

**GENERAL DIVISION RULES**  
**FOR THE**  
**LUCAS COUNTY COMMON PLEAS COURT**

(AS OF 01/06/2026)

**--TABLE OF CONTENTS--**

**I. GENERAL PROVISIONS**

**1.01 – ADMINISTRATIVE JUDGE**

- (A) TERM**
- (B) REMOVED FROM COURT'S DUTIES ROTATION**
- (C) BACK-UP ADMINISTRATIVE JUDGE**

**1.02 – OFFICIAL LAW JOURNAL**

- (A) OFFICIAL JOURNAL**
- (B) ATTORNEY NOTIFICATION**

**1.03 – ATTORNEYS**

- (A) COUNSEL**
- (B) TRIAL COUNSEL**
- (C) LIMITATIONS**
- (D) INFORMATION FOR COURT**
- (E) WITHDRAWING FROM REPRESENTATION**

**1.04 – COURT DECORUM**

- (A) DECORUM**
- (B) SANCTIONS**

**1.05 – USE OF ELECTRONIC & OTHER DEVICES**

**1.06 – MEDIA**

- (A) APPLICATION**
- (B) PERMISSION**
- (C) LIMITATIONS**
- (D) POOLING**
- (E) SANCTIONS**

1.07 – PROCESSING OUT-OF-STATE SUBPOENAS

(A) REQUIRED DOCUMENTS & INFORMATION WHEN MAILING

1.08 – COURT ACTIONS

(A) ASSIGNED JUDGE

(B) UNAVAILABILITY OF ASSIGNED JUDGE

1.09 – COURT MAGISTRATES

1.10 – TECHNOLOGY PLAN

1.11 – PROHIBITING CIVIL ARRESTS IN THE COURTHOUSE

**II. FILING PROCEDURES**

2.01 – CASH DEPOSITS AS SECURITY FILING FEE

2.02 – FILING REQUIREMENTS

(A) CASE CAPTION & NUMBER

(B) FORMAT

(C) ATTORNEY IDENTIFICATION

(D) NON-ATTORNEY IDENTIFICATION

(E) CASE DESIGNATION

(F) JUDGES' NAME ON FILINGS

2.03 – FAX FILING REQUIREMENTS

(A) AUTHORIZATION

(B) FAX COPIES

(C) DATE & TIME OF FILING

(D) REQUIREMENTS

(E) FAX DOCUMENTS AS ORIGINALS

(F) CHARGES

2.04 – ELECTRONIC FILING REQUIREMENTS

(A) DOCUMENT FORMAT

(B) CASE NUMBER

(C) SIZE OF FILING

(D) FONT STYLE & SIZE

(E) HYPERLINKS

(F) SIGNATURES

2.05 – OFFICIAL COURT RECORD

2.06 – E-FILING REGISTRATION

- (A) REGISTRATION IN E-FILING SYSTEM
- (B) CONFIDENTIAL & UNIQUE ELECTRONIC IDENTIFIER

2.07 – SERVICE OF COURT INITIATED E-FILINGS

2.08 – SERVICE OF E-FILINGS

- (A) INSTRUCTIONS FOR SERVICE BY CLERK
- (B) SERVICE COPIES
- (C) DOCUMENTS TO BE SERVED BY COUNSEL
- (D) INDICTMENTS IN CRIMINAL CASES
- (E) ENTRIES & ORDERS

2.09 – REVIEW OF E-FILINGS

2.10 – EXCEPTIONS TO E-FILING

2.11 – DEPOSITS & FEES

**III. CRIMINAL CASE MANAGEMENT**

3.01 – GRAND JURY PROCEEDINGS

- (A) RECORDING
- (B) RECORD KEEPING

3.02 – ASSIGNMENT OF CRIMINAL CASES

- (A) RANDOM ASSIGNMENT
- (B) SINGLE DEFENDANTS
- (C) MULTIPLE DEFENDANTS
- (D) ASSIGNMENT OF AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS
- (E) THREE-JUDGE AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS
- (F) ASSIGNMENT OF FUGITIVE WARRANT CASES

3.03 – BAIL & BONDS

- (A) MUNICIPAL BAIL
- (B) BOND SETTING & MODIFICATION
- (C) PERSONAL RECOGNIZANCE BONDS
- (D) SURETY & PROPERTY BONDS
- (E) BAIL BONDING COMPANIES & AGENTS
- (F) ONGOING REQUIREMENTS OF BAIL BONDING COMPANIES & AGENTS

3.04 – COUNSEL FOR INDIGENT DEFENDANTS

- (A) INDIGENT DEFENDANTS
- (B) APPOINTED COUNSEL
- (C) APPLICATION FOR FEES
- (D) PRIVATE CASES
- (E) ATTENDANCE
- (F) EXPERTS FOR INDIGENT DEFENDANTS

3.05 – CRIMINAL MOTIONS

- (A) WRITTEN MOTIONS
- (B) MOTIONS TO SUPPRESS
- (C) PROOF OF SERVICE
- (D) DEADLINES
- (E) PAGE LIMITATIONS

3.06 – PRECEDENCE OF CRIMINAL TRIALS

3.07 – VICTIMS & WITNESSES

- (A) NOTIFICATION
- (B) PRESENTENCE STATEMENTS

3.08 – WITNESS & EXHIBIT LISTS

3.09 – COSTS FOR NOLLE PROSEQUI DISMISSALS

IV. CIVIL CASE MANAGEMENT

4.01 – CASEFLOW

- (A) CASE DESIGNATION SHEET
- (B) SERVICE
- (C) INVENTORY & REVIEW OF CASES

4.02 – ASSIGNMENT PROCEDURES

- (A) ASSIGNMENT OF CASES
- (B) CONSOLIDATION
- (C) RELATED CIVIL FORFEITURE TRANSFER
- (D) DISQUALIFICATION
- (E) REASSIGNMENTS

4.03 – TIME LIMITS

- (A) GENERAL TIME LIMITS

(B) ADMINISTRATIVE APPEALS

(C) FORCIBLE ENTRY & DETAINER ACTIONS

4.04 – PLEADINGS, MOTIONS & OTHER PAPERS

(A) PLEADING EXTENSIONS

(B) AMENDMENTS

(C) MOTION REQUIREMENTS

(D) OPPOSITION

(E) REPLY

(F) HEARINGS

(G) EMERGENCY MATTERS

(H) PAGE LIMITATIONS

4.05 – ORDERS & JUDGMENTS

(A) ROUTINE ORDERS

(B) JUDGMENTS & INTERLOCUTORY ORDERS

(C) SETTLEMENT

(D) COURT-PREPARED ORDERS

(E) SERVICE BY CLERK'S OFFICE

4.06 – PRETRIAL CONFERENCES

(A) SCHEDULING & ATTENDANCE

(B) INITIAL PRETRIAL STATEMENT

(C) ISSUES TO BE CONSIDERED

(D) INITIAL PRETRIAL ORDER

(E) FINAL PRETRIAL CONFERENCE

(F) SANCTIONS

4.07 – CIVIL TRIALS

(A) SCHEDULING

(B) CONTINUANCES

(C) TRIAL DEPOSITIONS

(D) JURY FEE

(E) JURY VIEW

(F) JURY COSTS

4.08 – COMMERCIAL DOCKET

(A) DESIGNATION & ORGANIZATION

- (B) SCOPE OF THE COMMERCIAL DOCKET
- (C) ASSIGNMENT OF CASES TO THE COMMERCIAL DOCKET
- (D) RULING OR DECISION ON TRANSFER
- (E) REVIEW OF TRANSFER
- (F) ADJUSTMENT OF OTHER CASE ASSIGNMENTS

4.09 – LIENS

- (A) APPLICABILITY
- (B) NOTICE TO BUNDLE LIENS
- (C) JUDGE ASSIGNMENT
- (D) DOCKETING
- (E) RELEASE OF LIENS

4.10 – MEDIATION PROGRAM

- (A) PURPOSE
- (B) OHIO’S UNIFORM MEDIATION ACT
- (C) SCOPE
- (D) CASE REFERRAL
- (E) CIVIL CASE MEDIATOR
- (F) ATTENDANCE
- (G) MEDIATION PROCESS
- (H) CONFIDENTIALITY
- (I) SANCTIONS
- (J) EXTERNAL REFERRALS
- (K) COMPLAINTS

4.11 – OTHER ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

V. SPECIALIZED CASES

5.01 – BANKRUPTCY & APPROPRIATION CASES

- (A) BANKRUPTCY & OTHER STAYS
- (B) APPROPRIATION CASES
- (C) TAXES

5.02 – FORECLOSURE PROCEDURES

- (A) FILING OF FORECLOSURE COMPLAINT
- (B) CASE DESIGNATION SHEET

(C) COUNTY TREASURER

(D) SHERIFF'S SALE

(E) TITLE WORK

(F) ORDERS OF SALE

(G) MOTIONS TO WITHDRAW PROPERTY FROM SHERIFF'S SALE

5.03 – CERTIFICATION OF QUALIFICATION FOR EMPLOYMENT

5.04 – SPECIALIZED CRIMINAL DOCKETS

(A) ESTABLISHMENT OF TREATMENT COURT DOCKET

(B) APPOINTMENT OF JUDGES

(C) ENTRANCE

(D) TREATMENT COURT MANAGEMENT

(E) UNSUCCESSFUL TERMINATIONS

(F) ADJUSTMENT OF OTHER CASE ASSIGNMENTS

## VI. JURY MANAGEMENT & ADMINISTRATION

6.01 – JURY MANAGEMENT

(A) JURY ADMINISTRATION

(B) MONITORING JURY SYSTEM

(C) JURY FACILITIES

(D) JUROR COMPENSATION

6.02 – JUROR ELIGIBILITY

(A) GENERAL ELIGIBILITY

(B) THOSE INELIGIBLE

(C) TERM

6.03 – JURY SELECTION

(A) SOURCE LIST

(B) PANEL SELECTION

(C) EXEMPTIONS, EXCUSES & DEFERRALS

6.04 – JURY TRIALS

(A) ORIENTATION

(B) VOIR DIRE

(C) JURY INSTRUCTIONS

(D) DELIBERATION

(E) SEQUESTRATION

**VII. EVIDENCE RETENTION**

7.01 – EXHIBITS

- (A) MARKING EXHIBITS
- (B) EXCHANGING & SUBMITTING EXHIBITS
- (C) FORM OF EXHIBITS
- (D) BIOLOGICAL EVIDENCE

7.02 – RETENTION OF EXHIBITS

- (A) ACCEPTED FOR RETENTION
- (B) DESTRUCTION

7.03 – RETENTION OF COURT REPORTER NOTES & RECORDINGS OF PROCEEDINGS

**APPENDICES**

APPENDIX A – FILING FEES

APPENDIX B – ATTORNEY FEE SCHEDULE

APPENDIX C – CIVIL CASE DESIGNATION SHEET

APPENDIX D – PRETRIAL JAIL POPULATION MANAGEMENT POLICY

APPENDIX E – TECHNOLOGY PLAN FOR THE GENERAL DIVISION OF THE LUCAS COUNTY  
COMMON PLEAS COURT

## **I. GENERAL PROVISIONS**

### **1.01 – ADMINISTRATIVE JUDGE**

#### **(A) TERM**

The Administrative Judge will be elected for a two (2) year term and may be reelected.

#### **(B) REMOVED FROM COURT'S DUTIES ROTATION**

Pursuant to Sup. R. 4.03, the Administrative Judge shall be removed from the Court's weekly duties rotation and a quarter of the normal criminal docket caseload during his/her term.

#### **(C) BACK-UP ADMINISTRATIVE JUDGE**

If the Administrative Judge is unavailable or has a conflict of interest, the current assigned Duties Judge will assume the role of back-up Administrative Judge.

### **1.02 – OFFICIAL LAW JOURNAL**

#### **(A) OFFICIAL JOURNAL**

The Toledo Legal News is designated the official daily law journal of the Lucas County Court of Common Pleas as authorized by R.C. 2701.09.

#### **(B) ATTORNEY NOTIFICATION**

Publication in the Legal News shall be official notification to attorneys of record who are themselves responsible to be informed of all activities pertaining to their cases. Where mail notification is provided by these rules, or is otherwise given, non-delivery of mail shall not excuse an attorney's failure to appear if notice was also published in the Legal News.

### **1.03 – ATTORNEYS**

#### **(A) COUNSEL**

Only attorneys licensed to practice in Ohio shall practice in the General Division. If a Judge grants a motion *pro hac vice* to allow a member of another state's bar to appear as counsel on a particular case, local counsel shall also be designated as co-counsel.

**(B) TRIAL COUNSEL**

The attorney who has authority to make decisions with respect to all phases of the litigation, the conduct of the trial, and the ultimate disposition of the case, is the trial counsel of a case.

**(C) LIMITATIONS**

No attorney, nor an employee of an attorney, shall be involved in the recording, transcription, or editing of a deposition for a case in which the attorney has an interest.

**(D) INFORMATION FOR COURT**

Attorneys practicing before the Court and *pro se* litigants representing themselves shall provide the Court with their name, address, telephone, fax number, and email address on all filings.

Attorneys practicing before the Court and *pro se* litigants representing themselves shall promptly provide in writing any change in name, address, telephone, fax number, or email address to the Clerk of Courts and the Office of the Court Administrator.

**(E) WITHDRAWING FROM REPRESENTATION**

No attorney shall unilaterally withdraw from any case after entering an appearance as counsel. No attorney shall be relieved of responsibility until permission is granted by the Trial Judge. Attorneys shall attend any scheduled hearings in the case until such time as they obtain written or oral permission from the Trial Judge to seek leave to withdraw from the case.

**1.04 – COURT DECORUM**

**(A) DECORUM**

Food and beverages are prohibited in all courtrooms, and smoking is prohibited throughout the courthouse. Everyone must behave appropriately within the courthouse. Children must be accompanied by an adult. Security officers shall control the movement of spectators within courtrooms and throughout the courthouse for safety and order, and spectators may not disturb court proceedings in any fashion.

**(B) SANCTIONS**

Persons violating this rule shall be removed by the bailiff or security officer and may be brought before a Judge or Magistrate for appropriate action.

## **1.05 – USE OF ELECTRONIC & OTHER DEVICES**

Except as otherwise permitted in these rules, all electronic, photographic or videographic devices (including cell phones) will be secured in a lockable pouch at the security stations on the first floor of the courthouse. The owner of the device is encouraged not to bring the device to the courthouse. Courthouse security will secure in a lockable pouch all devices upon entry into the courthouse and the pouches will be returned to security when the person leaves the courthouse.

The court will not be responsible for any loss, theft, or damage to the device. Courthouse employees, attorneys, public officials, jurors, and others specifically authorized by the court are exempt from this rule.

## **1.06 – MEDIA**

### **(A) APPLICATION**

Written requests for permission to broadcast, televise, record or take photographs in the courtroom must be submitted to the court administrator or fax filed in accordance with Gen. R. 2.03 on the designated form at least twenty-four (24) hours in advance of a scheduled proceeding. A file-stamped copy shall be sent to the assigned Judge for review and approval.

### **(B) PERMISSION**

If the Judge presiding determines that media presence would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with fairness, the Judge shall permit broadcasting, recording, or photographing at court proceedings open to the public as permitted by Sup. R. 12.

The Judge has the option of granting permission to the media for the entire length of a specific case's court proceedings.

### **(C) LIMITATIONS**

After considering media requests, the Judge shall specify through courtroom bailiffs or security personnel where operators and equipment may be positioned in the courtroom.

Victims and witnesses who object and jurors shall not be filmed, videotaped, photographed, or audio recorded.

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

(1) "Proceeding" means any trial, hearing, or any other matter held in open Court that the public is entitled to attend.

(2) There may be no transmission or recording of anything before or after the Court is in session and spectators in the courtroom shall not be photographed or recorded at any time without advance permission of the spectator and the Judge.

**(D) POOLING**

When ordered by a Trial Judge, media representatives must arrange for pooling of equipment without involving the Court. If any disputes arise, the Judge may exclude all contesting media representatives.

**(E) SANCTIONS**

Permission to broadcast or photograph a proceeding may be revoked if any media representative fails to comply with conditions set by the Judge.

**1.07 – PROCESSING OUT-OF-STATE SUBPOENAS**

**(A) REQUIRED DOCUMENTS & INFORMATION WHEN MAILING**

(1) Lucas County Clerk of Courts subpoena form.

(a) Petitioner will use the subpoena(s) supplied by the Clerk's office to ensure compliance with Civ. R. 45.

(b) Include an original and two copies plus any additional copies to be served.

(2) Copy of subpoena issued from out-of-state Court.

(3) Filing fee in the amount set forth in **Appendix A** (check or money order made payable to the Lucas County Clerk of Courts, for filing costs).

(a) If the Lucas County Sheriff is to serve the subpoena, an additional fee of \$25.00 per subpoena is needed made payable to the Lucas County Sheriff. Make certain the address used to serve the respondent is within Lucas County, Ohio; the Sheriff cannot serve persons outside of this jurisdiction.

(4) Upon filing, the Clerk's office will assign a miscellaneous case number and process the subpoena(s) for service. No Judge will be assigned unless a motion is filed and a Judge needs to approve and sign a proposed order.

(a) Sheriff service will be directed to the Lucas County Sheriff's office. Please direct any questions regarding completion of service to the Lucas County Sheriff at (419) 213-4786.

(b) Copies will be mailed back to the attorney if a return envelope was provided.

(5) If the subpoena(s) is/are to be served by a process server:

- (a) Motion for the appointment of a process server.
- (b) A proposed Court order appointing the process server (order to be approved and signed by a Judge of this Court).
- (c) If a process server is to serve the subpoena(s), the process server must report to the Lucas County Clerk of Courts to pick up the subpoena(s).
- (d) If attorney service, once subpoena is filed a copy will be mailed back to attorney's office if a return envelope is provided.

### **1.08 – COURT ACTIONS**

#### **(A) ASSIGNED JUDGE**

All requests for action upon a case shall be presented to the Judge assigned to that case.

#### **(B) UNAVAILABILITY OF ASSIGNED JUDGE**

If an assigned Judge is unavailable, and court action is necessary, in accordance with the rotation schedule adopted by the General Division and available in the office of the Court Administrator, counsel may approach the assigned duties Judge for signature upon that Judge's discretion.

### **1.09 – COURT MAGISTRATES**

Magistrates shall be appointed by the Court *en banc* and serve as employees of the Court with all the powers permitted by law.

### **1.10 – TECHNOLOGY PLAN**

In accordance with Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan which will include:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and

(2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

This plan will be attached hereto as **Appendix E**.

### **1.11 – PROHIBITING CIVIL ARRESTS IN THE COURTHOUSE**

To avoid disruption during court proceedings or impediments to individuals exercising their judicial rights, no person may subject an individual to civil arrest when the individual is in the courthouse as a party or participant to a court proceeding. Arrangements may be made for the arrest after the conclusion of the proceeding and the person subject to arrest has exited the courthouse.

## **II. FILING PROCEDURES**

### **2.01 – CASH DEPOSITS AS SECURITY FILING FEES**

Security filing fees shall be charged in accordance with the schedule set forth in **Appendix A**. All costs associated with the case may be deducted from the security fee regardless of which party is ordered to pay the costs. At the conclusion of any case, the Clerk of Courts shall determine if all costs have been paid. Unless otherwise set forth in the court's order, the Clerk of Courts shall assess all excess court costs to the plaintiff in the action.

### **2.02 – FILING REQUIREMENTS**

#### **(A) CASE CAPTION & NUMBER**

All filings with the Clerk of Courts in any action or proceeding shall be filed by case caption and case number. The names of the parties to the action shall be considered the primary basis for filing and shall take precedence over the case number.

An abbreviation of the official case number, using the indicators for case type and year, followed by the last four digits of the case number may be used on filings (ex. CR-2024-01234 may be written as CR24-1234; CI-2024-01234 can be written as CI24-1234).

#### **(B) FORMAT**

Any documents filed with the Clerk of Courts must be formatted to 8½ x 11 inches (letter size) and legible. A top margin of three inches shall be required on the first page.

#### **(C) ATTORNEY IDENTIFICATION**

In accordance with Civ. R. 11, every document filed with the Clerk of Courts shall contain the attorney's registration number assigned by the Supreme Court of Ohio, the direct telephone number, fax number and address of the attorney and, if applicable, the law firm of record and the attorney's business email address.

#### **(D) NON-ATTORNEY IDENTIFICATION**

In accordance with Civ. R. 11, every document filed with the Clerk of Courts shall contain the filer's current telephone number, address, and personal email address.

#### **(E) CASE DESIGNATION**

On every initial filing, the attorney shall designate the case following categories stated in the Case Designation Sheet. See **Appendix C**.

**(F) JUDGES' NAME ON FILINGS**

To assist with directing filings to the proper Judge, all filings must contain both the first and last name of the assigned Judge.

**2.03 – FAX FILING REQUIREMENTS**

**(A) AUTHORIZATION**

The Clerk of Courts shall maintain an independent telephone line and facsimile machine to allow the filing of documents no longer than ten pages in length with the court by following this rule. The number of the fax machine is 419-213-4291.

**(B) FAX COPIES**

Filing documents subsequent to an original complaint and not requiring a security deposit as set forth in **Appendix A** may be filed by facsimile with the Clerk of Courts.

In accordance with Civ. R. 5(E), any signature on the fax filing shall be considered authentic.

If it is established that any transmission was made without authority, the court shall order the filing stricken.

**(C) DATE & TIME OF FILING**

The date and time of receipt of any faxed document shall be the date and time imprinted on the document by the facsimile machine receiving the transmission. Any fax filing received by the Clerk of Courts after 4:30 P.M. on a regular business day or on a weekend or holiday shall be considered filed on the next business day for the Clerk. Documents received outside of normal business hours shall be queued and processed in the order of receipt as documented by the date and time imprinted by the receiving fax machine.

**(D) REQUIREMENTS**

Any document filed by fax shall conform with the civil and criminal rules and shall be preceded in transmission by a cover page which includes the caption of the case, case number, assigned judge, the name, address, attorney registration number, telephone and fax number of the attorney filing the document, a description of the document being filed, date and time of fax initiation, and the number of pages being transmitted, including the cover page.

If a document is sent by fax to the Clerk of Courts without the required cover page information, the document will be docketed by the Clerk of Courts but subject to a further order of the court that the filing be stricken from the record.

**(E) FAX DOCUMENTS AS ORIGINALS**

The faxed document shall be considered the original. Additional originals of the documents shall not be filed with the Clerk of Courts. The sending party must maintain possession of the source document and make it available for inspection by the court upon request. Exhibits that cannot be transmitted accurately or are lengthy must be replaced by an insert page describing the exhibit. The original of an exhibit shall be filed within ten days of the fax filing.

**(F) CHARGES**

Payment of costs must be arranged for in advance with the Clerk of Courts. The Clerk does not have to receive the fax transmission unless the acceptable method of payment has been paid or arranged to be paid. Attorney checks, cashier's checks, and cash are acceptable methods of payment. All customary fees shall be applied to faxed filings. If courtroom or service copies are needed for processing, the Clerk may charge up to twenty-five cents (25¢) per page for all necessary copies.

**2.04 – ELECTRONIC FILING REQUIREMENTS**

**(A) DOCUMENT FORMAT**

All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting found in Gen R. 2.02 and in any other format the Court may require. All electronically filed documents, pleadings, and papers shall be filed with the Clerk in a searchable Portable Document Format (PDF) with the exception of proposed orders.

Proposed orders shall be submitted in a Microsoft Word 2007 or higher compatible format (.docx) and shall reference the specific motions to which they apply.

**(B) CASE NUMBER**

When entering a case number in the e-File system, filers shall use the full case number for creating cases and for searching for cases when submitting subsequent filings.

Example: CR-2024-01234 or CI-2024-01234.

Criminal cases will be assigned one case number per defendant.

**(C) SIZE OF FILING**

Submissions shall be limited to thirty-five megabytes (35MB) in size.

**(D) FONT STYLE & SIZE**

Documents created for e-Filing shall be double-spaced, in either Times New Roman or Arial font style and at least 12-point type.

**(E) HYPERLINKS**

Documents submitted for e-Filing may contain hyperlinks to an original source.

Example: A link to an Ohio Supreme Court case opinion on the Ohio Supreme Court's website.

**(F) SIGNATURES**

**(1) ATTORNEY'S/FILER'S SIGNATURE**

Any document filed electronically with the Clerk that requires an attorney's or a filer's signature shall be signed with a conformed signature of "/s/ (name); or shall bear a digitally applied and flattened original signature of the attorney or filing party.

The correct format for an attorney's conformed signature is as follows:

/s/ Attorney Name

Attorney Name

Supreme Court ID Number 1234567

Attorney for (Plaintiff/Defendant) XYZ Corporation

ABC Law Firm

Address

Phone - Direct Number of Filer

E-mail

The conformed signature and/or the digitally applied and flattened original signature on an electronically filed document is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, and/or any other law.

**(2) MULTIPLE SIGNATURES**

When a stipulation or other document requires two or more signatures:

- (a) The filing party or attorney shall sign the stipulation or document him/herself as follows: "/s/ John Smith."
- (b) The filing party or attorney shall then confirm in writing that the contents of the document are acceptable to all persons required to sign the document.
- (c) The filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.
- (d) The filing party or attorney shall then file the document electronically, identifying all the other signatories as follows: "/s/ Jane Doe, per written authorization, by John Smith," etc.

#### **(4) PRO-SE SIGNATURES**

A document that needs to be signed by an unrepresented/pro *se* party but that also needs to be signed by the Judge shall be filed in word format, with the "/s/ name" signature for the *pro se* party, as signed by the filing party. (Ex: "/s/ Jane Doe *Pro Se* Litigant, per authorization, by John Smith, attorney").

However, a copy of the same proposed order or document, hand-signed by the *pro se* party, shall also be filed simultaneously in PDF format as an exhibit associated with the proposed order that is submitted in word format. This exhibit shall be clearly marked as an exhibit accompanying the proposed order, even though filed as a separate document, and shall contain the complete name and caption of the case in which it is filed.

#### **(5) ORIGINAL SIGNATURES**

Documents requiring an original signature, such as an affidavit, or other notarized documents that do NOT contain digitally applied original, flattened signatures and/or a properly applied electronic notary shall be scanned after the signature and notarization are applied to the paper document and shall be e-Filed as a ".pdf" subject to the following requirements:

- (a) The filer shall maintain the signed, original paper document in their records and have it available for production upon request of the Court; and
- (b) The signed, original paper document shall be maintained until the case is closed and the time for appeal has expired, or the appeals have been heard and all opportunities for post judgment relief are exhausted.

#### **(6) SIGNATURE OF JUDGE OR JUDICIAL OFFICER**

E-Filed documents may be signed by a Judge or judicial officer via a digitally applied and flattened signature. All orders, decrees, judgments, and other

documents signed in this manner shall have the same force and effect as if the Judge had affixed his or her signature to a paper copy of the order and journalized it.

## **2.05 – OFFICIAL COURT RECORD**

Documents filed through the e-File System or documents filed in paper format that have been scanned and uploaded to the e-File system by the Clerk constitute the Official Court Record. These records have the same force and effect as those filed by traditional means.

Pursuant to the Ohio Rules of Superintendence, paper documents may be destroyed or returned to the party after being converted and stored electronically.

## **2.06 – E-FILING REGISTRATION**

### **(A) REGISTRATION IN E-FILING SYSTEM**

(1) All counsel of record shall register with the Court's e-Filing system to file, receive, review, and retrieve copies of e-Filed pleadings, orders, and other documents in the case. A firm shall register an e-Filing account for the entirety of the firm set up use accounts for each attorney that intends to file with the Court.

(2) *Pro se* parties filing in person who are not already registered users shall be referred to the online e-Filing Portal to register for a Self-Represented Account. Once the filer becomes a registered user, his/her documents shall be submitted through the e-Filing Portal.

### **(B) CONFIDENTIAL & UNIQUE ELECTRONIC IDENTIFIER**

(1) The Court's e-File system shall assign an individual who has registered pursuant to Subsection (A) of this Rule a confidential and unique electronic identifier that shall be used to file pleadings, orders, and other documents in the case.

(2) Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.

(3) All e-Filed documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the Court, by clear and convincing evidence, that the contrary is demonstrated.

## **2.07 – SERVICE OF COURT INITIATED FILINGS**

Service of Court initiated filings shall be made by email through the Clerk.

## **2.08 – SERVICE OF E-FILINGS**

### **(A) INSTRUCTIONS FOR SERVICE**

Instructions must be filed as a separate document when documents to be served by the Clerk are filed through the e-File System. The Instructions for Service shall designate the names and addresses of the parties to be served. If the address of a party to be served is unknown, the filer shall substitute "unknown" for the address. The Instructions for Service shall designate a method of service pursuant to Civ. R. 4, unless an order providing otherwise has been entered by the Court. The Clerk shall then issue a summons and process the method of service in accordance with the Rules of Civil Procedure.

### **(B) SERVICE COPIES**

The Clerk shall cause service copies to be produced in lieu of service copies being furnished by the parties for all filings requiring a summons. In those situations, the Clerk shall charge a fee of ten cents (10¢) per page per service copy and shall assess those fees as costs against the funds on deposit.

### **(C) DOCUMENTS TO BE SERVED BY COUNSEL**

All other documents filed through the e-File System shall be served by counsel as required by Civ. R. 5.

### **(D) INDICTMENTS IN CRIMINAL CASES**

Indictments in criminal cases shall be filed through the Court's e-File system in compliance with these Rules and shall be served on defendants according to the Ohio Rules of Criminal Procedure.

### **(E) ENTRIES & ORDERS**

The Court's e-File system shall generate a Notification of Electronic Filing for all entries and orders signed by a Judge or a Magistrate. This Notification of Electronic Filing shall constitute service under Civ. R. 5 and Crim. R. 49.

After an order or entry has been signed and filed, the Clerk shall serve on all pro se parties who are not registered users of the Court's e-File system copies of all entries and orders submitted to the Court for signature in accordance with Civ. R. 5 and Crim. R. 49.

## **2.09 – REVIEW OF E-FILINGS**

Documents may be submitted to the Clerk for e-Filing twenty-four hours a day, seven days a week. Documents will be accepted by the Clerk's office during normal business hours. Documents electronically submitted for e-Filing shall be deemed filed on the date and time

as outlined below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

The e-Filing System is hereby appointed the agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents.

- (1) Upon receipt of an electronic document submitted for filing, the e-Filing System shall issue to the e-Filer a confirmation that the submission has been received. The confirmation notice shall include the date and time of receipt and shall serve as proof of receipt of the submission. The confirmation notice shall also inform the e-Filer that, if the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing.
- (2) An e-Filer will receive subsequent notification from the Clerk indicating that the submission has been accepted or rejected by the Clerk's office for docketing and filing into the Court's Case Management System.
- (3) If a document submitted for e-Filing has been accepted by the Clerk after Clerk review, the document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing System (i.e., date and time of receipt outlined above). Subject to the exceptions noted below, the date and time reflected on the electronic stamp shall become the filing date and time for that document.
- (4) In the event the Clerk rejects a submitted document following Clerk review, the document shall not become part of the official Court record, and the e-Filer will be required to re-file the document to meet necessary filing requirements. Once a submitted document is rejected, the date and time associated with its initial submission to the Clerk of Courts, which would have been the date and time on the timestamp in the event the document was accepted for filing, becomes void.
- (5) Should controversy arise in connection with the e-File System, or from the failure of the electronic filing process, it shall be submitted to the Judge assigned to the case for resolution, or, if no Judge has been assigned, to the Duties Judge. The party wishing to bring the controversy to the attention of the Court shall file a memorandum explaining the controversy and proposing a resolution. All interested parties shall be given notice of the submission of the controversy to the Court, and an opportunity to file a written memorandum addressing the controversy. The Judge hearing the controversy, will then issue an order determining the controversy, which shall be made part of the record.
- (6) If a 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.

## **2.10 – EXCEPTIONS TO ELECTRONIC FILING**

The following documents may not be filed through the e-File System:

- (1) Any document required to be filed under seal or in camera.
- (2) Complaints in Appropriations Cases.
- (3) Motions for temporary restraining orders, preliminary injunctions or other immediate relief.
- (4) Complaints filed pursuant to R.C. 2903.214 for Civil Stalking Protection Orders or Civil Sexually Oriented Offender Protection Orders.
- (5) All documents related to Judgment Lien Cases, Certificates of Judgment, Garnishments, Writs of Possession, Foreign Sheriff Deposits and Petitions for Court Ordered Certificates of Title.

## **2.11 – DEPOSITS & FEES**

When a document requiring the payment of a deposit or fees is filed through the e-File System, the required deposit or fee must be paid by credit card at the time of the filing. A credit card processing fee will be assessed on all deposits and fees paid in this manner.

### **III. CRIMINAL CASE MANAGEMENT**

#### **3.01 – GRAND JURY PROCEEDINGS**

##### **(A) RECORDING**

The grand jury foreperson shall monitor the **continuous** digital recording of **all** proceedings before the grand jury. The prosecutor's office will provide recording and transcribing equipment of sufficient quality to provide an accurate and audible record. Complete transcripts of grand jury proceedings shall be produced only upon the specific order of a Judge of the Common Pleas Court.

##### **(B) RECORD KEEPING**

Unless otherwise ordered by the presiding Judge, the prosecuting attorney may erase recordings older than one year, with the exception of aggravated murder and murder testimony which shall be kept indefinitely.

#### **3.02 – ASSIGNMENT OF CRIMINAL CASES**

##### **(A) RANDOM ASSIGNMENT**

Generally, a new indictment or information shall be assigned randomly to a Judge; however, any reindictment on a case previously dismissed shall be assigned to the Judge who had been assigned to the original indictment subject to the exceptions herein.

Indictments shall be processed in the order listed on the grand jury report.

##### **(B) SINGLE DEFENDANTS**

Multiple cases against the same defendant shall be assigned to a single judge.

###### **(1) DEFENDANTS WITH ACTIVE COMMUNITY CONTROL CASES**

If a probationer is indicted on a new case, the new case shall be assigned to the Trial Judge who placed the defendant on community control.

###### **(2) PARTICIPANTS IN TREATMENT COURT**

If a Treatment Court participant is indicted on a new case, the new case shall be manually assigned to the Treatment Court Judge and the Judge pool will not be adjusted.

### **(3) DEFENDANTS WITH PENDING CASES**

If a defendant is indicted on a new case and the defendant has a pending case(s) assigned to a Trial Judge, the new case shall be assigned to that Trial Judge. Pending cases include any pre-adjudication, Diversion, and Intervention in Lieu of Conviction cases.

### **(C) MULTIPLE DEFENDANTS**

All co-defendants indicted in a multiple defendant case(s) shall be assigned to the same Trial Judge. If any co-defendant(s) has a pending case, then the Trial Judge with the oldest pending case, as defined in Subsection (B)(3), shall be assigned all co-defendants. Otherwise, the case(s) shall be assigned to a single Judge by random lot. Any subsequent indictments of other co-defendants shall be assigned to that same Trial Judge.

If any co-defendant is currently on community control, the case(s) with active community control sanctions may be transferred to the Trial Judge who received the multi-defendant case. Treatment Court cases of any co-defendant(s) shall remain with the Treatment Court Judge unless otherwise ordered.

If a subsequently indicted co-defendant is not assigned to that same Trial Judge, and the case(s) involving the co-defendant(s) are still pending, the Clerk shall transfer the case to that originally assigned Trial Judge. At the time of the arraignment of the subsequent co-defendant(s), the prosecutor shall file a notice which provides:

- (1) The case numbers of all other co-defendants; and
- (2) The name of the Trial Judge to whom the first co-defendant was assigned.

If any co-defendant has a pending case with a different Judge, either party can request transfer of the pending case after assignment. The request shall be filed on the record with both judges. Both judges must approve the transfer.

### **(D) ASSIGNMENT OF AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS**

The Clerk shall assign all aggravated murder with death penalty specification(s) by random draw in accordance with Sup. R. 36.013(B).

### **(E) THREE-JUDGE AGGRAVATED MURDER CASES WITH DEATH PENALTY SPECIFICATIONS**

If a defendant charged with an offense punishable by death waives his/her right to trial by jury, he/she shall be tried by a panel of three judges consisting of the originally assigned judge and two other judges designated by the Presiding Judge of the Court of Common Pleas. The two other judges available for assignment as the second and third judges shall

include all sitting General Division judges, whether elected or appointed to office, and excluding the judge to whom the case is originally assigned pursuant to Gen. R. 3.03(D). Judges who are ineligible for assignment as the presiding judge of the case pursuant to Sup. R. 36.013(B) are nonetheless eligible to be selected as the second and third judges under this rule.

The judges of another Division of the Common Pleas Court may be eligible for assignment as the second or third judge if:

- (1) They have either been qualified to participate in a three-judge panel pursuant to Gov. Jud. R. IV, Section 3(E)(1)(c), or had such qualification waived pursuant to Gov. Jud. R. IV, Section 3(E)(7); and
- (2) They have notified the Presiding Judge of the Court of Common Pleas of their desire to be considered for assignment.

The selection of the second and third judges shall take place in open court, on the record, in the presence of the defendant, counsel, the Presiding Judge of the Court of Common Pleas, the judge presiding over the case at the time, and all others permitted by law.

The method for selection shall be a random process determined by the Presiding Judge of the Court of Common Pleas upon the defendant's waiver of their right to trial by jury.

The Presiding Judge of the Court of Common Pleas and the judge presiding over the case at the time shall sign an entry reflecting the designation of the two judges so chosen.

If it is necessary for either or both of the second and third judges to recuse themselves, or in any event where either or both selected judges are unable to serve on the three-judge panel, the foregoing process shall be repeated for the selection of the judge(s), with the judge(s) recusing themselves or being unable to serve having their respective names removed.

#### **(F) ASSIGNMENT OF FUGITIVE WARRANT CASES**

Fugitive Warrant cases will be assigned to the first available Judge with an Arraignment docket. Should a Judge with an arraignment docket not be available, then the case will be assigned to the next available Block docket. In the event no Judge with a Block docket is available, then the first available Judge will be assigned the case. Once the case is heard, the Judge hearing the matter will be permanently assigned the case.

### **3.03 – BAIL & BONDS**

#### **(A) MUNICIPAL BAIL**

Bail which has been fixed by a municipal court for a specific charge or charges may be accepted by the Common Pleas Court without further hearing and the Clerk of Courts is authorized to accept bail on the specific charge or charges without further proceedings or journalization, unless a new bond is requested by the prosecutor's office upon the return of an indictment by the grand jury.

#### **(B) BOND SETTING & MODIFICATION**

This rule shall not affect the inherent power of the court at any time to revoke, increase, or decrease a bond previously fixed by it or any other court upon good cause shown, as provided in R.C. 2937.28 and 2937.011. If the grand jury returns additional counts to those originally charged in a municipal court, a judge shall fix the bail for each of the additional charges upon the request of the defendant, prosecuting attorney, or at arraignment, whichever is earlier.

#### **(C) PERSONAL RECOGNIZANCE BONDS**

Any defendant seeking release upon an O.R. or personal recognizance bond shall be required to sign a written bond application.

#### **(D) SURETY & PROPERTY BONDS**

A surety bond may be posted in any case where bail has been set. A property bond shall be accepted at the discretion of the assigned Judge.

#### **(E) BAIL BONDING COMPANIES & AGENTS**

For the purposes of this rule, “Surety Bail Bond Agent” is defined as an individual who is licensed to write bail bonds by the Ohio Department of Insurance.

“Surety Bail Bond Agency” is defined as a business entity of more than one licensed Surety Bail Bond Agent.

All agents or agencies who desire to write bail bonds in this court must register with the Clerk of Courts before a bond can be filed in this court. To register, a Surety Bail Bond Agent/Agency shall file the following with the Clerk of Courts office:

- (1) A certified copy of the Surety Bail Bond Agent/Agency’s appointment by power of attorney from each insurer the agent/agency represents.
- (2) A copy of the Surety Bail Bond License issued by the State of Ohio Department of Insurance.

- (3) A copy of the Certificate of Authority issued by the State of Ohio Department of Insurance.
- (4) A copy of the Certificate of Compliance issued by the State of Ohio Department of Insurance.
- (5) A copy of the agent's current Department of Insurance wallet identification card with photo.
- (6) Proof of employment from the Agency the agent will work for.

**(F) ONGOING REQUIREMENTS OF BAIL BONDING COMPANIES AND AGENTS**

- (1) The Surety Bail Bond Agent/Agency shall file the following to keep the registration current:
  - (a) A certified copy of the renewed power of attorney by the first day of August each odd-numbered year.
  - (b) A copy of the State of Ohio Department of Insurance License Renewal Form by the first day of March of each year.
  - (c) Written notification of any change in the information submitted to the Clerk of Courts within 5 days of the change.
- (2) All Surety Bail Bond Agents must comply with R.C. 3905.932, which prohibits Surety Bail Bond Agents from soliciting on the property or grounds of the Lucas County Common Pleas Court. Prohibited solicitation includes any activity set forth in Ohio Administrative Code 3901-1-66(I)(1). A Surety Bail Bond Agent who solicits on the property or grounds of the Lucas County Common Pleas Court or engages in other acts prohibited by R.C. 3905.932 may be expelled from the building and grounds of the Lucas County Common Pleas Court. Violations of R.C. 3905.932 will be reported to the State of Ohio Department of Insurance.
- (3) When posting bond, a Surety Bail Bond Agent must:
  - (a) Produce a current State of Ohio Department of Insurance wallet ID card when requested.
  - (b) Post a separate Power of Attorney on each case. A Power of Attorney that has been altered or erased will not be accepted by the court.
  - (c) Post a separate Bond Post Form on each case that contains an original signature of the Surety Bail Bond Agent.
- (4) When a bond is ordered to be forfeited, the Clerk of Courts shall provide notice that the bond must be paid within thirty days of the order to forfeit the bond.

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

(6) The Surety Bail Bond Agent/Agencies shall obtain and maintain contact information from defendants including, but not limited to, phone number, address, e-mail, and an emergency contact person and must maintain at least weekly contact with defendants.

Surety Bail Bond Agents/Agencies must provide a written court notice to the defendant at the time of release.

Further, they must provide a written court date reminder to defendants within one week of the court date and either an in-person text or phone reminder within twenty-four hours of the court date.

If the requirements of this section cannot be proven by the Surety Bail Bond Agent/Agency, failure to comply with this Rule will be used as a factor when considering release, remission, or continuance of bond.

### **3.04 – COUNSEL FOR INDIGENT DEFENDANTS**

#### **(A) INDIGENT DEFENDANTS**

At arraignment, a defendant may be required to answer questions under oath about his or her financial ability to obtain counsel. The defendant may also be required to complete a certification of assets to verify indigence and eligibility for the appointment of counsel.

#### **(B) APPOINTED COUNSEL**

Attorneys wishing to receive court appointments shall comply with the provisions of OAC 120-1-10.

(1) Applications may be obtained from, and shall be submitted to, the Court Administrator's office and shall contain a resume stating the attorney's training, experience and expertise in successfully handling Felony Court cases.

(2) Attorneys shall maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct and shall provide a copy of the declarations page to the Court Administrator's Office.

(3) Applications shall be updated every year by December 31st to remain on the Appointed Counsel List.

- (4) Attorneys are under an ongoing obligation to notify the Court of changes to their status and contact information.
- (5) Attorneys shall be appointed on the basis of a rotating schedule which shall ensure that each attorney on the list is provided with an opportunity to obtain an equitable share of appointments.
- (6) The court may, in its discretion, deviate from the rotating schedule in order to ensure the efficient and orderly administration of justice.
- (7) The appointment of counsel will be reviewed on at least an annual basis, to ensure the equitable distribution of appointments among persons on the Appointed Counsel List, considering the nature and type of appointment, the skill, experience, and aptitude of the attorneys, and other relevant factors.
- (8) Individual judges are free to utilize their own process to appoint counsel, including a requirement that attorneys seeking appointment be present in the courtroom when the appointment is made.

#### **(C) APPLICATION FOR FEES**

Counsel appointed to represent an indigent defendant shall submit to the Ohio Public Defender Court Appointed Billing System (“CABS”) an application for compensation within sixty days after proceedings are completed, stating the time involved and services rendered.

The Judges shall fix the fee amount in accordance with R.C. 2941.51 and R.C. Chapter 120. (See **Appendix B** for the established criminal appointment fee schedule.)

A court-appointed attorney shall verify that no additional compensation was obtained from anyone for services rendered in a case in the General Division.

Any application for attorney fees received after sixty (60) days from final disposition shall be paid at the rate of reimbursement provided by the Ohio Public Defender unless there is approval for an additional payment at a regularly scheduled Judges' meeting.

#### **(D) PRIVATE CASES**

Attorneys accepting court appointments in criminal cases shall not represent the same individual in a criminal or civil matter before this Court on a private retainer without first obtaining approval from the Judge who appointed the attorney in the criminal case.

#### **(E) ATTENDANCE**

Trial counsel for both the State of Ohio and the defendant shall appear at all pretrial conferences, unless, for good cause shown, trial counsel cannot be present.

**(F) EXPERTS FOR INDIGENT DEFENDANTS**

In all cases with appointed counsel, prior approval of the Court to obtain the services of an expert is required. Counsel shall provide the name of the expert, the expert's estimated hourly fee, estimated total cost, and the type of service to be obtained.

If counsel fails to properly obtain the Court's prior approval, counsel shall be responsible for the cost of services obtained.

In order to obtain payment for experts and/or expenses, counsel shall submit the request on the form provided by the Ohio Public Defender's Office.

**3.05 – CRIMINAL MOTIONS**

**(A) WRITTEN MOTIONS**

All motions, other than those made at trial, shall be in writing and, except for motions to suppress and for discovery, shall contain a brief written memorandum citing the authorities relied upon.

The movant shall email an additional copy for the assigned courtroom.

**(B) MOTIONS TO SUPPRESS**

A motion to suppress evidence shall state with particularity the factual grounds supporting it. Any motion to suppress filed without stating the specific grounds for suppression shall be stricken from the files, including motions claiming solely that the matter is violative of the Constitutions of Ohio and the United States.

**(C) PROOF OF SERVICE**

A party shall at the time of filing a motion serve upon the opposing party a copy of the motion filed and file proof of such service with the Clerk.

**(D) DEADLINES**

In all cases where the time for serving and filing a responsive filing is not fixed by law or rule, the filing shall be served and filed within fourteen days after the service date on a pleading requiring response, unless otherwise ordered by the Court. An opposing party shall reply to the responsive filing so served within seven days.

**(E) PAGE LIMITATIONS**

All memoranda attached to motions, whether supporting or opposing a motion or brief, shall not exceed twenty (20) pages, exclusive of any supporting exhibits. For good cause shown, the court may grant a party leave to file a memorandum or brief in excess of the

page limitation. Application for such leave shall be by motion specifying the number of pages requested and specifying reasons extra pages are needed.

### **3.06 – PRECEDENCE OF CRIMINAL TRIALS**

Criminal trials shall have precedence over civil matters scheduled for the same day. Defendants in custody shall have precedence over other criminal matters scheduled for the same day.

### **3.07 – VICTIMS & WITNESSES**

#### **(A) NOTIFICATION**

The prosecutor's office, through the victim witness program, or the Court, when required, shall provide notice to victims and witnesses of every stage of a criminal case to which they are entitled to notice in accordance with Ohio Revised Code.

#### **(B) PRESENTENCE STATEMENTS**

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

### **3.08 – WITNESS & EXHIBIT LISTS**

Parties shall exchange proposed witness and exhibit lists no later than ten (10) days prior to the commencement of trial.

### **3.09 – COSTS FOR NOLLE PROSEQUI DISMISSALS**

Upon the dismissal of a case via Nolle Prosequi, all court costs shall be waived except in cases with a superseding indictment. In those cases, the costs shall be transferred to the new case.

## **IV. CIVIL CASE MANAGEMENT**

### **4.01 – CASEFLOW**

#### **(A) CASE DESIGNATION SHEET**

When a civil case is filed or transferred to the General Division, the attorney shall file with the complaint a Case Designation Sheet. (See **Appendix C.**) The attorney shall designate the case type based on the case designations contained within the Rules of Superintendence. The attorney shall also indicate whether the case was previously dismissed pursuant to Civ. R. 41 and note the name of the previously assigned Judge. If consolidation is requested, the requesting party shall list the case numbers of any related or companion cases.

#### **(B) SERVICE**

(1) Pursuant to Ohio Revised Code, the Clerk shall not restrict, prohibit, or otherwise modify the rights of parties to seek service on defendants allowed by the Rules of Civil Procedure, either singularly or concurrently.

(2) Special Process Servers

##### **(a) Application**

A person may apply to be designated as a Special Process Server for cases filed in the court by filing an application supported by an affidavit setting forth the following information:

- (i) The name, address, and telephone number of the applicant.
- (ii) The applicant is eighteen years of age or older.
- (iii) The applicant agrees not to accept service of process on any case in which the applicant is a party or counsel for a party.
- (iv) The applicant agrees to follow the requirements of the Ohio Rules of Civil Procedure Civil Rules 4.1 through 4.7, any applicable local rules, and specific instructions for service as ordered by the court in individual cases.

##### **(b) Order**

The applicant requesting the designation shall submit an order captioned In Re the Appointment of (name of applicant) As Standing Special Process Server and stating the following:

It appearing to the Court that the Applicant is eligible for appointment as a Special Process Server, (name of applicant) is hereby designated a Special Process Server authorized to make service of process in all cases filed with the Court, and to serve one year from the filing of this Order.

**(c) Filing**

The Order shall be signed by the Administrative Judge of the General Trial Division and shall be filed with the Clerk of Courts who shall record the entry and retain the original Application and Order. For a one-year period from filing, the Clerk shall accept a file-stamped copy of such order as satisfying the requirements of Civ. R. 4.1 for the designation by the Court as a person authorized to make service of process. The cost of filing this application is identified in Appendix A.

**(3) Motion to Appoint a Process Server for Individual Case**

If a party seeks to appoint a Process Server for an individual case, the party shall submit a motion and attach to it the application supported by an affidavit as required in section (B)(2)(a) of this rule along with a proposed journal entry granting authority to the named person to serve summons and complaint in that case.

**(C) INVENTORY & REVIEW OF CASES**

Each Judge shall maintain an inventory of all pending cases on the applicable statistical reporting forms filed with the Supreme Court of Ohio and shall conduct a complete inventory annually. Each Judge shall periodically review all cases assigned. When no activity or service has occurred in the previous six months and there is no assigned trial date, all counsel will be notified that the case shall be dismissed on a specific date if no showing of good cause is made.

**4.02 – ASSIGNMENT PROCEDURES**

**(A) ASSIGNMENT OF CASES**

Upon filing or transfer to the General Division of the Court, a civil case shall be assigned randomly to a Judge who shall be primarily responsible for the case until its termination or reassignment.

Any case refiled after dismissal pursuant to Civ. R. 41 shall be reassigned to the Judge who was assigned to hear the case as of the time of dismissal except if the Judge assignment was pursuant to the rule contained herein regarding consolidation and the older case has been tried or settled prior to refiling. Under such circumstances, the refiled case shall be

assigned to the originally assigned Judge. The docket and register of actions shall reflect the name of the assigned Judge.

**(B) CONSOLIDATION**

If the designation sheet indicates that there is a related or companion case pending, the designation sheet will be sent to the newly assigned Judge to review the request for consolidation with the Judge who has the pending case with the lowest number. The Judge who would receive the consolidated case has the option to accept or deny consolidation of the case.

If any case is later found to be related to another case presenting substantially the same issues for determination, the assigned Judges will discuss the matter. If the Judge with the lower numbered case agrees to accept, the Administrative Judge shall reassign. In the event the judges disagree about the consolidation, the matter may be presented by either judge to the Administrative Judge for final determination. If the Administrative Judge is one of the involved Judges, the matter may be presented to the back-up Administrative Judge for final determination.

If cases assigned to different Judges are consolidated, all consolidated cases shall be deemed assigned to the Judge accepting the consolidation.

**(C) RELATED CIVIL FORFEITURE TRANSFER**

Pursuant to the Ohio Revised Code, when a civil forfeiture is sought for an amount of \$15,000.00 or less, the prosecutor may commence a civil forfeiture action simultaneously with or after the filing of an indictment. When the amount exceeds \$15,000.00, the prosecutor need not wait for an indictment and may commence a civil forfeiture action at any time.

Upon filing, the prosecutor shall request an order that property involved in the offense subject to forfeiture according to the Ohio Revised Code shall be forfeited to the state.

This forfeiture action shall be transferred and assigned to the civil docket of the Judge presiding over the related criminal case. The request to transfer shall be indicated by the party seeking forfeiture on the case designation sheet, by including the pending criminal case number and the Judge to whom it is assigned.

In the event the cash forfeit exceeds \$1,000.00, or the vehicle forfeit exceeds \$2,500.00, the Clerk of Courts shall collect any customary court costs from the forfeiture, which shall include costs for any special projects' funds. The Clerk's collection of court costs from the forfeiture shall be waived in criminal cases where restitution is ordered, or when either the underlying civil or criminal cases are dismissed.

**(D) DISQUALIFICATION**

If a Judge recuses or is disqualified from a case for any reason, that Judge shall, by journal entry, refer the case to the Administrative Judge who shall order reassignment.

**(E) REASSIGNMENTS**

Any Judge appointed or elected to succeed another shall take over the cases of the predecessor judge. The Administrative Judge may reassign cases in accordance with the Rules of Superintendence for any purpose therein.

**4.03 – TIME LIMITS**

**(A) GENERAL TIME LIMITS**

All civil cases, except administrative appeals, forcible entry and detainer actions, or any other case which by its nature requires more rapid adjudication as determined by the Trial Judge, shall be concluded within the time periods set forth by the Ohio Revised Code, Rules of Civil Procedure, and Rules of Superintendence.

**(B) ADMINISTRATIVE APPEALS**

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 within thirty days after the date on which the record is filed. The appellee's brief shall be served and filed within fourteen days of the appellant's brief. The appellant may serve and file a reply brief within seven days after service of the appellee's brief.

**(C) FORCIBLE ENTRY & DETAINER ACTIONS**

When a Forcible Entry and Detainer (FED) action is filed in the General Division, a hearing upon the restitution issue shall be set by the thirty-fifth (35<sup>th</sup>) day unless counsel consents otherwise.

**4.04 – PLEADINGS, MOTIONS & OTHER FILINGS**

**(A) PLEADING EXTENSIONS**

The time within which a party is required by the Civil Rules to serve and file a responsive pleading to a complaint, a counterclaim, a crossclaim, or a third-party complaint shall be extended for a period of twenty-eight days upon advance application filed with the Clerk of Courts on the designated form. Additional time thereafter may be provided pursuant to a motion filed with the Clerk and granted by the court. Proof of service upon opposing counsel or party(ies), as required by Civ. R. 5, shall be filed with each application for extension of time.

**(B) AMENDMENTS**

A motion seeking leave to amend a pleading shall include a copy of the proposed amended pleading. No pleading shall be amended by interlineation or obliteration unless leave of court is first obtained. Once leave is granted, the party must separately file the amended pleading within fourteen (14) days or the time specified by the Court. Upon the filing of an amended pleading, the original or any prior amendment shall not be withdrawn from the file except upon leave of court.

**(C) MOTION REQUIREMENTS**

Any motion, unless made during a hearing or trial, shall be in writing, state with particularity the grounds supporting it, and clearly state the relief or order sought. Every motion, including routine motions, shall be accompanied by a proposed order for signature of the assigned judge submitted as a Word document.

**(D) OPPOSITION**

An opposing party may serve and file a memorandum in opposition to any motion. The filing shall be made within fourteen (14) days after service. **Exception: Pursuant to Civ. R. 6(C)(1), responses to motions for summary judgment may be served within twenty-eight (28) days after service of the motion.**

**(E) REPLY**

A moving party may file a reply brief within seven (7) days from the date on which a memorandum in opposition is served.

**(F) HEARINGS**

Written motions shall generally be submitted and determined by the Court upon briefs served and filed. No oral argument will be allowed except by leave of, and upon the time limits set by, the assigned Judge.

**(G) EMERGENCY MATTERS**

Motions pertaining to urgent matters, including motions for temporary restraining orders, temporary injunctions, to dissolve injunctions or attachments, to request warrants for arrest or other process of restraint of personal liberty of a party to a civil case shall be submitted to the assigned Judge for disposition. Notice of the time and place of hearing shall be served upon the adverse party or the party's counsel. No testimony shall be permitted unless ordered by the assigned Judge.

**(H) PAGE LIMITATIONS**

All memoranda attached to motions, as well as briefs filed in administrative appeals, whether supporting or opposing a motion or brief, shall not exceed twenty pages, exclusive of any supporting exhibits. For good cause shown, the court may grant a party leave to file a memorandum or brief exceeding the page limitation. Application for such leave shall be by motion specifying the number of pages requested and specifying reasons extra pages are needed.

#### **4.05 – ORDERS & JUDGMENTS**

##### **(A) ROUTINE ORDERS**

For routine matters where no opposition is expected by the adversary or from the Court (i.e. motions to allow telephone conferences, scheduling continuances for good cause, etc.) the court may sign the accompanying order.

##### **(B) JUDGMENTS & INTERLOCUTORY ORDERS**

Upon either the Court's rendering of a decision which constitutes a judgment as defined by the Civil Rules or the jury's rendering of a verdict, or upon a decision on an interlocutory matter or motion which does not constitute a judgment as defined by the Civil Rules, an order in conformity to the decision or finding of the Court shall be prepared by designated trial counsel for the prevailing party. The proposed order shall be submitted to the civil bailiff in the assigned Judge's courtroom for Court approval, journalization, and transmittal to the parties by the Clerk of Courts.

##### **(C) SETTLEMENT**

Counsel shall promptly submit an order of dismissal following settlement of any case. If counsel fails to present such an order to the Trial Judge within thirty days or within such time as the Court directs, the Judge may order the case dismissed for want of prosecution or file an order of settlement and dismissal and assess costs.

##### **(D) COURT-PREPARED ORDERS**

The provisions of this rule shall not be deemed to preclude the court from *sua sponte* preparing and filing with the Clerk for journalization its own judgment or order. The Clerk of Courts shall immediately serve a copy of the order or judgment upon journalization to each counsel of record through any means available in accordance with Civ. R. 5, including handing it to the person, leaving it at a location prescribed by the rule, mail service, commercial carrier, or delivery via electronic means to a facsimile number or an e-mail address provided in accordance with Civ. R. 11 by the attorney or party to be served.

##### **(E) SERVICE BY CLERK'S OFFICE**

Once journalized, the Clerk of Courts' office will transmit the entries to the email address submitted by the parties. Counsel for a party, or *pro se* litigants representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts' Office.

## **4.06 – PRETRIAL CONFERENCES**

### **(A) SCHEDULING & ATTENDANCE**

Each Judge shall periodically schedule initial pretrial or early case management conferences.

If an initial pretrial conference is scheduled, written notice shall be sent to each attorney of record, or if there is no counsel of record, to the party or parties directly. When practicable, the Trial Judge shall conduct the initial pretrial conference. Trial counsel shall attend the initial pretrial conference in person or, with approval of the court, electronically.

### **(B) INITIAL PRETRIAL STATEMENT**

At the time each party receives written notice of the initial pretrial conference, the Court may send to each party an Initial Pretrial Statement which will require the parties to provide information essential to the establishment of a binding case management schedule.

### **(C) ISSUES TO BE CONSIDERED**

The issues to be considered at the initial pretrial conference will include all matters contained in the pretrial statement, as well as all other matters that will lead to a just and timely resolution of the case. In addition, the Court and parties will consider the possibility of referral to mediation (Gen. R. 4.10) or any other appropriate and available alternative dispute resolution program (Gen. R. 4.11).

### **(D) INITIAL PRETRIAL ORDER**

At the conclusion of the initial pretrial conference, a binding case management schedule shall be established and stated in a pretrial order approved by the Trial Judge. At a minimum, the pretrial order shall consider:

- (1) The disclosure of all fact witnesses sixty days before the trial date, and a date for the disclosure of all expert witnesses and their reports, unless waived by Court order.
- (2) A date for the filing of dispositive motions.
- (3) A date for the completion of discovery.
- (4) A date for the filing of any trial briefs and requested jury instructions.

(5) A date for a final pretrial conference.

(6) The trial date.

#### **(E) FINAL PRETRIAL CONFERENCE**

The Trial Judge may determine that a final pretrial conference is necessary and appropriate. The final pretrial conference may consider settlement of the case, stipulations over admissibility of evidence, motions *in limine*, and any other matters which would eliminate unnecessary trial time. The Trial Judge may issue a final pretrial order.

#### **(F) SANCTIONS**

A Judge may impose sanctions on attorneys, parties, or both, for failure to comply with any case management order. Sanctions may be monetary, non-monetary, or both. No sanction shall be imposed without granting the offending party an opportunity to be heard, unless the conduct giving rise to the sanction amounts to direct contempt.

### **4.07 – CIVIL TRIALS**

#### **(A) SCHEDULING**

Trial attorneys may periodically contact the civil bailiff in the assigned courtroom to verify their position on the Court's trial schedule and **shall** jointly telephone the bailiff at least one week before trial to complete final trial preparations or to notify the Court that the case is to be dismissed or is settled. This rule shall not be interpreted to enlarge counsel's right to a continuance.

Parties/counsel may not stipulate to a change in the schedule. All changes must be approved by the Trial Judge.

#### **(B) CONTINUANCES**

Any request for a continuance of a scheduled trial date shall be made as a written motion, shall state good cause, shall state whether the opposition consents, and shall be filed as far in advance of the trial date as possible.

#### **(C) TRIAL DEPOSITIONS**

A written transcript of any deposition intended to be presented as evidence shall be filed at least ten (10) days in advance of trial or hearing. For a video recorded deposition (video recording will be defined as any electronic media in which evidence can be recorded for later playback), the proffering party shall also file a certification that the party possesses the video recording. Subject to Gen. R. 7.01 & 7.02, any video recording used during trial shall be filed with the Clerk before the conclusion of the trial.

**(D) JURY FEE**

Upon the filing of any complaint, the demand for a jury trial must be made on the case designation sheet, and an additional deposit shall be made in the amount set forth in Appendix A.

No filing shall be accepted with a jury demand and no deposit.

If no demand is made upon filing of the complaint, any opposing party may note a jury demand in their answer and make the deposit upon filing their response.

No jury demand and deposit made upon the filing of the complaint and answer shall constitute a waiver of jury trial by the parties and shall require amended pleadings to make a subsequent demand.

**(E) JURY VIEW**

A party requesting a jury view shall be required to make a deposit in the amount set forth in **Appendix A**. The deposit shall be made at least ten (10) days before trial for the expected additional expenses.

**(F) JURY COSTS**

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

Costs may also be assessed for reasonable jury expenses during deliberations.

Nothing in these rules prevents the parties from arranging in their own settlement agreement for payment of trial costs.

**4.08 – COMMERCIAL DOCKET**

**(A) DESIGNATION & ORGANIZATION**

(1) The Lucas County Common Pleas Court, General Trial Division, has established a designated Commercial Docket pursuant to the Rules of Superintendence for the Courts of Ohio.

(2) Two judges have been designated to hear all cases assigned to the Commercial Docket and shall be referred to as the commercial docket judges.

(3) Pursuant to Sup. R. 49.02(C), which requires that the term of a Commercial Docket Judge be at least three years, the court hereby sets the term of its Commercial Docket Judges as four years. To ensure continuity of experience between the two Commercial

Docket Judges, the initial election has been staggered. Vacancies thereafter shall be filled pursuant to election by the Judges of the General Division.

**(B) SCOPE OF THE COMMERCIAL DOCKET**

The cases accepted into the Commercial Docket shall include only those cases meeting the definition provided in Sup. R. 49.05.

**(C) ASSIGNMENT OF CASES TO THE COMMERCIAL DOCKET**

(1) If the case is eligible for assignment to the commercial docket pursuant to Sup. R. 49.05, the attorney filing the case shall include with the initial pleading a case designation sheet that it is a Commercial Docket case. Upon receipt of the pleading and notification, the Clerk shall randomly assign the case to one of the Commercial Docket Judges.

(2) If the case is eligible for assignment to the Commercial Docket pursuant to Sup. R. 49.05, but the attorney filing the case fails to file the case designation sheet pursuant to Sec. C (1) of this rule and the case is assigned to a non-Commercial Docket Judge, then an attorney representing any other party shall file a motion for transfer with that party's first responsive pleading. Copies of the motion shall be delivered to the Administrative Judge.

(3) If the case is eligible for assignment to the Commercial Docket pursuant to Sup. R. 49.05, but the attorney filing the case does not file the case designation sheet pursuant to Sec. C (1) of this rule, and no attorney representing a party in the case files a motion for transfer of the case to the Commercial Docket pursuant to Sec. C (2) of this rule, and if the case is assigned to a non- Commercial Docket Judge, the assigned Judge shall *sua sponte* prepare an order to request the Administrative Judge to order the Clerk to transfer the case to the Commercial Docket. If the Judge requests the transfer of the case to the Commercial Docket one-hundred and twenty (120) days or more after the case was filed, the transfer of the case to the commercial docket shall be at the discretion of the Commercial Docket Judge to whom the case would be assigned.

(4) If the Commercial Docket Judge finds that the case is not eligible for assignment to the Commercial Docket pursuant to Sup. R. 49.06, but the case was transferred to the Commercial Docket, upon motion of any party or *sua sponte* at any time within thirty (30) days of transfer to the Commercial Docket, the Commercial Docket Judge shall order removal of the case from the Commercial Docket. Upon removal, the case will transferred from the Commercial Docket Judge's docket by order of the Administrative Judge and sent to the Clerk to be reassigned to the originally assigned Judge.

**(D) RULING OR DECISION ON TRANSFER**

(1) A non-Commercial Docket Judge shall rule on a party's motion for transfer of a case to the Commercial Docket filed pursuant to Sup. R. 49.07 (B), or Sec. C (2) of this rule no later than two (2) days after the filing of the motion. A party to the case may appeal the

non-Commercial Docket Judge's decision to the Administrative Judge within three (3) days of the non-Commercial Docket Judge's decision. The Administrative Judge shall decide the appeal no later than two days after the filing of the appeal. If the Administrative Judge is one of the involved Judges, the matter shall be presented to the back-up Administrative Judge for final determination.

(2) The Administrative Judge shall decide the *sua sponte* request of a non-Commercial Docket Judge for the transfer of a case pursuant to Sup. R. 49.07 (C), or Sec. C (3) of this rule, no later than two (2) days after the request is made. If the Administrative Judge is one of the involved judges, the matter shall be presented to the back-up Administrative Judge for final determination.

**(E) REVIEW OF TRANSFER**

(1) The factors set forth in Sup. R. 49.05 and 49.06 shall be dispositive in determining whether a case shall be transferred to or removed from the Commercial Docket pursuant to Sup. R. 49.07 (B) through (D).

(2) The ruling or decision of the Administrative Judge as to the transfer of a case under Sec. D of this rule is final and not appealable.

(3) Upon receipt of the order for transfer, the Clerk shall randomly assign the case to one of the two Commercial Docket Judges by random distribution.

**(F) ADJUSTMENT OF OTHER CASE ASSIGNMENTS**

To guarantee a fair and equal distribution of cases, each Commercial Docket Judge shall have their non-Commercial Docket civil caseload reduced by half. The Commercial Docket Judges shall receive all Commercial Docket cases filed in this Court.

**4.09 – LIENS**

**(A) APPLICABILITY**

This local rule shall apply to State of Ohio Department of Taxation liens being collected through actions filed by the Ohio Attorney General and other liens as approved by the assigned Judge.

**(B) NOTICE TO BUNDLE LIENS**

For the Department of Taxation liens, the Ohio Attorney General, or a proper designee, shall provide notice to the Lucas County Clerk of Courts, by filing a notice, in the form of a praecipe, listing all the judgment lien cases that are to be bundled. Cases to be bundled shall involve common questions of law and fact and shall involve the same or related parties. The Notice shall specify the primary bundle case number. The signature of a Judge

shall not be required to initiate the bundling of the liens. Service of the notice for execution and/or a debtor's examination may be by certified mail rather than by personal service, at the discretion of the Clerk of Courts.

**(C) JUDGE ASSIGNMENT**

For new liens filed, the assignment of a Judge to the primary bundle case shall be done randomly by the Clerk of Courts. The Clerk shall assign a Judge only to the primary case. The secondary cases bundled with the primary case will not be assigned a Judge. All bundled cases shall be handled by the same Judge.

If the liens have already been filed at the time of the request to bundle, the oldest case shall be considered the primary case, and all secondary cases shall be re-assigned to the same Judge.

**(D) DOCKETING**

A docket event shall be entered for the primary case, with the descriptive data for that case listing all the secondary cases included in the bundle.

A docket event shall be entered for each secondary case to include the primary case number and the Judge assignment for that case. The case management system shall provide for an automatic attachment to each secondary case stating that all filing must be docketed under the primary case number.

Bundled cases are not being consolidated. All parties and costs will remain under their original case number. If the primary case does not include all the parties from all the secondary cases, the Clerk will create one generic defendant on the primary case to be used to docket events associated with the unduplicated secondary parties and descriptive data shall be attached to the docket entry to specify the name of the defendant.

Other than the release of liens, all events for the primary and secondary cases shall be docketed under the primary case.

**(E) RELEASE OF LIENS**

To release a lien, the Ohio Attorney General's office shall issue a lien release to the defendant under the case number associated with the specific lien. The defendant shall then file the release of each lien as that particular lien is released. The Clerk shall adjust out any existing costs on the case and apply the standard cost for lien releases as approved by the court. All costs must be paid by the defendants before the lien may be released.

When all liens for all cases that have been bundled are to be released, the Ohio Attorney General shall file a Notice of Closure of Bundled Cases. Upon receipt of this notice, the Clerk of Courts shall process a docket event to close the primary case and all the secondary cases.

Individual liens may be released under their original case numbers and secondary cases closed but, only when all liens under the primary case bundle have been released, the primary case be closed.

## **4.10 – MEDIATION PROGRAM**

### **(A) PURPOSE**

To promote greater efficiency and to provide a mechanism for the earliest possible resolution of civil cases, the General Division has established a civil case mediation program.

### **(B) OHIO'S UNIFORM MEDIATION ACT**

The Uniform Mediation Act (the "UMA"), enacted as R.C. Sections 2710.01 to 2710.10, is herein incorporated in full by reference, in accordance with Sup. R. 16.

### **(C) SCOPE**

Civil case mediation is a court-sponsored program for compromise negotiations within the meaning of Evid. R. 408 and is available for all civil cases, including workers' compensation appeals and foreclosures. The civil mediation program does not encompass domestic violence cases or protection orders, except as allowed in certain circumstances under the Ohio Revised Code.

### **(D) CASE REFERRAL**

The Judge assigned to a civil case under Gen. R. 4.02 may, at or following an initial pretrial, refer for mediation any civil action. Any civil case may also be referred to mediation by mutual consent of the parties. Parties can contact the civil case referral program directly to schedule mediation.

### **(E) CIVIL CASE MEDIATOR**

The General Division shall employ a suitable qualified civil case mediator (the mediator) to hear all cases referred to civil case mediation.

### **(F) ATTENDANCE**

The parties and their attorneys, and a representative of any insurance carrier involved (participants) shall take part in the mediation session unless otherwise ordered by the Court. The parties may also designate other individuals to accompany them and participate in mediation unless otherwise ordered by the Court. The participants shall have full authority to settle the case and the attorney representing each side shall be the lawyer primarily responsible for handling the trial of the matter. Only those whose attendance would impose

undue hardship will be excused by the mediator or assigned judge from participating in the session. Unless the mediator or assigned judge decides otherwise, any participant excused from appearing in person must be available to participate by telephone or Zoom. Any participant who fails to take part in a session without being excused by the assigned Judge will be subject to sanctions.

## **(G) MEDIATION PROCESS**

Prior to any mediation session the mediator shall disclose to all participants any fact that a reasonable individual would consider likely to affect the impartiality of the mediator. In mediation, the mediator's purpose will be to help the participants to settle the case by:

- (1) Permitting each participant, through counsel or otherwise, to orally present the participant's position.
- (2) Refining and prioritizing the issues in dispute.
- (3) Suggesting options and alternatives to assist the participants in finding a resolution.
- (4) Assisting the participants in negotiating a settlement of all or some of the issues, if possible.

The mediator and participants shall have considerable discretion in structuring the mediation sessions. The Rules of Evidence shall not apply. The mediator may require a mediation brief to be submitted prior to the mediation session. The mediator may impose reasonable time restrictions on each participant's presentation of its case.

The mediator shall report the results of the mediation session to the assigned Judge within ten days of the close of the session. Under the UMA, unless a specific statute or waiver permits or requires disclosure, the mediator may report to the court only whether a mediation session has ended, whether a settlement was reached, and who attended the mediation session.

If mediation results in a settlement agreement, the participants are encouraged to memorialize the agreement in writing. Under the UMA, communications contained in a written agreement signed by all participants are one of the few mediation communications which are not privileged and confidential.

## **(H) CONFIDENTIALITY**

All mediation communications shall be confidential and privileged in accordance with the standards set out in the UMA.

## **(I) SANCTIONS**

The mediator shall have no authority to compel participants or counsel to conduct or respond to discovery or to file motions. The mediator shall, however, promptly report to the assigned Judge any violations of this rule, including failure to comply with the attendance requirements. Failure of any participant to comply with any provision of this rule may subject the participant to appropriate sanctions, including contempt of court.

**(J) EXTERNAL REFERRALS**

The mediator shall refer *pro se* participants (including victims and suspected victims of domestic violence) to legal counsel and other support services as appropriate.

**(K) COMPLAINTS**

Any concerns about the mediation program may be brought to the attention of the Court Administrator.

**4.11 – OTHER ALTERNATIVE DISPUTE RESOLUTION PROGRAMS**

The Court approves the use of other alternative dispute resolution programs (including arbitration) which may be available to the participants prior to litigation.

## **V. SPECIALIZED CASES**

### **5.01 – BANKRUPTCY & APPROPRIATION CASES**

#### **(A) BANKRUPTCY & OTHER STAYS**

Counsel for any party in a case pending in this Court, upon learning of any bankruptcy filing, or other action which might require this court to stay its proceedings, shall immediately file a notice of such bankruptcy filing or action with the Clerk of Courts and a copy of the notice with the assigned judge. The notice shall contain all data necessary to identify and verify the bankruptcy filing or action involved. Counsel shall also notify the court when the bankruptcy stay has been lifted or the matter is otherwise resolved.

#### **(B) APPROPRIATION CASES**

The Clerk of Courts shall not pay out any funds deposited in appropriation cases unless the order of distribution contains the signature of an assistant prosecuting attorney of Lucas County, Ohio, and the attorney for the appropriating agency.

#### **(C) TAXES**

The attorney for the property owner or a *pro se* owner shall see that all real estate taxes are fully paid before any withdrawal of a deposit. Real estate taxes may be paid out of the deposit by the Clerk of Courts before any funds are released to an owner or attorney for the owner.

The order approving the withdrawal shall be certified by the attorney for the owner or by the property owner in one of the following manners, subject to falsification penalties:

In consideration of receiving the deposit made by the appropriating agency,  
I hereby certify that all real estate taxes currently due and owing in this  
cause have been paid or I hereby authorize the Clerk of Courts to pay out of  
the deposit made by the appropriating agency, all real estate taxes currently  
due and owing in this cause. The tax currently due and owing is  
\$ \_\_\_\_\_.

### **5.02 – FORECLOSURE PROCEDURES**

#### **(A) FILING OF FORECLOSURE COMPLAINT**

##### **(1) AFFIDAVIT**

A foreclosure complaint shall be accompanied by an affidavit documenting that the named plaintiff is the owner and/or holder of the note and mortgage, whether the

original mortgagee or by later assignment, successor in interest or as a trustee for another entity and whether the defendants/owners occupy the property. In pending cases, if interest in the matter is transferred to a new party after the complaint is filed, the complaint shall be amended to reflect the transfer, and all parties shall be served with the amended pleading.

**(2) NOTICE**

If the owner of the property that is the subject of the foreclosure complaint is not the occupier to the property, counsel for the plaintiff shall serve notice to the occupier/tenant of the property that a foreclosure complaint has been filed. Notice shall be by ordinary mail and sent no later than the time of filing the foreclosure complaint.

**(B) CASE DESIGNATION SHEET**

In addition to the requirements set forth in Gen. R. 4.01(A), the attorney shall designate whether taxes are challenged as to the amount and/or as to priority of first and best lien.

The attorney shall also designate whether the property is owner occupied, tenant occupied, or vacant. If the status of occupancy is unknown at the time of the filing of the complaint, the attorney shall certify the property's status by affidavit within thirty (30) days of filing the foreclosure complaint.

By submitting the case designation sheet, the attorney shall affirm that the name and direct telephone number of an individual with authority to reach a settlement in the matter is available upon request by a party or their legal counsel.

**(C) COUNTY TREASURER**

In all real property foreclosure cases, where the Lucas County treasurer is named as a party defendant, the treasurer need not be served with any answer or other pleading thereafter unless any party intends to challenge the taxes claimed by the treasurer on the tax records, either to amount validity, or as to the priority as to the first and best lien.

As part of any journal entry for confirmation of sale and distribution of the proceeds of a foreclosure, a certificate of the Lucas County treasurer shall be obtained through the prosecutor's office certifying that all taxes due through the date of sale have been paid or secured to be paid by the journal entry presented.

**(D) SHERIFF'S SALE**

**(1) DEPOSIT**

In every sheriff's sale of real property, upon acceptance of a bid, the successful bidder shall deposit five percent (5%) of the amount of the appraised value of the

subject property; however, no such deposit shall be less than One Thousand Dollars (\$1,000.00) or greater than Five Thousand Dollars (\$5,000.00). The deposit shall be paid in cash, certified check, or debit transaction, payable to the Sheriff of Lucas County, Ohio.

If the property has not been appraised, a deposit in an amount equal to ten percent (10%) of the starting bid is required; however, no such deposit shall be less than One Thousand Dollars (\$1,000.00) or greater than Five Thousand Dollars (\$5,000.00). The deposit shall be paid in cash, certified check, or debit transaction, payable to the Sheriff of Lucas County, Ohio.

For properties sold pursuant to a judgment foreclosing the equity of redemption of a mortgage deed, if a lienholder is the successful bidder, in lieu of the above deposit requirements, said bidder may opt to deposit One Thousand Dollars (\$1,000.00) plus the amount of real estate taxes due at the time of sale. If this option is exercised, it is the responsibility of the bidder to utilize the form provided by the Civil Section of the Lucas County Sheriff's office to obtain acceptable documentation from the Lucas County treasurer evidencing the amount of real estate taxes due at the time of sale.

## **(2) DEED**

The deed shall be prepared within ten days after the confirmation entry is filed with the Court. The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty days from the date the purchaser is notified that the deed is prepared. If the purchaser fails to pay the balance due on the purchase price in thirty days after notification of deed preparation, the deposit shall be forfeited as and for contempt and be applied to any outstanding costs or fees. Any remaining balance shall be paid to the Lucas County General Fund

## **(E) TITLE WORK**

In every real property action, with the exception of an *in rem* tax foreclosure action brought by the prosecuting attorney under R.C. 5721.18(C), the party shall file simultaneously with the pleading seeking execution one of the following covering the subject real estate:

- (a) Preliminary judicial report.
- (b) A preliminary letter for guaranteed certificate of title.
- (c) A commitment for title guaranty.
- (d) A commitment for owner's policy of title insurance, prepared by licensed title insurance company as that term is defined by R.C. 3953.01(C).

The moving party shall file an updated report of the title evidence dated within thirty (30) days of the date of filing of the judgment of foreclosure and order of sale showing service of summons upon all necessary parties. The cost of such title work shall be taxed as part of the court costs upon the approval of the assigned Judge.

## **(F) ORDERS OF SALE**

Orders of Sale shall be submitted by counsel to the Lucas County Clerk of Courts within forty-five (45) days after the signing of the Final Judgment Entry by the judge. One copy of the Property Description Approval Form MUST BE ATTACHED to the Order of Sale when submitted to the Clerk of Courts' office. Said Property Description Approval Form shall state that the legal description, parcel number and deed reference number (taken from the Property Deed) has been approved and verified true by the County Auditor/Property Transfer Division. The prescribed form along with complete instructions is available and can be downloaded from the Clerk of Courts website.

Information to be included with the Order of Sale:

- (1) Case Caption & Case Number.
- (2) Judgment Entry filed stamped date.
- (3) Sheriff's Deed Property Description Approval Form (legal description attached).
- (4) Whether property is to be appraised, reappraised or no appraisal or minimum bid set by attorney.
- (5) Bankruptcy - if stay has been granted due to a bankruptcy and federal court has lifted the bankruptcy, proof of this must be submitted with the Order of Sale.
- (6) On Alias Orders of sale - the previous order of sale must have been previously returned by the Sheriff's office before the new Orders of Sale can be issued.

Praeclipe for an Order of Sale along with a security deposit in the amount as set forth in **Appendix A** or current Sheriff's auction site license fee shall be submitted by counsel to the Lucas County Clerk of Courts within forty-five (45) days after the signing of the Final Judgment Entry by the Judge.

When a Praeclipe for an Alias Order of Sale is filed, the security deposit in the amount as set forth in **Appendix A** or current Sheriff's auction site license fee shall be submitted if the previous order of sale was before the start date of the Public Sheriff Sale Web Site.

The current Sheriff's online auction site fee paid to the Lucas County Clerk of Courts will be paid out by invoice to the current Sheriff's auction vendor. This will ensure payment to all parties incurring costs, regardless of the outcome of the Sheriff's sale.

## **(G) MOTIONS TO WITHDRAW PROPERTY FROM SHERIFF'S SALE**

Motions and proposed orders to withdraw property from Sheriff's sale shall conform to a standardized form. The form shall be approved and adopted by the court and shall be available in the Clerk of Courts' office. A party filing such a motion shall do so by filing the Court approved motion form which will include the reason for the withdrawal.

## **5.03 – CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT**

Pursuant to R.C. 2953.25, any individual seeking a Certificate of Qualification for Employment from the Lucas County Common Pleas Court, General Division, must file the petition electronically through the process provided by the Ohio Department of Rehabilitation and Corrections (ODRC). Once accepted by the ODRC, and forwarded to the Lucas County Clerk of Courts, the individual must pay a fee to the Clerk in the amount specified in **Appendix A** prior to the Court processing the petition, unless waived by the assigned Judge. The petition must comply with all other filing requirements of the Court.

## **5.04 – SPECIALIZED CRIMINAL DOCKETS**

### **(A) ESTABLISHMENT OF TREATMENT COURT DOCKET**

The Lucas County Adult Treatment Court Docket (LCTC) is established to reduce recidivism, substance use and overdose by utilizing community-based treatment & community control alternatives.

The LCTC is a Certified Specialized Docket available to defendants who meet eligibility criteria as outlined in the LCTC Policy Manual. Initial certification was granted by the Supreme Court of Ohio in 2016.

The program will comply with the certification standards established by the Supreme Court of Ohio in Sup. R. 36.02 through 36.32 and follows the State of Ohio's Specialized Dockets Guidance for Drug Courts as to the Constitutional Rights of Participants.

The Lucas County Adult Treatment Court is for defendants at any stage of criminal litigation or those under Intervention in Lieu of Conviction pursuant to ORC 2951.041.

Defendants must meet the legal and clinical eligibility criteria outlined in the LCTC Policy Manual. Participation in this Specialized Docket is voluntary.

### **(B) APPOINTMENT OF JUDGES**

The Court may appoint no more than two (2) Judges to preside over each specialized criminal dockets.

**(C) ENTRANCE**

Any judge, prosecutor, defense counsel assisting the defendant or pretrial/probation officer may refer a defendant to be screened for participation in the LCTC. Referrals are to be forwarded to the Lucas County Adult Treatment Court Coordinator. Once a referral is received, defendant will be screened for both the legal and clinical eligibility requirements established by the LCTC.

**(D) TREATMENT COURT CASE MANAGEMENT**

The LCTC will follow the criteria and procedures as set forth in the LCTC Policy Manual. The Specialized Docket has six (6) phases and is a minimum of eighteen (18) months in length.

A participant must complete each phase before proceeding to the next phase. Determination of successful completion of each phase will be made by the assigned Treatment Court Judge, Treatment Court Coordinator and the assigned Treatment Team of each participant. Successful completion of the Specialized Docket in its entirety will be made by the assigned Treatment Court Judge.

**(E) UNSUCCESSFUL TERMINATIONS**

If the participant is unsuccessfully terminated from the Specialized Docket, they will be subject to one of the following actions:

- (1) the original sentence imposed by the sentencing judge is imposed by the Treatment Court Judge;
- (2) the case is returned to its pre-adjudication status and proceeds on the docket of the Treatment Court Judge.

If a new felony charge is filed in the Lucas County Common Pleas Court, subject to the criminal case assignment rule, the Treatment Court Judge will be assigned the new felony charge and will retain jurisdiction over both the Treatment Court case and the new criminal case.

**(F) ADJUSTMENT OF OTHER CASE ASSIGNMENTS**

To guarantee a fair and equal distribution of cases, each Treatment Court Judge shall have their criminal and civil caseloads reduced by half. The Treatment Court Judge(s) shall receive all Treatment Court cases.

## **VI. JURY MANAGEMENT & ADMINISTRATION**

### **6.01 – JURY MANAGEMENT**

#### **(A) JURY ADMINISTRATION**

The Lucas County Common Pleas Court shall administer the jury system for Lucas County Common Pleas Courts and Toledo Municipal Court through the office of the Court Administrator.

#### **(B) MONITORING JURY SYSTEM**

The Court Administrator shall collect and analyze information on performance of the jury system to evaluate:

- (1) Representativeness and inclusiveness of the jury source list.
- (2) Effectiveness of qualification and summoning procedures.
- (3) Responsiveness to jury duty notifications, efficient use of jurors.
- (4) The cost-effectiveness of the jury system.

#### **(C) JURY FACILITIES**

Potential jurors shall be provided their own assembly room, to be furnished with suitable amenities. Jury deliberation rooms shall provide space, furnishings and facilities conducive to reaching a fair verdict. To the extent possible, juror contact with attorneys, parties, witnesses and outside public shall be minimized.

#### **(D) JUROR COMPENSATION**

Persons called for jury duty will be promptly paid a reasonable fee for their service as currently set by the Court and can be found on the Court's website.

Employers may not penalize jurors who miss work due to jury duty.

### **6.02 – JUROR ELIGIBILITY**

#### **(A) GENERAL ELIGIBILITY**

All qualified citizens of Lucas County are eligible for jury service. There shall be no improper discrimination against a cognizable group within the jurisdiction of Lucas County. The court shall make reasonable accommodations for those jurors having special needs due to physical impairment.

**(B) THOSE INELIGIBLE**

Those who are younger than 18 years old, are not citizens of the United States, or are not residents of the jurisdiction they are asked to serve are ineligible to serve on a jury.

**(C) TERM**

Persons summoned for a Petit Jury will be asked to be available for jury service for one week or completion of one trial, whichever is longer.

Persons summoned for a Grand Jury will be asked to be available for two weeks.

**6.03 – JURY SELECTION**

**(A) SOURCE LIST**

Potential jurors will be randomly selected from that pool of people as permitted by law. The Court will periodically review the demographic profile of jurors reporting for service to ensure representativeness and inclusiveness of the jury source list. Appropriate corrective action will be taken if improvement of the list is needed.

**(B) PANEL SELECTION**

The Court shall select jurors in accordance with Chapter 2313 of the Ohio Revised Code to obtain an annual jury list.

**(C) EXEMPTIONS, EXCUSES & DEFERRALS**

The only automatic exemptions from jury service are statutory as prescribed in Chapter 2313 of the Ohio Revised Code. Eligible persons may be excused from jury duty if their ability to receive and evaluate information is so impaired that they are unable to perform jury duties or they show that jury service would be a continuing hardship to them or to members of the public. Further, those who are unable to communicate in English or are convicted felons whose rights have not been restored may be excused. The Court may excuse eligible jurors from jury service or permit reasonable short deferrals for jurors for good cause. All rescheduling and excusing of jurors shall be recorded and determined in accordance with specific guidelines already adopted.

## **6.04 – JURY TRIALS**

### **(A) ORIENTATION**

Prospective jurors shall receive written, oral and visual orientation to prepare them to serve competently as jurors. Each Trial Judge may give orientation instructions as deemed appropriate.

### **(B) VOIR DIRE**

Voir dire shall be conducted on the record. The Trial Judge will preliminarily examine prospective jurors and then permit counsel to question panel members for a reasonable length of time to determine whether to remove someone for cause and to determine the person's fairness and impartiality.

### **(C) JURY INSTRUCTIONS**

Jurors may take notes during testimony and engage in limited controlled questioning at the option of the Trial Judge after consultation with the parties. Written jury instructions may be submitted by the Judge to the jurors for use during their deliberations.

### **(D) DELIBERATION**

During deliberations, jurors will be escorted and assisted by court personnel who will be trained for this purpose. Deliberations shall take place under conditions and with procedures designed to ensure impartiality, secrecy and to enhance rational decision-making. The jury will not be required to deliberate after a reasonable hour or on the weekend unless the trial judge determines that such deliberation would not impose an undue hardship upon the jurors and/or is required in the interest of justice. Reasonable costs may be assessed to provide meals for the jury during deliberations.

### **(E) SEQUESTRATION**

A jury shall be sequestered during deliberations on both the guilt and penalty phases in a capital case and as otherwise ordered by the assigned judge. In a non-capital case, a jury shall be sequestered only for good cause, such as to insulate the jury from improper information or influence. The Trial Judge shall oversee all aspects of sequestration. Standard procedures shall be on file in the office of the Court Administrator to achieve the purpose of sequestration and minimize the inconvenience and discomfort to jurors. In appropriate cases, the costs of sequestration may be recovered as jury costs.

## **VII. EVIDENCE RETENTION**

### **7.01 – EXHIBITS**

#### **(A) MARKING EXHIBITS**

Plaintiff's exhibits should be marked with numbers and Defendant's exhibits should be marked with letters. However, if the exhibit labels clearly identify the party offering the proposed exhibits, all exhibits may be numbered (both Plaintiff and Defendant). To the extent practical, all exhibits should be marked with the Case Number of the action.

#### **(B) EXCHANGING & SUBMITTING EXHIBITS**

The parties shall exchange electronic/digital copies of all exhibits in advance of trial or hearing. A copy of each party's exhibits for use during a trial shall also be furnished to the Judge or Magistrate electronically in PDF format at least twenty-four (24) hours prior to trial. The electronic copy shall include an index followed by all anticipated exhibits, and in the order marked.

#### **(C) FORM OF EXHIBITS**

Any exhibits which are part of the permanent record of the case are limited to 8 1/2" x 11" in size (letter size). The party responsible for the exhibit will ensure that oversize or three-dimensional exhibits are reduced by photograph or duplication and approved by the judge or hearing officer for inclusion into the permanent record as an exhibit.

#### **(D) BIOLOGICAL EVIDENCE**

Pursuant to the Rules of Superintendence for the Courts of Ohio, exhibits containing biological evidence shall be returned to the party who tendered the exhibit after final judgment for retention or destruction in accordance with the Revised Code.

### **7.02 – RETENTION OF EXHIBITS**

#### **(A) ACCEPTED FOR RETENTION**

The following evidentiary materials which have been proffered and admitted into evidence will be retained by the Court in accordance with the appropriate period of retention:

- (1) documents, photographs, diagrams, blueprints (all must be formatted to 8 1/2" x 11" in size and submitted as a PDF file);
- (2) audio and video (submitted on USB flash drive).

Evidence, which is not admitted, or which has not been specifically identified herein shall be retained and kept by the party, person, agency, office or department offering such evidence, pursuant to all applicable rules governing the retention of such evidence.

All exhibits must conform to the standards for retention set forth in this rule. By way of example, oversized demonstrative exhibits, such as presentation boards, shall be substituted with an exact duplicate copy submitted in PDF format.

Additionally, the Court's receipt and admission of other types of evidence shall not be construed as taking possession, custody or control of said evidence. Possession, custody, or control at all times shall remain with the offering party, person, agency, office or department.

Upon the expiration of the appropriate period of retention, evidence or records in the custody of the Clerk and/or Court may be destroyed after notice and in accordance with the relevant rules.

## **(B) DESTRUCTION**

(1) Unless otherwise provided by any other provision set forth in Sup. R 26 through 26.05, exhibits may be destroyed at the conclusion of litigation, including times for direct appeal, if all of the following conditions are satisfied:

- (a) The party who tendered the exhibits is notified in writing, at their last known address, that the party may retrieve exhibits, depositions, or transcripts within sixty days from the date of the written notification;
- (b) The written notification informs the party that the exhibits will be destroyed if not retrieved within sixty days from the date of the notification;
- (c) The written notification informs the party of the location for retrieval.

(2) Exhibits may be destroyed one year following the date from the written notification if the notification is returned addressee unknown, undeliverable, or moved, with no forwarding address.

(3) For cases concluding on or after April 1, 2025, after one year from the conclusion of litigation, including times for direct appeal, exhibits may be destroyed without prior notice to the party who tendered the exhibits.

### **7.03 – RETENTION OF COURT REPORTER NOTES & RECORDINGS OF PROCEEDINGS**

Shorthand notes taken by the court reporter or recordings by the audio video technician shall be retained in the office of the evidence custodian and carefully preserved for either of the following time periods:

- (1) If the action is not a capital case, the record shall be preserved for the length of time other records of the particular action are required to be kept.
- (2) If the action is a capital case, the record shall be preserved for the longer of ten (10) years or until final disposition of the action.

**APPENDIX A – FILING FEES**

(effective 7/1/2025)

\$400.00	Civil suit by non-resident plaintiff
\$400.00	Civil suit filed by resident (including third party complaint). Notice Of appeal from tribunals, commissions or administrative agencies
\$400.00	Application/motion to confirm an arbitration award
\$550.00	Civil foreclosure actions
\$500.00	Official Public Sheriff's Sale Web Site/Integrated Auction Management System License Fee
\$125.00	Cost of civil execution
\$125.00	Counter-claims, cross-complaints or third-party complaints
\$50.00	Motion or Petition to request hearing on classification and/or registration requirements pursuant to R.C. 2950.03(E), R.C. 2950.032(E) or R.C. 2950.11
\$40.00	Proceedings in aid of execution, motion to vacate, revive, or modify judgment. No proceedings in aid of execution shall issue unless all costs of former proceeding in aid of execution issues in the same case by the party requesting such proceedings have been paid
\$2.00	Sheriff - Writ of Possession
\$25.00	Service or execution of summons on non-resident defendant where service by foreign sheriff is requested
\$400.00	Costs for cognovit note complaint
\$32.50	Judgment lien from another court
\$37.50	Judgment lien from this Court (includes State Liens)
\$5.00	Lien Release
\$5.00	Entering satisfaction of lien on record in County Recorder's Office and Clerk of Courts, each
\$400.00	Jury View for a civil case
\$200.00	Fee for civil jury
\$5.00	Certificate of judgment for transfer

\$37.50	Foreign judgment
\$150.00	Notice of Appeal
\$2.50	Fee per disc for copy of digital recording of proceedings
\$50.00	Certificate of Qualification for Employment
\$50.00	Petition for Expungement
\$100.00	Miscellaneous Case Filings
\$100.00	Out-of-State Subpoena
\$30.00	Special Process Server Application
\$300.00	Treatment Court
\$300.00	Diversion Program

## **APPENDIX B – ATTORNEY FEE SCHEDULE**

### **THE BOARD OF LUCAS COUNTY COMMISSIONERS ADOPTED THE FOLLOWING SCHEDULE BY RESOLUTION (#21-909) ON NOVEMBER 9, 2021**

#### **(A) GENERAL PROVISIONS**

- (1) The Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement contains the hourly rates and maximum amounts the OPD will reimburse counties for representation of indigent persons in criminal cases.
- (2) Pursuant to R.C. 120.33(A)(3), to receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court and must establish a fee schedule. The county is responsible for filing an up-to-date fee schedule with the OPD. Reimbursement will be based on the latest fee schedule filed with the OPD.
- (3) Reimbursement to the counties shall be based on the most serious offense with which the defendant is charged and will be made at up to 100 percent of either the State or county rate, whichever is lower. Reimbursement shall not exceed the established hourly or maximum rates unless otherwise provided for by statute.

#### **(B) TRIAL LEVEL PROCEEDINGS**

- (1) Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
- (2) Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
- (3) The prescribed maximum fees permitted in trial level proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Aggravated murder (w/specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33(D).
	The Council has currently set a rate of \$125.00 with no fee maximum.
Aggravated Murder (w/o specs)	\$15,000.00/1 attorney \$25,000.00/2 attorneys

Murder	\$10,000.00
Felony with possible life sentence/repeat violent offender/major drug offender	\$10,000.00
Felony (degrees 1-2)	\$8,000.00
Felony (degree 3)	\$5,000.00
Felony (degrees 4-5)	\$3,500.00
Misdemeanor (degrees 1-4)	\$2,000.00
Misdemeanor OVI/BAC	\$2,500.00
Contempt of Court	\$500.00
Violation (Probation/Community Control)	\$750.00
Preliminary Hearings	\$300.00
Sex Offender Classification	\$750.00
Other	\$750.00

### **(C) JUVENILE PROCEEDINGS**

(1) Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.

(2) Reimbursement will not be made for non-attorneys appointed as a guardian ad litem.

(3) In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court.

(4) The prescribed maximum fees permitted in juvenile level proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Aggravated murder (w/specs) per R.C. 2929.04(A) and R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125.00 with no fee maximum.
Aggravated Murder (w/o specs)	\$7,500.00/1 attorney \$12,500/2 attorneys
Murder	\$6,000.00

Felony adjudication (deg. 1-2)	\$5,000.00
Felony (degrees 3-5)	\$3,500.00
Misdemeanor OVI/BAC	\$2,500.00
Misdemeanor	\$2,000.00
Traffic	\$300.00
Objections	\$750.00
Unruly	\$1,000.00
Bindover – Mandatory	\$750.00/1 attorney \$1,200.00/2 attorneys
Bindover – Discretionary	\$2,000.00/1 attorney \$3,000.00/2 attorneys
Reverse Bindover Amenability	\$1,500.00
SYO	Adult Degree + 50%/2 attorneys
SYO Invocation	\$2,000.00/1 attorney \$3,000.00/2 attorneys
Adult in Juvenile Court	\$1,500.00
Violation (Probation/Community Control)	\$750.00
Violation (Parole/Supervised Release)	\$750.00
VCO	\$750.00
ADN Initial Custody	\$1,500.00
ADN Annual After Custody	\$1,500.00
Permanent Custody	\$2,500.00
Contempt of Court	\$500.00
Purge Hearing	\$150.00
Sex Offender Classification/ Reclassification/Declassification	\$750.00
Expungement	\$300.00

Other	\$750.00
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#### **D. PROBATE PROCEEDINGS**

Termination of parental rights \$2,500.00.

#### **E. APPELLATE LEVEL PROCEEDINGS**

(1) Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.

(2) Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

(3) The prescribed maximum fees permitted in appellate level proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125.00 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000.00
Felony (degrees 1-2) Trial	\$5,000.00
Felony (degree 3) Trial	\$3,500.00
Felony (degrees 4-5) Trial	\$2,500.00
Misdemeanor Trial	\$2,000.00
Felony Plea	\$1,500.00
Misdemeanor Plea	\$1,000.00
ADN Permanent Custody	\$3,500.00
Probate Unruly	\$3,500.00
Other	\$1,000.00
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000.00
26(B) Murnahan Felony (degree 3) Trial	\$2,000.00

26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000.00
OSC Jurisdiction Memorandum	\$1,500.00

## **F. POSTCONVICTION AND HABEAS CORPUS PROCEEDINGS**

- (1) Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
- (2) Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
- (3) The prescribed maximum fees permitted in postconviction and habeas corpus proceedings are:

<b>Offense/Proceeding</b>	<b>Fee Maximum</b>
Death Sentence	As set by Capital Fee Council – see R.C. 120.33(D). The Council has currently set a rate of \$125.00 with no fee maximum.
Felony (degrees 1-2) (R.C. 953.21 Petition/New Mtn)	\$4,000.00
Felony (degree 3) (R.C. 953.21 Petition/New Trial Mtn)	\$2,500.00
Felony (degrees 4-5) (R.C. 953.21 Petition/New Trial Mtn)	\$1,750.00
Misdemeanor (60(B))	\$1,500.00
Juvenile	\$2,500.00
State Habeas	\$1,500.00
Expungement	\$300.00
Judicial Release	\$500.00
Revocation	\$750.00
Driving Privileges	\$150.00
NGRI/Comp Review	\$750.00

Jail Time Credit	\$300.00
Resentencing	\$500.00
Sex Offender Reclassification	\$750.00
Withdrawal of Guilty Plea	\$1,000.00

#### **G. AMENDMENTS TO THE FEE SCHEDULE**

The OPD may amend this fee schedule at any time. Whenever the schedule is amended or revised the OPD will give notice to the appropriate county offices including, but not limited to county commissioners, auditors, judges, and clerks of courts.

**APPENDIX C – CIVIL CASE DESIGNATION SHEET**

The Civil Case Designation Sheet can be found on the Clerk's website at:

<http://co.lucas.oh.us/index.aspx?nid=1358>

**APPENDIX D – LUCAS COUNTY PRETRIAL JAIL POPULATION MANAGEMENT POLICY**

**(A) AUTHORIZATION**

This policy has been authorized by the adoption of the following Court Rules and is effective on January 1, 2022:

- (1) Lucas County Common Pleas Court, Appendix D
- (2) Maumee Municipal Court Rule 3.06
- (3) Oregon Municipal Court Rule 3.12
- (4) Sylvania Municipal Court Rule 30
- (5) Toledo Municipal Court Rule 22(J)

**(B) DETENTION CENTER CAPACITIES**

The population of the detention center shall not exceed 370 in general population or 65 in booking.

**(C) RELEASES**

Detainees may be released by any one of the three following means:

(1) Tier I Releases

(a) Regardless of detention center population, pretrial defendants booked into the facility with either of the following conditions may be released prior to judicial determination on their own recognizance or other conditions of pretrial release as recommended by Lucas County Pretrial Services:

Tier	Step	Violence Flag	Risk Level	Charge Class	Charge Type
I	A	N/A	N/A	Minor Misdemeanor	N/A
	B	No	1, 2, 3, or 4	Misdemeanor & Felony 4 or 5 offenses of drug, theft or forgery	No human victim or sexually oriented offenses; Non-Violent offenses

(b) The following exclusions shall apply and shall not be eligible for Tier I release:

- (i) No direct indictments to Common Pleas Court
- (ii) No detainees booked on a violation of Ohio Revised Code Section 4511.19(G)(1)(c) – third offenses or greater of operating vehicle under the influence of alcohol or drugs (OVI)

- (iii) No detainees booked solely on a violation of pretrial release, “technical” violation of probation/community control, parole, or post-release control
- (iv) No detainee booked with an active capias or warrant entry for which a summons is not permitted
- (c) The Lucas County Sheriff’s Office may only release detainees if the appropriate conditions of release as recommended by Lucas County Pretrial Services are available
- (d) All detainees released must agree to the type of supervision and conditions recommended by Lucas County Pretrial Service as an element of their release
- (e) Tier I releases, as authorized by this policy, shall be made under the authority of Lucas County Pretrial Services as delegated by the Court Rules establishing this policy
- (f) All Tier I releases shall be documented on a *Notification of Administrative Release* form and provided to the following by Lucas County Pretrial Services:
  - (i) Appropriate Court Clerk
  - (ii) Lucas County Sheriff’s Office

(2) Tier II Releases

- (a) If as of 0700 hours on any day in which courts are operating, the inmate population exceeds the maximum general population capacity, the Sheriff shall notify the Administrative Judges of each criminal court and provide a list of detainees eligible for release no later than 0830 hours
- (b) Detainees eligible for release shall include the following ordered by their group (as identified below, with A ordered first and H last), then by the PSA score of each detainee within each lettered group, and then based upon their time in custody should two detainees within a lettered group have the same PSA score, utilizing a “last in, first out” principle:

Tier	Step	Violence Flag	Risk Level	Charge Class	Charge Type
II	A	No	1, 2, 3, or 4	Misdemeanor & Felony 4 or 5	No human victim or sexually oriented offenses; Non-Violent offenses
	B	No	1	Felony 3, 4, or 5	Non-Violent offenses
	C	No	2	Felony 3, 4, or 5	Non-Violent offenses
	D	No	1	Misdemeanor	Assault, Menacing, Aggravated Menacing, Telephone Harrassment, Riot, Inducing Panic, or Inciting to Violence
	E	No	2	Misdemeanor	Assault, Menacing, Aggravated Menacing, Telephone Harrassment, Riot, Inducing Panic, or Inciting to Violence
	F	No	3	Misdemeanor	Assault, Menacing, Aggravated Menacing, Telephone Harrassment, Riot, Inducing Panic, or Inciting to Violence
	G	No	3	Felony 3, 4, or 5	Non-Violent offenses
	H	No	4	Misdemeanor	Assault, Menacing, Aggravated Menacing, Telephone Harrassment, Riot, Inducing Panic, or Inciting to Violence

- (c) Each court has until 1400 hours to notify the Sheriff of any detainees to be removed from the eligible list
- (d) No detainee will be removed from the eligible list unless the holding court designates another detainee for a one-for-one swap
- (e) After 1400 hours, the Sheriff may release as many Tier II eligible detainees as necessary to reduce the general classified or booking population below maximum capacity in the order identified by this policy
- (f) Should the facility exceed the maximum capacity on a day in which notifications and a list of detainees eligible for release were not provided to Administrative Judges of each criminal court by 0830 hours, the Sheriff shall not release any detainees and shall provide appropriate notification and a list of detainees eligible for release the next day in which courts operate

- (g) The Lucas County Sheriff's Office may only release detainees if the appropriate conditions of release as recommended by Lucas County Pretrial Services are available
- (h) All detainees released must agree to the type of supervision and conditions recommended by Lucas County Pretrial Service as an element of their release
- (i) Tier II releases, as authorized by this policy, shall be made under the authority of Lucas County Sheriff's Office as delegated by the Court Rules establishing this policy
- (j) All Tier II releases shall be documented on a *Notification of Administrative Release* form and provided to the following by Lucas County Sheriff's Office:
  - (i) Lucas County Common Pleas Court Administration, if applicable
  - (ii) Municipal Court Clerk, if applicable
  - (iii) Lucas County Pretrial Services

(3) Tier III Releases

- (a) If, after releasing all Tier II eligible detainees, the facility's general classified or booking population remains above maximum capacity, the Sheriff shall follow the notification process identified for Tier II releases and may provide release for the following eligible detainees ordered by their group (as identified below, with A ordered first and I last), then by the PSA score of each detainee within each lettered group, and then based upon their time in custody should two detainees within a lettered group have the same PSA score, utilizing a "last in, first out" principle:

Tier	Step	Violence Flag	Risk Level	Charge Class	Charge Type
III	A	No	4	Felony 3, 4, or 5	Non-Violent
	B	No	5	Misdemeanor	No human victim or sexually oriented offenses
	C	No	5	Misdemeanor	Assault, Menacing, Aggravated Menacing, Telephone Harrassment, Riot, Inducing Panic, or Inciting to Violence
	D	No	1	Misdemeanor	Human victim or sexually oriented offenses, excluding domestic violence
	E	No	2	Misdemeanor	Human victim or sexually oriented offenses, excluding domestic violence
	F	No	3	Misdemeanor	Human victim or sexually oriented offenses, excluding domestic violence
	G	No	4	Misdemeanor	Human victim or sexually oriented offenses, excluding domestic violence
	H	No	5	Misdemeanor	Human victim or sexually oriented offenses, excluding domestic violence
	I	No	5	Felony 3, 4, or 5	Non-Violent

- (b) After 1400 hours, the Sheriff may release as many Tier III eligible detainees as necessary to reduce the general classified or booking population below maximum capacity in the order identified by this policy
- (c) Should the facility exceed the maximum capacity on a day in which notifications and a list of detainees eligible for release were not provided to Administrative Judges of each criminal court by 0830 hours, the Sheriff shall not release any detainees and shall provide appropriate notification and a list of detainees eligible for release the next day in which courts operate

- (d) The Lucas County Sheriff's Office may only release detainees if the appropriate conditions of release as recommended by Lucas County Pretrial Services are available
- (e) All detainees released must agree to the type of supervision and conditions recommended by Lucas County Pretrial Service as an element of their release
- (f) Tier III releases, as authorized by this policy, shall be made under the authority of Lucas County Sheriff's Office as delegated by the Court Rules establishing this policy
- (g) All Tier III releases shall be documented on a *Notification of Administrative Release* form and provided to the following by Lucas County Sheriff's Office:
  - (i) Lucas County Common Pleas Court Administration, if applicable
  - (ii) Municipal Court Clerk, if applicable
  - (iii) Lucas County Pretrial Services

(4) Additional Releases

- (a) Regardless of detention center population, no detainee held solely on a "technical" violation of probation/community control, parole, or post-release control shall be held for more than 30 calendar days
- (b) All detainees sentenced to serve a term of incarceration in a state facility shall be transported to the custody of the State within five business days from sentencing date
- (c) No detainee currently serving a sentence and conveyed from an Ohio Department of Rehabilitation and Correction (ODRC) facility shall be detained in the facility unless the detainee has a court hearing or event in which they are scheduled to appear within the next 15 business days

**(D) EXCEPTION**

Mass-Arrest Event

Should there be a "mass-arrest event," the Sheriff may exceed the maximum capacity identified in this policy for a time reasonably necessary for detainees to be processed through an initial court appearance

**(E) DEFINITIONS**

- (1) Human victim or sexually oriented offenses – Misdemeanor offenses that involve a human victim or involve sexual oriented offenses as identified in Section (D) of the Countywide Municipal Bail Schedule.
- (2) Mass-arrest event – an event over which the Sheriff or the Lucas County Corrections Center has no control but which results in 10 or more arrests. Examples include but are not limited to:
  - (a) Criminal activity after riots, unrest, or other commotion

- (b) Natural disasters resulting in criminal activity
- (c) Law enforcement activity leading to a large amount of arrests such as sweeps for at-large offenders

(3) Non-Violent Offenses – Felony offenses not included as offenses of violence in Ohio Revised Code Section 2901.01(A)(9) and/or the pretrial risk assessment offense of violence list.

(4) PSA Risk Level 1 – Pretrial defendants with the following scores on the Public Safety Assessment (PSA) instrument:

- (a) New Criminal Activity (NCA) 1, Failure to Appear (FTA) 1
- (b) NCA 2, FTA 1
- (c) NCA 1, FTA 2
- (d) NCA 2, FTA 2

(5) PSA Risk Level 2 – Pretrial defendants with the following scores on the Public Safety Assessment (PSA) instrument:

- (a) NCA 2, FTA 3
- (b) NCA 2, FTA 4
- (c) NCA 3, FTA 2
- (d) NCA 3, FTA 3
- (e) NCA 3, FTA 4

(6) PSA Risk Level 3 – Pretrial defendants with the following scores on the Public Safety Assessment (PSA) instrument:

- (a) NCA 2, FTA 5
- (b) NCA 3, FTA 5
- (c) NCA 4, FTA 2
- (d) NCA 4, FTA 3
- (e) NCA 4, FTA 4

(7) PSA Risk Level 4 – Pretrial defendants with the following scores on the Public Safety Assessment (PSA) instrument:

- (a) NCA 4, FTA 5
- (b) NCA 5, FTA 2
- (c) NCA 5, FTA 3
- (d) NCA 5, FTA 4

(8) PSA Risk Level 5 – Pretrial defendants with the following scores on the Public Safety Assessment (PSA) instrument:

- (a) NCA 5, FTA 5

(9) Technical violation – violation of pretrial release, probation, community control, parole, or post-release control that involves failure to comply with a condition that does not include a new misdemeanor or felony offense.

## **APPENDIX E – TECHNOLOGY PLAN FOR THE GENERAL DIVISION OF THE LUCAS COUNTY COMMON PLEAS COURT**

In accordance with Local Rule 1.10, this Technology Plan provides an overview of the General Division of the Lucas County Common Pleas Court's utilization of technology in the delivery of court services and maintenance of judicial operations. The applications outlined in this Plan include both public-facing technologies serving litigants, attorneys, members of the public, and other justice system stakeholders, as well as internal technology systems utilized by judicial officers and court staff. IT infrastructure information is not included in this list for safety and security reasons, including firewall, storage system, backup, anti-virus, disaster recovery, and cyber security.

The purpose of this Plan is to:

- Define how the Court uses technology to support attorneys, parties, and the public to be aware these services are available for case management, case filing, recordkeeping, efficient communications, and administrative functions
- Provide a list of the Court's IT functions and applications that support serving the public
- Assist the Court in more readily identifying opportunities for improved efficiency and cost savings through the use of technological solutions
- Promote the alignment of IT initiatives with the goals of the Court

### **A. Case Management**

The Court uses the following applications to manage their docket and related case records (e.g., case management software, digital notification applications, party check-in software, etc.):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Navigator	Software used for case management	Vendor training materials and experienced employees	Experienced staff

## B. Clerk of Court Functions

The following applications are used in the performance of clerk related functions:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Navigator	Software used for case management	Vendor training materials and experienced employees	Experienced staff
Payment Forte	Software used by Clerk of Court's Office to take payments	Vendor training materials and experienced employees	Experienced staff

## C. Dispute Resolution

The Court uses the following applications to conduct dispute resolution proceedings (e.g., online dispute resolution, online mediation, etc.):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Zoom	Video conferencing software used to conduct remote hearings	Parties are instructed to contact Court staff to obtain instructions	Judicial officer's bailiff serves as the technical "producer."
Navigator	Software used for case management	Vendor training materials and experienced employees	Experienced staff
Access	Tracking cases and running annual reports	Vendor training materials and experienced employees	Experienced staff

## D. Evidence Management

The Court uses the following applications to manage the receipt, distribution, and retention of evidence:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Evidence Tracking App	Track inventory of retained evidence	Experienced staff and IJS	Record Custodians

## **E. Filing**

The following applications are used to manage the filing of court documents (e.g., electronic filing, electronic signatures, electronic payment, etc.):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
eFile Ohio	Electronic court filings	Website	Clerks

## **F. Fiscal**

The Court uses the following applications for financial management and accounting:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Oracle	Accounts payable	Vendor training materials and experienced employees	Court Administration
Planning & Budgeting Cloud Solution	Annual budget planning	Vendor training materials and experienced employees	Court Administration

## **G. Hearings**

The Court uses the following applications to conduct hearings and related proceedings (e.g., remote hearings, digital recording software, judicial dashboard/e-bench, etc.):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Zoom	Video conferencing software used to conduct remote hearings	Parties are instructed to contact Court staff to obtain instructions	Judicial officer's bailiff serves as the technical "producer."

## **H. Human Resources**

The Court uses the following applications to perform human resource functions:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Kronos	Time keeping for staff	Vendor training materials and experienced employees	Human Resources
Oracle	Hiring, record keeping, payroll		
Teams	Virtual meetings and training		

Zoom	Virtual meetings and training		
Middleware	Transfers files between Kronos and Oracle		
Adobe Acrobat Pro	Electronic signatures and PDF creation/editing		

## I. Interfacing with Other Entities

The Court integrates with the following applications (e.g., clerk of courts if separate, Ohio Courts Network, Bureau of Criminal Investigation, Bureau of Motor Vehicles, county jail or correctional facility, etc.):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
NorisLeads	Background checks & criminal history database	Certification from Criminal Justice Coordinating Council	Sheriff deputies, CPO staff

## J. Jury Management

The Court uses the following applications to manage its jury services:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
WebGen	Jury selection and management	On-the-job training, Vendor guides	Jury Commission, Clerk of Courts, Court Administration

## K. Probation

The Court uses the following application to perform probation services:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Monitor (Connectrex)	Case Management System for Pretrial & Probation Clients	On-the-job training	All APD Staff
RemoteConnect	Houses NORIS and LEADS data for criminal record checks		All APD Staff
ODRC Gateway Portal/CCIS Web	To track offender risk assessments & intake/termination data for state grant	Certification Course & On-the-job training	Probation Officers

Crystal Reports	Generate reports compiled in CMS into a PDF	Training	Probation Officers
Ohio Courts Network (OCN)	Software used to research criminal history	On-the-job training	Probation Officers
Outlook	Email	LCIS/vendor guides and new hire training	
ICOTS (Interstate Compact Offender Tracking System)	Web-based software used to request/receive clients through interstate compact.	On-the-job training/User Guides	Probation Officer & Unit Manager Overseeing ICOTS
Pre-FACTS Data System	Search court cases prior to current online docket system (pre-1998)	On-the-job training	All APD Staff

## L. Public Access

The Court uses the following applications to provide access to the public (e.g., live streaming of hearings, online docket access, online calendar, etc.):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Online Dockets	Online case information for the public	Clerk of Court's and Court website	Clerk of Court staff

## M. Records Management/Retention

The Court uses the following applications to manage and retain records (e.g., document imaging, etc.)

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Navigator	Case management software used to manage and retain court records	Vender training and experienced staff	Clerk of Court staff
Evidence Tracking App	Track inventory of retained evidence	Experienced staff and IJS	Record Custodians

## O. Special Accommodations

The Court uses the following applications to provide services for participants needing special accommodations (e.g., Language Line, virtual remote interpreting, assistive hearing):

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible

## N. Victim Services

The Court uses the following applications to provide victim services:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible

## O. Website

The Court uses the following application in the development and maintenance of its website:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
WordPress	Software used in the development and maintenance of the Court's website	Vendor training materials and experienced staff in County Data Processing Department	Court Administration & IJS

## Future Implementation Plans

Using the operational categories set forth above, the Court intends to acquire and/or implement the following technologies over the next 2 years.

### A.

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

## Wish List

Identifying any technological solutions the Court may seek to implement should resources allow.

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