDF format) shall be signed with a confirmed signature of "/s/ (name)." The correct format for an attorney's signature is as follows:

/s/ Attorney Name  
Attorney Name, Registration Number.

The confirmed signature on an electronically- submitted document, is deemed to constitute a legal signature on the document.
  - (b) Multiple Signatures. When a stipulation or other document requires two or more signatures:
    - (i) The submitting party or attorney shall sign the stipulation or document himself/herself as follows: "/s/ John Smith."

- (ii) The submitting party shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/ or parties at the appropriate place in the document, usually on the signature line.
- (iii) The submitting party or attorney shall then submit the document electronically, identifying all of the other signatories as follows: "/S" Jane Doe, per written authorization, by John Smith, "etc. Or company representative
- (c) Third- Party Signatures. A document containing a signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted as a hand-signed, scanned PDF document.
- (d) Availability of e-Filing- Acceptance Documents
  1. Submission: Documents may be submitted to the Clerk for e-Filing 24 hours per day, 7 days per week. The filing is not considered filed when accepted by the Clerk and "time stamped". The Clerk will process e-Filing throughout normal business hours, except on holidays per County Holiday Schedule.
  2. Receipt: Upon receipt, the Court's e-File system shall issue a confirmation that the submission has been received.
  3. Clerk Review: After Clerk review, a filer will receive a notification that the submission has been accepted or rejected by the Clerk.
    - (a) If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document after correcting deficiencies. By way of example, notification of deficiencies may be given for reasons including, but not limited to, incorrect case docketing codes, incorrect file format, failure to pay correct filing fees, including those requested for jury demand; submitting multiple documents in one uploaded file; incomplete or inaccurate party information; incorrect case number.
    - (b) If the submission is accepted, the document shall be docketed and filed.
  4. Official Time Stamp: Upon acceptance, the submission shall be deemed filed and shall receive an electronic time stamp that includes the date and time that the filer submitted the document to the Court's e-file system. Once accepted, the document will be deemed filed for purposes of Ohio Law and relevant Rules of Court Procedure.
  5. System Errors: If submission is not received by the Court because of a System Error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was submitted.
- (C) Filing of initial Pleadings

When any complaint or third- party complaint is the Ohio Rule submitted for electronic filing, the filing party shall file a case designation sheet. Consistent with the Ohio Rules of Civil Procedure, the filing party shall also file instructions for service and the Clerk shall issue a summons and serve the complaint or third-party complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and charge a fee of .25 cents per page for production of service copies, which shall be assessed as costs.
- (D) Documents filed Subsequent to Complaint or Indictment.

1. In accordance with Civ. R. 5(B)(2) and Crim. R. 49, the filer NOT the Clerk shall be responsible for serving documents filed subsequent to the original complaint on all parties and/or attorneys.
  2. Judgment Entries
    - (a) After the Judgment Entry has been signed and filed, the Clerk of Courts shall serve copies upon parties in the case.
- (E) Exceptions to e-Filing
1. Deposition Transcripts and Transcripts from court proceedings shall be filed in physical form with the Court and are NOT subject to public record. ONLY the notice of filing/mailling may be e-Filed.
  2. Pro se parties who are not registered users of the court's e-File system may file documents in paper form with the Clerk in person or by U.S. Mail.
  3. All documents related to Civil Protection Orders, Certificates of Judgments and Executions of Judgment shall be filed in paper form with the Clerk.
  4. Bonds filed in criminal cases shall be filed in paper form with the Clerk.
  5. Subpoenas which are to be issued by the Clerk shall be filed in paper form with the Clerk.
  6. Criminal case documents filed at arraignment and prior to arraignment.
  7. Motion, Entry, and Certification for Appointed Counsel Fees.
  8. Garnishments
  9. QDRO Division of Property
- (F) Collection of Filing Deposit and Fees
- Any document requiring payment of filing deposit or fee to the Clerk in order to achieve valid filing status shall be filed in the same manner as any other e-Filed document. The e-File system accepts payment of deposit fees electronically.
- Filing a Document under Seal
- (G) E-Filing Portal Filed Under Seal
1. The Clerk shall not accept any document to be filed under seal unless a motion to make the filing has been e-Filed using Motion to File Document under Seal with a Proposed Entry. The documents requested to be filed under Seal in a Motion should be uploaded behind the Proposed Entry.
  2. The requested documents referenced in Motion to be "Sealed" will be printed by the Clerk, secured in a sealed envelope with the case number, the date of Motion filed, and forwarded to the Court for approval.
    - a. If the Motion is approved by the Court, the Clerk shall file stamp the face of the envelope along with the Clerks Seal. The date of the order permitting the filing to be sealed will be added to the sealed envelope and a notation stating, "FILED UNDER SEAL". The sealed envelope will be placed in the red "confidential" folder in the case file.
    - b. If the Motion is denied by the Court, the Clerk will shred the sealed envelope in the locked shred bin in the office.