TRUMBULL COUNTY COURT OF COMMON PLEAS
GENERAL DIVISION
LOCAL RULES

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AMENDED OCTOBER 6, 2020

RULES OF THE COURT OF COMMON PLEAS

GENERAL DIVISION

Trumbull County, Ohio

IT IS ORDERED that the following rules are hereby adopted for governance of the practice and procedures in the General Division of the Court of Common Pleas, Trumbull County, Ohio, unless and until otherwise provided in the Ohio Rules of Civil Procedure; the Rules of Superintendence of the Supreme Court of Ohio; the Ohio Criminal Rules; the Rules of Juvenile Procedure, or the Ohio Rules of Evidence.

RULE 1

MISSION STATEMENT

The Trumbull County Court of Common Pleas, General Division, shall administer justice by applying the laws of the State of Ohio in a fair, transparent, professional and efficient manner while maintaining access to justice for all who come before the Court.

RULE 2

PRESIDING JUDGE

2.01 Presiding Judge Election and Role:

In accordance with Sup.R. 3, the judiciary from each division shall annually elect a Presiding Judge for the purposes set forth therein. The Presiding Judge shall perform the duties set forth in Sup.R. 3.01 governing the same, to wit:

A. Call and conduct an annual meeting, and other meetings as necessary, of the judges of the court for the purposes of discussing and resolving administrative problems common to all divisions of the court;

B. Assign judges of the court on a temporary basis to serve in another division of the court as required by the business of the court.

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RULE 3

ADMINISTRATIVE JUDGE

3.01 Administrative Judge - Election and Role

In accordance with Sup.R. 4, the judiciary of the General Division shall elect an Administrative Judge in the manner set forth therein. The Administrative Judge shall perform the duties set forth in Sup.R. 4.01 governing the same, to wit:

A. Be responsible for and exercise control over the administration, docket and calendar of the General Division;

B. Be responsible to the Chief Justice of the Supreme Court in the discharge of the Administrative Judge's duties, for the observance of the Rules of Superintendence for the Courts of Ohio, and for the termination of all cases in the General Division without undue delay and in accordance with the time guidelines set forth in Sup.R. 39;

C. Pursuant to Sup.R. 36, assign cases to individual judges of the General Division;

D. Require timely and accurate reports from each judge of the General Division concerning the status of individually assigned cases and court personnel concerning cases assigned to particular sessions;

E. Timely file all Administrative Judge reports required by the Case Management Section of the Supreme Court;

F. Develop accounting and auditing systems within the General Division and the office of the clerk of the court that ensure the accuracy and completeness of all required reports;

G. Request, as necessary, the assignment of judges to the General Division by the Chief Justice or the Presiding Judge of the court;

H. Administer personnel policies established by the General Division;

I. Pursuant to Sup.R 19(B), notify the Office of Attorney Services of the Supreme Court of the appointment or termination of appointment of a magistrate of the General Division;

J. Perform other duties as required by the Revised Code, the Rules of Superintendence of the Court of Ohio, these Local Rules, or the Chief Justice;

K. Perform any other duties in furtherance of the responsibilities of the Administrative Judge.

3.02 Modification or Vacation of Administrative Actions

Pursuant to Sup.R. 4.02, the judges of the General Division may modify or vacate the administrative actions of the Administrative Judge for the General Division upon a majority vote.

RULE 4

COURT TERMS/HOURS/DRESS CODE

4.01 Terms of Court:

The court shall be in continuous session for the transaction of judicial business, but each calendar year shall be divided into three (3) terms of court. Each term shall begin at 9:00 a.m. on the following designated dates: the January term shall begin on the first Monday following the first day of January; the May term shall begin on the first Monday of May; and the September term shall begin on the day following Labor Day.

4.02 Court Session:

The session of the court generally shall be daily, Monday through Friday, from 8:30 a.m. to 4:30 p.m.

4.03 Special Session:

The court shall be in session at such other times and hours as the Administrative Judge or any judge thereof shall prescribe to meet special situations or conditions.

4.04 Dress Code:

All persons entering the court shall be dressed appropriately. Pajamas, midriffs, articles of clothing displaying obscene or suggestive graphics or words, caps or hats (unless part of uniform or military service) are prohibited. Each judge may restrict the dress code further at their discretion.

RULE 5

DOCKETS

5.01 Docket/Case References:

All cases, correctly prepared in conformity with the local rules herein, received by the Clerk for filing shall be numbered consecutively in a new series each calendar year with the proper case designation reference, to wit: 2020-CV-0001; 2020-CR-0002; and so forth in a consecutive increasing numerical manner.

5.02 Case Pleading Alert:

The Clerk shall immediately provide the Assignment Office with notification of all newly filed motions and pleadings.

RULE 6
COURT COSTS

6.01 Initial Filing:

No civil action shall be accepted by the Clerk for filing unless the party or parties offering the same shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the court and prepared and published by the Clerk from time to time.

6.02 Special Projects:

In addition to such advance court cost deposits previously approved by this court and prepared and published by the Clerk, an additional advance deposit for court costs in the amount of $50.00 is to be collected at the time of filing of each criminal cause, civil action or proceeding or judgment by confession pursuant to the authority granted in Ohio Revised Code Section 2303.201 for the purpose of funding special projects as may be established by the court from time to time.

6.03 Transferred Cases:

On cases transferred to the Common Pleas Court in which the demand exceeds the monetary jurisdiction of the municipal or county court, such complainant shall post security for costs in a sum equal to the amount required if the case were originally filed in this court.

6.04 Multiple Parties/Costs:

In cases with multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the cost thereof.

6.05 Surety Bond:

In lieu of cash deposit, costs may be secured by bond with surety approved by the Clerk provided, however, that no attorney shall be accepted as such surety unless expressly approved by a judge of this court.

6.06 Inability to Pay Initial Filing Cost:

A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs and is subject to court review prior to acceptance of the initial pleading for filing. The poverty affidavit is also subject to judicial review at any stage of the proceedings thereafter. Poverty affidavits require approval by the Administrative Judge prior to acceptance of the initial pleading for filing. Any impact as a result of a delay in obtaining this approval rests with the filer and shall not be the responsibility of the court.

RULE 7

COURT FILES AND DOCUMENTS

No person shall remove any court papers, files, or parts thereof, from the custody of the Clerk without the express permission of a judge of this court.

RULE 8

CASE MANAGEMENT PLAN

8.01 Scope and Goals:

In accordance with the principles of justice and fairness and in furtherance of the mission statement of the Trumbull County Court of Common Pleas, General Division, it is the obligation of the judges of the Trumbull County Common Pleas Court, General Division, to operate the court in a manner that is lawful, fair, just and efficient - both for the benefit of the citizens of Trumbull County and all other litigants that come before them. To that end, it is important that the court supervise the progress of all cases from filing to termination in a process that is fundamentally fair and neither too deliberate, nor too hasty. Within the bounds of applicable constitutional provisions, statutes, case law and rules governing the courts of Ohio, the court shall manage the sequence of events in litigation to ensure the timely disposition of all matters by trial, negotiated settlement, arbitration, mediation, or other means of appropriate dispute resolution.

It is, therefore, incumbent upon the judges to articulate orders in each case, and to uniformly enforce the procedural requirements and other rules and time deadlines applicable in any particular case or type of case. Counsel has a corresponding duty to know these rules and the time deadlines that apply to their cases, to comply with these rules and meet those deadlines, and to inform the court of extraordinary circumstances which would cause the standard deadlines to work a substantial injustice to their clients.

These Case Flow Management rules shall apply to all civil and criminal cases filed in the General Division of the Common Pleas Court of Trumbull County unless (1) the case, by its very nature, requires a more rapid adjudication such as equity matters, habeas corpus, etc...; (2) the case, because of court-imposed stays, interlocutory appeals, removal to federal court and remand, etc..., requires a different schedule; or (3) the court, by written order, places the case on a different schedule for resolution based upon good cause shown. The deadlines set by the

Ohio Rules of Superintendence for Common Pleas Court shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules or by the assigned trial judge if ordered. Any conflict between this Case Flow Management rule and any other local rules of the court shall be resolved in favor of the Case Flow Management rule.

8.02 Case Type Time Limits:

All cases shall be classified in the following categories: Professional Tort; Product Liability; Other Torts; Workers' Compensation; Foreclosures; Administrative Appeals; Complex Litigation; Other Civil and Criminal. The classification shall be reflected in the case number. Cases shall be set for final disposition within the absolute time limits as set by the Ohio Rules of Superintendence for Common Pleas Courts as set by the Supreme Court.

8.03 General Pre-Trial Procedures:

The assigned judge shall be responsible for determining the procedure for pre-trial practice in all cases. Generally, cases will be scheduled for an initial status conference within 90 days of an initial filing. Notwithstanding, parties may request an accelerated scheduling of an initial status conference, if appropriate.

8.04 Initial Status Conference:

At the initial status conference, additional parties and/or counsel shall be prepared to discuss the following: presentation of the Civ.R. 26 report; Civ.R. 16 scheduling order; joinder of parties; third-party practice; amendment of pleadings, if necessary; issues regarding jurisdiction and venue; service of process; default judgment; issues concerning statute of limitations, if necessary; general discovery status; possible mediation; scheduling of additional pre-trial dates and/or final pre-trial and trial dates; and other motions or issues in accordance with the Civil Rules.

8.05 Case Management Order:

In accordance with the Civil Rules and at the discretion of the assigned judge, a case management order may be entered at the initial status conference or any pre-trial proceedings thereafter. As part of the case management order, the court may set timelines including, but not limited to, the following: written discovery; discovery depositions; disclosure of lay and expert witnesses; a dispositive motion briefing schedule; mediation dates; final pre-trial dates; trial and alternate trial dates.

8.06 Final Pre-Trial:

Counsel of record and the party or party representative, if applicable, shall appear at the final pre-trial. Counsel and party representatives shall have full settlement authority at the final pre-trial. If the real party in interest is an insurance company, common carrier, corporation, or other artificial legal entity, then the chosen representative must have full authority to negotiate the claim.

Counsel of record and self-represented parties shall be prepared to discuss the following at the final pre-trial: the simplification of the issues; any potential amendments to the pleadings; potential stipulations; identity of lay and expert witnesses; waiver of jury, if applicable; anticipated length of trial; damages; and evidentiary issues.

The following shall be included in a final pre-trial brief unless otherwise directed by the assigned judge:

A. a brief description of parties' claims to be read to the jury at voir dire;
B. a brief listing of damages;
C. a brief listing of defenses;
D. anticipated evidentiary disputes;
E. identity of witnesses;
F. list of exhibits.

Counsel of record and self-represented parties shall also file proposed jury instructions, juror interrogatories and jury forms prior to the date of the final pre-trial.

Motions in limine shall be filed no later than 14 days prior to the date of the final pre-trial. Counsel of record and self-represented parties shall be prepared to discuss any motions in limine at the final pre-trial and shall file any responses in opposition prior to the final pre-trial.

8.07 Requests for Change in Trial Date:

Requests to alter the scheduled date for trial shall be made by filing a motion. If possible, the movant shall obtain the approval of the other party or their counsel, if applicable. Motions to continue or alter a trial date shall set forth the reason for which the continuance or alteration is requested.

In certain situations, where time does not permit a formal motion to be filed, counsel or the self-represented party must make reasonable attempts to discuss the request with the other party or their counsel, if applicable, prior to communicating with the court.

It is the responsibility of the movant seeking the change to schedule a new trial date amenable to all parties, counsel and the court.

8.08 Failure to Comply with Pre-Trial Procedures:

The assigned judge possesses inherent authority to sanction counsel of record and/or self-represented parties for failure to comply with the case management order and/or the pre-trial and final pre-trial procedures discussed herein. Said sanctions may include dismissal for want of prosecution; fines; and other available sanctions.

RULE 9

ASSIGNMENT OF CIVIL CASES FOR TRIAL

9.01 Judge Assignment:

All civil cases shall be assigned to a judge, pursuant to a random electronic selection system.

9.02 Settlement of Civil Case:

When a case is settled, counsel for the party seeking affirmative relief shall immediately notify the office of the assigned judge. Unless otherwise ordered, a dispositive judgment entry shall be filed by the party seeking affirmative relief within thirty (30) days. The dispositive entry shall indicate the assessment of court costs to the designated party or parties.

9.03 Criminal Trial Precedence:

Criminal trials shall take precedence over civil trials.

9.04 Recusal:

At any time prior to trial, if the trial judge determines that there is a proper basis for recusal from a given case, the judge may assign the case to the Administrative Judge for reassignment.

9.05 Assignment Office:

The court assignment clerks shall be under the direct supervision of the Administrative Judge of the General Division. The assignment clerks shall schedule and maintain calendars for each judge as so required. The assignment clerks shall schedule hearings, including memo-only hearings, as well as all other court events. The assignment clerks shall also send notice to all necessary parties as required under the Local Rules and as directed by each judge.

RULE 10

PAPER PLEADINGS

This rule shall apply to all case types except those identified in Local Rule 11: E-Filing. If a case type is specifically identified as an e-file case type, then all pleadings must be in accordance with Local Rule 11. Please refer to the pleading requirements set forth therein.

10.01 Paper Pleading Requirements:

All pleadings and motions shall be legibly typewritten or printed on paper of letter size (approximately 8-1/2 x 11), securely bound at the top. Any document filed with the court must include the following identifying information:

a. Proper case caption including the first and last name of the first-party plaintiff and first-party defendant, case number, and the proper name of the assigned judge;
b. Title of the document to be filed;
c. Name, address, telephone number, facsimile number and e-mail address of the filer;
d. If the filer is an attorney, the attorney registration number; the name of the law firm or company if applicable; and the name of the party whom the attorney represents;
e. Instruction for service or a certificate of service.

10.02 Case Initiation Pleading Requirements:

The caption in every initial pleading shall state the name and address, if known, of each party. Complaints shall state the category of the complaint in the caption as designated herein in Local Rule 8.02.

Unless otherwise ordered by the Court, an attorney who signs a pleading or motion shall be designated as counsel of record. Counsel of record is solely responsible for the action and shall attend (or make appropriate arrangements for other counsel to attend) all status conferences, hearings and pre-trial conferences. Counsel of record shall be expected to attend the final pre-trial and trial.

10.03 Additional Complaint Requirements:

All complaints (except those wherein only individuals are named) shall set forth the name, address, designation of entity, registration status with the Ohio Secretary of State and/or registration status with another state if the entity is not registered in Ohio, for all plaintiffs or complaining party. If the plaintiff(s) or the complaining party is not a business entity licensed or otherwise registered to do business in the State of Ohio, that entity shall state the basis for permission to file a legal action in the State of Ohio without the proper registration status. This rule shall also apply to all counterclaims, cross complaints and third-party complaints.

RULE 11

E-FILING

Effective September 1, 2020, ALL CIVIL CASE TYPES unless subject to express exemption pursuant to Rule 11.11 herein are required to be filed in the e-filing system. This applies to all newly filed civil cases as well as any subsequent filings in civil cases previously filed.

NO PAPER PLEADINGS WILL BE ACCEPTED.

11.01 Terms and Definitions:

A. **Accepted for E-filing**: Following Clerk Review, a document will be "Accepted for E-filing" if it is in compliance with court rules, policies and procedures. A document "Accepted for E-filing" will be time-stamped, docketed, imaged and processed in accordance with the normal business course through the CMS. A document "Accepted for E-filing" becomes a part of the Official Court Record.

B. **Case Management System "CMS"**: The internal system that manages the receipt, processing, storage and retrieval of data associated with a case. The CMS also allows the Clerk and Court users and Filers the ability to retrieve data and perform allowed functions.

C. **Clerk**: Clerk means the Clerk of Courts for the Trumbull County Court of Common Pleas – General Division as defined in R.C. 2303 et seq., and the employees of that department.

D. **Clerk Review**: A preliminary review of all e-filed documents submitted for filing in accordance with the Administrative Orders and Rules of the Court. A "Clerk Review" consists of a preliminary review of data and documents for compliance with court rules, policies and procedures prior to accepting the documents into the CMS and Official Record of the Court. If the submitted documents comply with the applicable court rules, policies and procedures, the documents will be "accepted" by the Clerk for e-filing.

E. **Court User**: An authorized user within the CMS who is an employee of the court or other County office with permission to utilize the CMS. The restrictions and authorizations will vary dependent on the job duties of the Court User.

F. **Court Electronic Record**: The Court Electronic Record shall include: any document Accepted for E-filing including document exhibits; all notices created by the Clerk or Court Users; and all Judgment Entries with proper electronic signature. The Court Electronic Record will NOT include physical evidence or exhibits that are unable to be captured in electronic format.

G. **Electronic Signature**: A electronic symbol, series of symbols or process that is attached to, and intended to act as a substitute for a handwritten signature on an electronic record. The electronic signature shall have the same force and effect as if it were a handwritten signature.

H. **E-Service**: The electronic transmission to a Registered User in a case via the E-Filing System.

I. **Registered User**: A person who has read and agreed to the terms in the E-filing System User Agreement; provided the credentials requested through the E-Filing system and provided a user name and password through the E-Filing System.

J. **Systemic Error**: A Systemic Error is an internal error in the CMS which causes a system-wide disruption in the e-filing system. A Systemic Error is NOT a User error or an error produced by the User's computer or other e-filing method for submission.

11.02 Registered Users:

Anyone who wishes to file a document or pleading in an e-filed case type must register to become a Registered User. Upon proper registration, a unique identifier shall be issued to the Registered User. The Clerk shall only accept e-filing for specific case types referenced herein.

Registered Users are responsible for time limits, deadlines, statutes of limitations and savings statutes. Registered Users should keep in mind that a document submitted for e-filing is not "accepted" until it has been reviewed and accepted by the Clerk. It is the responsibility of a Registered User to submit only

documents which comply with the court rules, policies and procedures. Upon Clerk Review, if a document is deemed unacceptable for filing, it will be rejected and an e-notification shall be sent to the Registered User. Registered Users should take into consideration the possibility that there may be a delay or rejection of a submission when filing.

The Clerk only accepts e-filing documents from Registered Users through the E-Filing System in the CMS. E-filing does NOT include facsimile transmissions and the Clerk will NOT accept facsimile transmissions for filing. Also, E-filing does NOT include e-mail or other electronic means of communication and the Clerk will NOT accept any electronic documents submitted through any means other than via the CMS and the E-Filing System for Registered Users.

The Clerk will only be available to review e-services submissions during normal business hours, Monday through Friday from 8:30 am to 4:30 pm, excluding holidays and other emergency closures. Submissions transmitted after these hours will be reviewed in the normal course of business on the next business day(s).

In exceptional circumstances if a document was submitted during normal business hours and not accepted by the Clerk until the next business day AND the difference in day subjects the case to dismissal or penalty, the Administrative Judge shall have the ability to override the filed and time-stamped date upon application in writing to the Administrative Judge. The burden is on the registered user to prove the document was submitted during normal business hours on the

appropriate date and not accepted until the next business day. THIS WILL BE FOR EXCEPTIONAL CIRCUMSTANCES ONLY. All registered users shall make every effort to submit documents in the e-filing system by 4:15 pm to allow for proper processing time.

Registered Users must follow the requirements for payment information through the third-party vendor in e-services when prompted. Alternate payment methods are not available. The payment information will need to be entered upon each new transaction for security purposes in accordance with the vendor requirements.

Registered Users consent to electronic service of pleadings, motions, documents and judgment entries via the electronic service address identified as the Registered User's e-mail address.

An electronic signature of a Registered User on any filed document shall be considered to be the true and authentic signature of that Registered User unless proven otherwise through additional pleadings challenging the signature and accompanying filing as false, at which time the judicial authority will review and act accordingly.

11.03 Document Format:

All e-filed pleadings shall be submitted in accordance with the following requirements:

A. All pleadings and motions must be submitted in a searchable portable document format (PDF); and

B. All pleadings must be black and white only. No color pleadings or documents will be accepted; and

C. Pleadings and motions must not exceed twenty megabytes (20 MB). If a submission exceeds this requirement, it must be condensed into several compliant submissions within this data restriction; and

D. Image resolution must be at least 200 dots per inch (DPI); and

E. Pleadings may NOT contain links to other material; and

F. Pleadings must contain a signature; and

G. Pleadings must include a certificate of service; and

H. Pleadings must have a 1 ½ inch margin at the top; and

I. Pleadings must comply with the local rules governing paper pleadings for substance and format unless otherwise indicated herein.

Removal of Certain Identifiers: In addition, the Registered Users must remove all metadata and non-public data from all e-file submissions, including but not limited to the following: identifying numerals in a social security number; financial account numbers; medical records; driver's license numbers; and other identifying information.

Signature Requirements: As indicated above, all pleadings and motions must contain either a signature or an e-signature of the Registered User. In the event the Registered User is not utilizing an e-signature, the pleading (PDF) with the original signature must be uploaded for filing. In the event the document bears more than one signature, the Registered User must confirm agreement of the other signers prior to filing. The Registered User shall retain the original document until the case is closed and the time for appeal has expired or the appeal has been fully adjudicated.

In addition to the signature, the Registered User must include the following information underneath the signature line: Name; Attorney registration number if applicable; Firm name; Identity of party represented; Address; Telephone number; E-mail address.

Proposed Judgment Entries: All motions (PDF) must be accompanied by a proposed order in a separate document in Microsoft Word which will NOT be filed, but will be transmitted to the proper judicial authority for review, editing and signature. All proposed orders MUST use the

"ProposedOrderTemplate.docx"

provided in the e-services system. In addition, all proposed orders MUST be capable of editing in Microsoft Word.

This template includes the appropriate signature tokens and formatting for the judicial authority. Proposed orders that do not use the template are at risk of rejection by the Court. No additional identifying information other than the case

caption and case number shall be included on any proposed order, i.e., no company identifier or other internal tracking system.

11.04 Service of Summons:

Initial complaints, re-filed complaints, third party complaints, and other documents initiating a case or adding a new party in the e-filing case type are filed using the E-Filing system, however, service of summons must still be completed pursuant to the applicable Civil Rules.

A Registered User submitting an initial case or adding a new party must include instructions for service with the required information pursuant to the Local Rules and applicable Civil Rules. This includes instructions for a process server, if applicable.

The Clerk shall issue a summons and shall serve the pleading in accordance with the applicable rules and instructions only after the initiating document is accepted for e-filing.

11.05 Subsequent Service:

Unless otherwise instructed by judgment entry, rule or statute, all documents filed after the initial filing shall be served to the Registered User's e-mail address on file with the Clerk.

Those participants or litigants who are not Registered Users will continue to receive paper format copies and service via the U.S. Mail.

11.06 Systemic Error:

In the event of a Systemic Error, the Clerk shall accept paper documents for filing for the duration of the Systemic Error. Since the Clerk will permit the filing of paper documents during a Systemic Error, the Clerk shall not be held responsible for any missed deadlines, statutes of limitations or other negative effects due to a Systemic Error.

11.07 Self-Represented Litigants/Public Access:

In the event the Clerk receives, via mail, documents to be filed from a self-represented litigant, the Clerk will register the party as a Registered User in the e-filing system. If the self-represented litigant does not have access to the means for electronic notification, the Clerk shall note an exception that this person will not receive electronic notices. However, if the self-represented litigant does have access and ability to utilize e-mail, the self-represented litigant shall receive electronic notification and service.

The Clerk shall then scan and upload the filing into the e-filing system as submitted by the self-represented litigant. Provided any filing fee requirements have been paid, the Clerk shall then e-file the document identifying the self-represented litigant Registered User as the e-filer.

The self-represented litigant should make every effort to file any subsequent filings via the e-filing system either via a remote connection or via the Court's public access terminals. In the rare instance a self-represented

litigant is unable to access the e-filing system remotely or on-site, the Clerk will continue to file the subsequent filings as indicated above.

In order to promote and facilitate access to justice, the Court shall provide two public access terminals equipped with a computer, internet access and scanner for those persons who need access to the equipment. These public access terminals shall be strictly reserved for e-filing purposes only.

If a party, attorney or any other filer presents a hard-copy paper document in person to the Clerk's office for filing in an active e-filing case type, the Clerk's office will direct the person to the public access terminal and provide registration assistance.

Self-Represented litigants are encouraged to file proposed orders with the submission of any motion. However, the failure to attach a proposed order shall not be the reason for the rejection of a pleading from a self-represented litigant.

11.08 Official Court Record:

Documents which are accepted by the Clerk for e-filing are the official record of the Court. The Court will not keep paper copies of these documents.

The Court's electronically filed hearing notices, schedules, orders, decisions, judgments and other documents are the official Court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.

11.09 Supplemental Administrative Orders:

The Court may issue supplemental administrative orders during the implementation of the e-filing system as necessary. Any Supplemental Administrative Orders shall be posted on the Clerk of Court's website. All Registered Users shall monitor the website periodically for any updates.

11.10 Unique Civil Cases in e-Filing:

Requests for Temporary Restraining Orders:

Requests for Temporary Restraining Orders are required to be filed via the e-filing system. However, the filer should be aware that it is the responsibility of the filer to bring the request for a temporary restraining order to the assigned judge for review. The filer must still file a Proposed Order for the request for temporary restraining order utilizing the PROPOSEDORDERTEMPLATE.docx.

Cognovit Notes:

Complaints on Cognovit Notes are required to be filed via the e-filing system. However, counsel seeking judgment on the Cognovit Note must still bring the original cognovit note physically for review by the assigned judge. NO ACTION WILL BE TAKEN ON THE COGNOVIT NOTE COMPLAINT UNTIL COUNSEL BRINGS THE ORIGINAL COGNOVIT NOTE TO THE COURT FOR REVIEW BY THE ASSIGNED JUDGE. The Clerk will not process the complaint further until the Clerk has verified the assigned judge has signed/reviewed the original cognovit note.

Replevins:

Parties filing an action in Replevin must file the following documents as listed in the document type selections:

1. **Replevin Complaint**
2. **Replevin Notice of Hearing and Request for Hearing**
3. **Replevin Motion for Possession**

Agreed Judgment Entries:

Parties shall select the Notice of Agreed Judgment Entry as a document type in order to attach an Agreed Judgment Entry for judicial review and signature.

11.11 Exemptions from e-Filing:

The following specific civil case types shall be exempted from e-filing and shall be filed in paper form:

1. Civil Stalking Protection Orders
2. Certificates of Qualification for Employment
3. Requests to File as an Indigent
4. Complaints for Certificate of Title
5. **Garnishments**

11.12 Certificate of Service:

Proof of service of all documents required or permitted to be served shall be made in compliance with Civ.R. 5(B)(4). The Certificate of Service shall be signed in accordance with applicable Ohio court rules and laws, including these Rules and shall contain the following language:

"I hereby certify that on (date) I served this document in accordance with Civ.R. 5 by electronic mail on the following: (list counsel of record with e-mail addresses) AND by regular mail upon the following: (list self-represented litigants who are not registered users of the Court's e-filing system).

RULE 12

MOTION PRACTICE

12.01 General Time Requirements:

Unless otherwise set forth within the Local Rules, the time allowed or permitted for the performance or completion of any act in handling matters before any division of court shall be as established by the Ohio Rules of Civil Procedure or the Ohio Rules of Criminal Procedure; or, if a particular matter is not so covered, such time as established by court order.

12.02 Answers and Extensions:

Civil Rule 12 shall be strictly enforced. However, in general, parties may obtain one (1) leave of court for an extension of thirty (30) days in which to file an answer or other responsive pleading to the complaint when no such prior extension has been granted. Additional extensions are determined at the discretion of the assigned judge. All requests for leaves to plead or extensions must include a proposed judgment entry and shall have been served on all parties and/or counsel of record.

12.03 Amendments to Pleadings:

Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineation, except upon leave of court first obtained. Any permission to amend a pleading must be accompanied by a proposed judgment entry that has been served on all parties and/or counsel of record. Please refer to Local Rule 11 for specific e-filing requirements for the submission of proposed judgment entries.

12.04 Discovery Documents/Record:

Discovery documents shall not be filed unless on order of the court or if intended to be used as evidence. This includes the following: depositions upon oral or written examination, interrogatories, requests for admission, requests for production of documents, and any discovery responses thereto.

12.05 Motion Practice:

Every motion shall state its nature with specificity, and be submitted and determined as hereinafter referenced. Motions will be set for a memo-only hearing unless otherwise indicated. Oral argument regarding a motion may be permitted on application and proper showing at the discretion of the assigned judge or magistrate.

Any citation to case precedent must include a proper citation for reference. If a citation identifies precedent that originates from another state under state law, a copy of the case decision must be attached.

12.06 Discovery Disputes:

Counsel is encouraged to cooperate in pre-trial discovery procedures to reduce the filing of unnecessary discovery motions. In accordance with Civ.R. 37, a motion seeking to compel discovery shall not be filed unless the parties/counsel have demonstrated a good faith effort to resolve the discovery dispute. The motion shall include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make discovery in an effort to obtain it without court action.

12.07 Sanctions:

The presentation of unnecessary motions and the unwarranted opposition of motions which, in either case, unduly delays the course of an action through the court, may be deemed "frivolous conduct" and, upon further motion and hearing, subject an offender to appropriate discipline, including the imposition of costs

and/or payment of a reasonable attorney fee incurred in connection with defending against such conduct.

12.08 Motions for Leave to Withdraw as Counsel:

Motions for leave to withdraw as counsel in a civil case shall be made by written motion in accordance with these Local Rules and the Rules of Civil Procedure. Counsel seeking to withdraw must provide written notice of such application by certified mail with return receipt requested to the client of the attorney for whom withdrawal is sought. In addition, counsel seeking to withdraw must also provide written notice of the hearing date and time to the client of the attorney for whom withdrawal is sought.

12.09 Electronic Service of Process:

The Clerk of the Trumbull County Court of Common Pleas shall accept service of process methods as outlined in Civil Rule 4.1 Process: Methods of Service, which methods of service shall include "virtual" service of process utilizing advanced postal technology for service by certified mail. This advanced postal technology does not modify Civil Rule 4.1(A)(1)(a) Service by United States certified or express mail, but merely provides for advanced electronic and website technology in the sending of certified mail and receipt of confirmation utilizing the court's website to show to whom the mail was delivered, the date of delivery, and address where delivered, all in accordance with the now-existing Civil Rules.

All service of process of complaints or other documents served with virtual service of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's office.

12.10 Response Time Rules:

Unless otherwise indicated within these Local Rules or by other court order, responses in opposition to any dispositive motion must be filed within 30 days after the motion was filed; replies must be filed within 7 days after the filing of a response in opposition.

Unless otherwise indicated within these Local Rules or by other court order, responses in opposition to any non-dispositive motion must be filed within 14 days after the motion was filed. No replies are permitted on non-dispositive motions without leave of court.

RULE 13

CRIMINAL CASES

13.01 Criminal Procedure:

The Clerk of Courts shall cause the transcript of proceedings to be delivered to the Prosecutor's Office, for the purposes of processing the same to a Grand Jury, within twenty-four (24) hours of its receipt from the municipal or county court binding said transcript to the Common Pleas Court. The purpose of this rule is to help ensure speedy processing of the case within the speedy trial time guidelines provided by statute.

If a criminal case is indicted, the Assignment Commissioner shall cause arraignments to be set within ten (10) days after a case is indicted, unless the court orders otherwise in order to ensure disposition within speedy trial time limits.

At arraignment, the arraigning judge shall notify counsel and/or the defendant of a disposition hearing date. At the disposition hearing date, it shall be a requirement for the defendant to be present. Failure of the defendant to appear at the disposition hearing date could cause the prosecutor to request a capias to be issued. At the disposition hearing date, the following subjects should be discussed:

A. Exchange discovery, or in the event discovery is not available, discuss dates when discovery will be completed;

B. Potential plea bargains;

C. If defendant accepts plea bargain, a date for the potential plea of guilty shall be set;

D. In the event the defendant does not accept a plea bargain, the parties shall inform the court and the court shall cause the case to be set for final trial and/or pre-trial as the court deems necessary;

E. In the event hearings are required on motions, counsel shall so notify the court and it shall set hearing dates as well as filing

dates for any motions.

The trial court shall set the case for final disposition, either by trial or by plea, within the speedy trial times set by statute, unless the speedy trial time is tolled under the appropriate statutes as set forth in R.C. 2945.71, et seq.

13.02 Grand Jury:

Each of the judges sitting in the General Division shall serve as criminal judge for one term of court. The judges will rotate to accomplish this purpose.

The grand jury tenure and proceedings will be conducted in accordance with Rule 6 of the Ohio Rules of Criminal Procedure.

The Prosecuting Attorney shall refer all requests by grand jurors to be excused, whether temporary or permanent, to the criminal judge presiding over the grand jury.

The judge sitting as criminal judge shall handle all grand jury matters, including the appointment of grand jury foreman; the receiving of reports by the grand jury; and the giving of any necessary instructions.

Appointment of counsel for indigent defendants will be made by the criminal judge, when necessary, and by the judge to whom the case is assigned, after indictment.

The official shorthand reporter shall not prepare transcripts of testimony of grand jury proceedings, except under order of the court or upon an order of the prosecuting attorney. Said order shall be in writing and directed to the court reporter.

Summons on Indictment – Each indictment shall contain a formal, printed order, to the defendant, to appear in the courtroom of the assigned judge on a specific day and hour for arraignment, to be determined by the Assignment Office, and shall contain an appropriate place for the return, by the Sheriff, of the service of the notice and the indictment.

If the defendant were released on his recognizance or is on bond, the Sheriff may notify the defendant to pick up his indictment and notice within forty-eight (48) hours.

13.03 Designation of Criminal Cases:

The Clerk, upon receiving a criminal transcript from a municipal court or county court, shall immediately assign a case number as well as the courtroom and judge, and shall also cause the prosecutor's office to be notified of the transcript within twenty-four (24) hours of its receipt.

The Clerk shall number each case consecutively, in a new series, each calendar year. For example: 20-CR-0001, 20-CR-0002; etc.. ADDITIONALLY, ON THE DOCKET SHEET, THE CLERK SHALL AFFIX THE DATE OF ARREST OF THE DEFENDANT TO THE CASE NUMBER OR, IN THE EVENT OF A DIRECT PRESENTMENT OR SECRET INDICTMENT, THE DATE OF ARREST OF THE DEFENDANT OR THE DATE OF SERVICE OF SUMMONS WILL BE AFFIXED TO THE CASE NUMBER, AND THE CLERK SHALL AFFIX THE DATE UPON WHICH A DEFENDANT POSTED BOND, IF AVAILABLE. For Example: Case #20-CR-0001, , D.O.A. 12-10-19, D.O.B. 12-11-19.

The prosecuting attorney, when drawing an indictment in compliance with the findings of the Grand Jury, shall observe Rules 6 and 7 of the Ohio Rules of Criminal Procedure in all respects, and endeavor to maintain the original case number assigned. Where the indictment joins two or more defendants, it should be returned under the lowest case number.

The judge assigned to the case number of the indictment will be responsible for further proceedings thereon.

13.04 Inactive Criminal Cases:

Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes, either upon motion of the prosecuting attorney or the Court's own

motion, and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list when the defendant is available and proceedings resumed, or when such case is dismissed. Cases to which this rule is applicable shall include those in which the defendant is not competent to stand trial; is confined in a penal institution in another state; has not been served; or cannot be found.

13.05 Appointment of Counsel for Indigent Defendants:

At the earliest stage possible, the Court shall inquire as to the indigency of each defendant in order to determine whether the appointment of counsel is necessary. The Court shall provide the defendant with the Financial Disclosure Form as provided in the Ohio Public Defender Commission Standards and Guidelines. The defendant shall execute and return the Financial Disclosure Form as well as an Affidavit of Indigency form provided by the Court. The Affidavit of Indigency shall be filed with the Clerk of Court. In the event the defendant files a waiver of arraignment pursuant to Ohio Criminal Rule 10(B), then counsel shall be responsible to secure the execution of the form and affidavit described above and return the same to the Court.

If an accused is charged with multiple offenses, whether in the same case or in separate cases, or resulting from separate transactions, the attorney first appointed shall be appointed for all charges, if practicable. The Prosecutor shall advise the Court at the earliest stage possible if multiple cases are pending against a defendant to accommodate this process.

In the event a defendant is charged with a capital offense, the Court shall appoint two attorneys to represent the defendant at the earliest possible stage.

In the event an attorney is retained to represent an indigent defendant for whom counsel has been appointed, the retained attorney shall immediately notify appointed counsel in writing and shall file a Notice of Appearance with the Clerk of Court within 7 days.

Appointed attorneys shall file an application for counsel fees and expenses on the form provided by the Ohio Public Defender Commission. The application shall be submitted to the trial judge no later than 30 days after the sentencing or other complete disposition of the case, unless otherwise extended by order of the Court. Counsel shall be paid or reimbursed for reasonable expenses and shall be paid counsel fees according to the schedule adopted by the Board of Trumbull County Commissioners as required by R.C. 120.33, or as otherwise determined by the trial judge. The Trumbull County Auditor shall draw a warrant on the county treasury in the amount fixed by Order of the Court and shall submit the application to the Ohio Public Defender Commission within the time period established by law.

The Administrative Judge shall maintain a list of qualified counsel for appointments. Attorneys shall submit their information and qualifications based on the Ohio Administrative Code to the Administrative Judge in order to be considered for appointment. The list shall be reviewed and updated periodically as required.

13.06 Search Warrants:

The Clerk shall maintain a separate index and docket for search warrants.

Where the judge files, pursuant to Rule 41(E) of the Ohio Rules of Criminal Procedure, the search warrant, a copy of the return, inventory and all other papers in connection therewith, the clerk shall secure said documents in a separate jacket, consecutively numbered and indexed by name.

If property is seized, it shall be held by the arresting authority for safekeeping, unless the court directs otherwise.

13.07 Sheriff's Report:

As of the first day of each month, the Sheriff shall deliver to all judges, the prosecuting attorney and the Assignment Office, a report of all persons confined in the jail. The report shall separately list defendants held for (a) federal or other

authority outside this county; (b) state parole authority; (c) probation department; (d) domestic relations court; and (e) common pleas court. If a defendant is held or detained by order of more than one authority, such defendant shall be listed under the entity that placed the defendant in custody. Others claiming such person shall be separately indicated by use of footnotes.

13.08 Criminal Assignment:

Criminal cases will be assigned for hearing or trial by the Assignment Commissioner under the supervision of the judge to whom the case is assigned.

13.09 Forfeitures:

In any civil or criminal proceeding wherein the State of Ohio seeks forfeiture of property by any means, that proceeding shall be assigned to the judge to whom any underlying criminal case(s) has been assigned.

RULE 14

COURT REPORTERS

14.01 Statutory Fees:

In every case reported, the reporter shall make an appropriate entry taxing the statutory fee for each day's service to be collected as other costs in the case. The compensation of reporters for making transcripts and copies shall be paid forthwith by the party and/or the attorney for whose benefit the same is made. A reporter shall not be required to prepare a transcript for any attorney, or other person, until satisfactory arrangements for payment have been concluded.

14.02 Retention of Exhibits, Depositions and Transcripts:

Any exhibits, depositions, transcripts or other records in a capital case are expressly exempt from this retention policy.

In accordance with Sup.R. 26, the following sets forth the retention policy for exhibits, depositions and transcripts:

At the conclusion of litigation, including times for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied:

1. The court (including, but not limited to, the court reporter or other responsible court-designated employee) notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within 60 days from the date of the written notification; AND
2. The written notification must inform the party that tendered the exhibits, depositions or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within 60 days of the notification; AND
3. The written notification must inform the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts; AND

4. The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within 60 days from the date of the written notification set forth herein.

14.03 Other Record Retention:

Except in capital cases, the Court Reporters shall retain their notes, disks and digital records for a period of ten (10) years. At the conclusion of the ten (10) year period, all notes, digital records and disks may be disposed of at the direction of the Court.

RULE 15

APPEALS TO THE COURT OF COMMON PLEAS

15.01 Administrative Appeals Briefing Schedule:

Unless otherwise directed by the assigned judge, in all administrative appeals to the Court of Common Pleas provided in the Ohio Revised Code, the schedule for filing briefs shall be as follows:

A) Within twenty (20) days after the filing of the record of proceeding with the Clerk of the Common Pleas Court, the Appellant shall file assignments of error and brief;

B) Within twenty (20) days after the Appellant's Brief is filed, Appellee shall file a brief and cross-assignments of error, if any;

C) Within ten (10) days after the filing of the Appellee's Brief, the Appellant may file a reply brief;

D) For good cause, the court may, upon motion, extend the time for filing the brief and assignment(s) of error.

Upon expiration of the time for filing the briefs, the case will be considered submitted on briefs, unless oral argument is requested in writing and granted by the judge to whom the appeal is assigned.

15.02 Exclusions:

These rules do not apply to appeals from the Industrial Commission pursuant to R.C. 4123.519.

RULE 16

RECEIVERSHIPS

In all cases where receivers are appointed by this court, the following shall apply:

A. Unless the court specifically authorizes the receiver to continue a business, the receiver shall expeditiously take control of the assets of the debtor; give notice to all known creditors of the appointment and afford them opportunity to present and prove their claims; cause the assets to be inventoried and appraised; determine the validity and priority of creditor's claims; and take such steps as may be necessary to liquidate the assets and make cash distribution among the various classes of creditors. A receiver cannot proceed to act until a court-approved receiver's bond with proper surety, in the amount and form ordered by the court, has been properly filed with the Clerk of Court.

B. After approval of the receiver's bond, the receiver must obtain direction regarding general powers from the court contained in an appropriate judgment entry. These powers shall include an order enjoining all secured and unsecured creditors from levying, executing, attaching, or suing on their respective claims, and shall further direct that all monies received by them, after the appointment of the receiver, shall be transferred to the receiver's general fund. The priorities among the creditors shall then be determined at a hearing on the matter at a later date and shall be determined by order of the court. Within two (2) months after the appointment, the receiver shall report to the court, submit inventory and appraisement, and include an account of receipts and expenditures to date. Such documents shall be filed with the Clerk. These several matters shall be considered by the judge to whom the case is assigned, and approval thereof shall be by entry, approved first by the receiver.

C. Semi-annually, after filing the first report with inventory, appraisement and account, the receiver shall file consecutively-numbered reports, with accounts, for approval by entry by the court as to all receipts and expenditures made by the receiver during the reporting period, together with a summary of

plans for future conduct of the receivership. The validity and priority of the various claims shall be determined by the court and not by the receiver.

D. In cases involving receivers appointed to take charge of property and to collect rents and other income, the receiver may expend funds, without first having obtained court approval, to pay for insurance premiums, water and utility bills, and make emergency repairs as are necessary for the proper maintenance of the property. For authority other than that, the receiver shall make application to the court. All claims not filed with the receiver, after notice has been given by a creditor, shall be deemed barred, as provided by law.

E. In all receiverships in which property appraised in excess of $2,000.00 is to be put up for public or private sale, the receiver shall file, in advance of such sale, a report with the court showing the amount of expenditures incurred or to be incurred prior to the time the sale is to be conducted. All public and private sales conducted pursuant to this rule shall not be considered final or consummated until approved and confirmed by court entry.

F. An application for payment of partial or final receiver and receiver counsel fees shall be filed with the Clerk for approval by the court. Notice of filing shall be filed with the Clerk for approval by the court. Notice of filing shall be served to all counsel of record in the pending matter. Such application shall show time spent on enumerated items; amount of money collected, disbursed and on hand; the status of secured and unsecured creditors' claims, including amounts claimed; payments made thereon and balances due; the amounts and dates of prior fees authorized in the case; and an estimate of the amount of time necessary to complete the work in the receivership and make final distribution. The court may approve the application, or set it for hearing, not sooner than ten (10) days after the filing of the application.

G. Failure to file an inventory and appraisement, accounts or other reports as contemplated by the rule will constitute cause for removal of the receiver and/or his attorney, and for withholding of fees for the receiver and/or his attorney.

RULE 17

FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS

17.01 Preliminary Title Report:

In actions to quiet title, partition and for the marshalling and foreclosure of liens on real property, the Attorney for the Plaintiff shall procure and file with the Clerk evidence of the record title pursuant to R.C. 2329.191 and when applicable with respect to such actions involving a mineral estate, evidence of the record title in the form of an attorney's opinion and/or Certificate of Title. Failure of the Attorney for Plaintiff to comply with the foregoing requirement may result in the dismissal of the complaint without prejudice. Such evidence of title or copy thereof shall become and remain a part of the case file. Where the evidence of title indicates that necessary parties have not been made Defendants, the Attorney for the party filing the same shall proceed without delay to cause such new parties to be added and served.

17.02 Filing Fees:

The following fees shall be collected by the Clerk of Court at the time of the filing of the Complaint in all foreclosure cases, except cases filed by the Trumbull County Treasurer for foreclosure of a lien and/or for collection of delinquent real or personal property taxes, or for any foreclosure instituted by the United States of America, the State of Ohio, or a political subdivision thereof. Said fees are in addition to all filing fees charged in all other Civil Cases:

Clerk of Courts	(Foreclosure Account)	$100.00
Sheriff	(Civil Branch)	$200.00
Court of Common Pleas General Division	(Special Projects)	$100.00

17.03 Final Title Report:

Prior to the entry of judgment in any such case, a final title report shall be prepared and filed, in accordance with R.C. 2329.191 and when applicable with respect to such actions involving a mineral estate, an updated and final attorney's opinion and/or Certificate of Title. Said title report shall state the method of service on each of the parties and shall include a statement indicating whether any additional liens or mortgages have been filed since the date of the preliminary judicial report or other evidence of the record title, and whether or not those additional liens are barred by lis pendens.

17.04 County Treasurer a Necessary Party:

In all foreclosure actions under this Rule, it shall be necessary to name the Trumbull County Treasurer as a Defendant. The Clerk shall reject for filing any foreclosure complaint that fails to join the Trumbull County Treasurer except upon prior leave of Court.

17.05 Title Report Premium:

The expense of the title work required under this Rule, exclusive of the premium required by the Ohio Department of Insurance, shall be allowed without prior leave of Court, in an amount not to exceed three-hundred dollars ($300) for each parcel of property and shall be taxed as part of the costs of the case. Expenses for title work in excess of the allotted $300 for each parcel may be allowed with prior leave of court.

17.06 Judgment Entry and Decree of Foreclosure:

All proposed judgment entries shall be circulated for approval to the other parties in the case and shall be a part of the file prior to the date of the dispositive hearing. For the purpose of reporting by the trial judge to the Supreme Court in foreclosure cases, the judgment entry will determine the case

to be closed. All other proceedings in foreclosure cases will proceed according to law.

17.07 Praecipe for Sale:

All praecipes for sale of property under judgment decree of foreclosure must include a property description approval form as required by the Trumbull County Auditor. These forms shall be made available online for the convenience of judgment creditors. The Sheriff shall not set any case for sale unless said property description approval form has been received. In cases where the Plaintiff is unable to receive approval of the property description from the Trumbull County Auditor, the case shall not be set for sale until the Plaintiff or moving creditor obtains separate approval from the Court.

17.08 Failure to Comply:

Failure to comply with the foregoing rule shall be grounds for dismissal of an action. Dismissal may be granted on motion of any party or upon order of the Court.

RULE 18

SHERIFF'S SALES

All Sheriff's sales shall be governed in accordance with R.C. 2329 et seq., as it currently exists and as may be amended in the future.

RULE 19

SPECIAL PROCESS SERVER

19.01 Appointments:

In accordance with Civ.R.4.1, a party may request the appointment of a special process server.

19.02 Standing Special Process Servers:

By this local rule, and in accordance with Civil Rules 4, and 4.1 through 4.5, the Court of Common Pleas General Division establishes the position of Standing Special Process Server.

Appointment of any Standing Special Process Server shall be solely at the discretion of the Judge of the Court of Common Pleas – General Division, and said appointment shall be subject to the following procedures and limitations:

A. Any party desiring to be a standing special process server for the Trumbull County Court of Common Pleas – General Division shall make application to the court by way of motion.

B. Any Motion requesting appointment of a Standing Special Process Server shall be filed by an attorney of good standing who is a member of the Trumbull County Bar Association and who will attest in the Motion to the character and fitness of the party desiring to be a Standing Special Process Server.

C. Said application shall include an affidavit by the applicant setting forth the following:

1. A statement that he/she is over 18, not under any disability, and that he/she will never attempt to make service in an action to which he/she is a party, is related to any party, is counsel for any party, has an interest in the outcome of any case, or otherwise would be in violation of the Ohio or Trumbull County Rules of Court.

2. The business and home address and phone number of applicant.

3. An acknowledgment that the applicant will follow all State and Local Rules regarding service of process and follow instructions in any preacipe for making service and delivery of return to the Court.

4. An acknowledgment that the applicant will comply with all Ohio laws and at no time intentionally cause a breach of the peace while attempting to accomplish service.

5. An acknowledgment that movant understands that the Court may cause a criminal record check to be made prior to appointment.

Any appointment as Standing Special Process Server is solely within the discretion of this Court and will continue for an indefinite period of time until terminated by Rule or Order of the Court.

Any Standing Process Server may be terminated or removed with or without cause by a majority vote of the Judges of the Court of Common Pleas – General Division.

19.03 Standing Special Process Server Proposed Order:

The applicant requesting designation shall also submit an order as follows:

"In Re: The Appointment of (name of applicant):

(Name of applicant) whose business (or residence) address is (applicant's business or home address) has complied with the provisions of the Trumbull County Common Pleas Court – General Division's Local Rules of Court and Ohio Civil Rules 4 through 4.5.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that said (name of applicant) is hereby designated as Standing Special Process Server and that said (name of applicant) is hereby authorized to make service of process in all cases filed in the Trumbull County Common Pleas Court – General Division, and to serve in such capacity until further Order of the Court."

Said Order shall be signed by the Administrative Judge of said Court, or in his/her absence, by any Judge of said Court.

The Clerk shall record such appointment on the Court's General Docket, and shall retain the original motions (applications), affidavits and entries. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such Order as satisfying the requirements of Civ.R.4.1(B) for designation by Order of the Court of a person to make service of process.

RULE 20

PRO HAC VICE

An attorney, not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state, District of Columbia, the Commonwealth of Puerto Rico, or territories of the United States may, in the discretion of the assigned judge, be permitted to represent a party or parties in any litigation pending or to be filed in the county upon complying with the following as required by the Supreme Court Rules for the Government of the Bar of Ohio:

A. The attorney must file the certificate of pro hac vice registration from the Ohio Supreme Court;

B. The attorney must file an affidavit identifying the jurisdictions in which the attorney has ever been licensed to practice law, including the dates of admission to practice, resignation or retirement and any attorney registration numbers;

C. The attorney must file an affidavit stating that the attorney has never been disbarred and whether the attorney is currently under suspension or has resigned with discipline pending in any jurisdiction the attorney has ever been admitted;

D. The attorney must file an affidavit stating that the attorney has not been granted permission to appear pro hac vice in more than three proceedings before Ohio tribunals in the current calendar year;

E. The attorney must include the name and attorney registration number of an active Ohio attorney, in good standing, who has agreed to associate with the attorney.

The motion may be set for a hearing at the discretion of the assigned judge or magistrate. The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out of state counsel.

RULE 21

MEDIATION

21.01 Uniform Mediation Act and Definitions:

Revised Code Chapter 2710, the "Uniform Mediation Act" (UMA), including all definitions found in R.C. 2710.01, are incorporated herein by reference, made a part hereof and are adopted by this Court through this Local Rule. Frequently-used definitions include:

A. Mediation.

Mediation means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

B. Mediator.

Mediator means an individual who conducts a mediation.

C. Mediation Communication.

Mediation Communication means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for the purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

D. Non-Party Participant.

Non-Party Participant means a person other than a party or mediator that participates in a mediation.

21.02 Governance of Mediation:

All mediations shall be conducted in accordance with the provisions of the Ohio UMA contained in Revised Code Chapter 2710, Rule 16 of the Rules of Superintendence and Rule 408 of the Ohio Rules of Evidence, all of which are incorporated herein.

21.03 Cases Eligible for Mediation:

The Court has discretion to encourage parties to use mediation in any civil action filed in this Court, unless otherwise prohibited by this rule or law. The assigned judge or magistrate may refer any case to mediation at any point with or without the consent of the parties or counsel. The Court may issue an order sua sponte, upon the motion of counsel, upon request of a party, or upon referral by the mediator. The parties may unanimously agree and request that a case be referred to mediation.

21.04 Exclusions from Mediation:

Mediation is prohibited in the following:

A. As an alternative to the prosecution or adjudication of domestic violence;
B. In determining whether to grant, modify, or terminate a protection order;
C. In determining the terms and conditions of a protection order;
D. In determining the penalty for violation of a protection order.

Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetuated domestic violence.

21.05 Confidentiality in Mediation Communications:

General

All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This

court may impose penalties for any improper disclosures made in violation of this rule.

By participating in mediation, a non-party participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

Exceptions

All mediation communications are confidential with the following exceptions:

A. Parties may share all mediation communications with their attorneys;
B. Certain threats of abuse or neglect of a child or an adult;
C. Statements made during the mediation process to plan or hide an ongoing crime;
D. Statements made during the mediation process that reveal a felony.

21.06 Referral Resources:

The Court Administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children's Services, domestic violence prevention, counseling, substance abuse and mental health services.

21.07 Mediator Training and Education:

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation, as well as all other qualification requirements which may be imposed by law.

21.08 Mediator Selection and Assignment:

Specific mediation assignments may be made by the judge or magistrate taking into consideration the qualifications, skills, expertise and caseload of the mediator in addition to the type, complexity and requirements of the case.

The parties may request leave to select a mediator without guidance from the court. The parties may unanimously agree to submit any pending case to private mediation before a mediator selected by the parties and who may or may not meet the qualifications, education and training requirements set forth by law and this rule. Such private mediation shall be at the parties' expense. The court shall not be responsible for the quality of such private mediators selected by the parties.

21.09 Scheduling Mediation:

In accordance with all applicable provisions of this rule, upon assignment of a case to mediation, the court and/or the mediator may schedule the case for mediation at the court's or mediator's discretion. However, in most cases, an attempt may be made to consult with counsel and/or the parties in order to select a date and time amenable to all parties and within the confines of the court's schedule.

Once a case has been scheduled for mediation, it may be continued upon the request of any party for good cause shown. The party requesting the continuance shall first contact all other counsel or unrepresented parties to obtain their consent. If an objection is made to any requested continuance, the party requesting the same shall file a motion with the court indicating the other parties' position and any objecting party may respond. Upon the grant of any continuance, it shall be the responsibility of the requesting party to (a) contact all other counsel and/or unrepresented parties to advise them of the continuance and (b) to arrange for a rescheduled date. The mediation may, in the discretion of the judge or magistrate, be continued. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance.

A mediator may meet or otherwise communicate with the parties and/or their counsel together or separately for any reason. A mediator has discretion to schedule multiple mediation sessions if necessary.

21.10 Objection to Mediation:

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven (7) days of receiving notice of the referral or appointed mediator and explain the reasons for any opposition.

21.11 Party/Non-Party Participation:

Parties who are ordered into mediation shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

If the opposing parties to any case are (1) related by blood, adoption or marriage; (2) have resided in a common residence; or (3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have the duty to participate in any screening required by the court.

21.12 Attendance at Mediation/Authority to Settle:

Unless otherwise ordered or permitted by the court or the mediator, the following persons shall be in attendance at the mediation session:

A. All individual parties; an officer, director, or employee having full authority to settle the claim on behalf of a corporate party; in the case of a government entity or agency, a representative with full authority to negotiate on behalf of the entity or agency and to recommend settlement to the appropriate decision-making body; and

B. Each party's legal counsel, if any; and

C. All parties or representatives of parties specifically ordered by the Court or the Mediator to be in attendance, and

D. A representative of the insurance carrier for any insured party who has full authority to settle the claims.

E. If geographic distance or physical disability prevents a participant from attending personally, the court or mediator has discretion to permit participation by electronic or other means. Attendance by a means other than in person must be approved in advance by the court or mediator.

If any party identified herein fails to attend a duly ordered mediation without good cause, the Court may impose sanctions including, but not limited to, an award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the court.

21.13 Mediation Resolutions:

It shall be the responsibility of the parties and counsel to accurately and expeditiously formalize any settlement or partial settlement achieved at the mediation, including, but not limited to the preparation and execution of any and all settlement documents and appropriate judgment entries to be submitted for the Court's consideration.

In no event may the mediator be compelled for any purpose to act as a witness, consultant, attorney, or expert in any pending or future actions relating to the dispute, including actions between persons not parties to the mediation process.

21.14 Case Management Pending Mediation:

Unless the proceedings are stayed by Court order during the process of

mediation, the parties shall continue to engage in discovery or other trial preparation and the Court shall continue to manage the case on its trial docket. No matter is stayed or suspended pending the mediation except by court order.

Parties shall remain mindful of their dispositive motions and discovery deadlines imposed by the Court and shall not abuse the mediation process to avoid or extend such case management calendars.

21.15 Mediation Statements:

Unless otherwise ordered by the Court, it is within the discretion of the parties and/or their respective counsel to submit written mediation statements. Any party submitting a written mediation statement should do so at least five (5) business days in advance and the statement shall indicate whether it is being submitted confidentially or is being shared with the other parties.

Mediation statements, if submitted, are not to be filed with the Clerk of Courts. Parties shall submit the statement directly to the mediator.

21.16 Continuation/Adjournment:

It shall be within the discretion of the mediator as to whether the mediation has reached an impasse and should be adjourned and/or continued to a later date.

21.17 Mediator – No Legal Advice/Public Access:

The efforts of the mediator shall not be construed as giving legal advice.

Any notes or files maintained by a mediator but not filed with the court shall not be available for public access.

21.18 Fees and Costs:

The court may impose fees and costs for mediation services upon the parties. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs

for an indigent party. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

21.19 Evaluation, Comments and Complaints:

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints or feedback regarding the performance of the mediators receiving referrals from the court.

RULE 22

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

22.01 CQE Application Procedure:

This rule sets forth the procedural requirements for consideration of an application (also called a "Petition") for a Certificate of Qualification for Employment ("CQE") as set forth in R.C. 2953.25 and related rules established by the Department of Rehabilitation and Corrections ("ODRC").

In order to apply for a CQE, a Petition for Certificate of Qualification for Employment form (Form 22A) shall be filed with the Clerk of Courts by the Petitioner. The Petitioner shall provide their assigned ODRC Electronic Petition Identification Number on Form 22A, and shall attach to that form a copy of their fully completed Electronic Petition as submitted to the ODRC.

22.02 Deposit:

Before any action is required to be taken on the Petition, the Petitioner must deposit with the Clerk an application fee in the amount of $50.00. Payment of this fee may be made in a form accepted the Clerk. A Judge may waive some or all of the fee otherwise required by this Rule. The Petitioner must submit an Affidavit of Indigency (Form 22B) if requesting a waiver or reduction in the application fee.

22.03 Character of CQE Information:

Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.

22.04 CQE Assignment:

Upon receipt of a Petition and the required deposit, the Clerk of Courts shall assign the Petition a "CQE" case number and randomly assign the matter to a trial judge.

22.05 Petitioner History:

The Court shall direct the Probation Department to obtain a criminal history for the Petitioner and to attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense. The Court shall then direct the Clerk to send a Notice to Court Regarding Petition for Certificate of Qualification for Employment form (Form 22C) and a Submission of Information Regarding Petition for Certificate of Qualification for Employment form (Form 22E) to each court so identified via ordinary US mail. The Clerk of Courts shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment form (Form 22D) and a Submission of Information Regarding Petition for Certificate of Qualification for Employment form (Form 22E) to the Trumbull County Prosecuting Attorney.

22.06 Review:

The Court shall review the Petition, the criminal history and all other relevant information and evidence as set forth in R.C. 2953.25(C)(1). Further, the Court may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision.

Following receipt of all necessary information, the Court shall decide whether to grant or deny the Petition within 60 days, unless the Petitioner requests and is granted an extension of time.

22.07 Notice to Petitioner:

The Court shall provide written notice to the Petitioner of the decision together with a copy of the Judgment Entry. If the Petition is denied, the written

notice must notify the individual of any conditions placed on subsequent filings for a CQE. The Court shall also notify the ODRC of the disposition of the petition and, if granted, order the ODRC to issue a CQE to Petitioner.

RULE 23

CREATION OF SPECIALIZED CRIMINAL DOCKET

TRUMBULL COUNTY DRUG COURT

In order to coordinate and integrate substance abuse treatment and other related services to low-level felony offender with drug dependency problems, in the interest of reducing substance abuse, crime, and recidivism, the Court hereby creates, pursuant to Sup.R.36.02 effective January 1, 2013, the following specialized docket: TRUMBULL COUNTY DRUG COURT.

23.01 Advisory Committee:

A Drug Court Advisory Committee is hereby established to provide input on Drug Court policies and operations, whose members shall serve at the discretion of the Drug Court Judge, so designated from amongst the Common Pleas Judges. Additionally, A Drug Court Team is hereby established, and shall consist of the Drug Court Judge, a Drug Court Coordinator, the Prosecuting Attorney, the Public Defender Office, NEOCAP, the Adult Probation Department and such other members as deemed necessary and proper by the Drug Court Judge.

23.02 Placement on Trumbull County Drug Court Docket:

Criminal defendants may participate in the post-conviction Drug Court Program, at the discretion of the originally-assigned Judge, the Prosecuting Attorney, and the Drug Court Team. There is no legal right to participate in the Drug Court program, and the decisions of the Trumbull County Prosecutor and the Drug Court Team regarding admission are final. In order to have his/her case placed on the Drug Court Docket, a defendant must satisfy all of the following conditions:

Post-Conviction Program:

A. The defendant must apply for acceptance into the Post-Conviction Drug Court Program on an application form made available by the Trumbull County

Prosecuting Attorney, who shall make the initial determination as to eligibility. In order to be eligible for the Post-Conviction Drug Court Program, applicants must meet the following criteria:

1. The defendant cannot be charged with O.V.I., drug trafficking, sex offenses, offenses involving the use of a deadly weapon, offenses involving children as victims, or violent offenses involving a victim with a serious injury, or any offense with facts or circumstances that the Trumbull County Prosecutor deems to make the defendant ineligible.

2. The defendant must have a substance abuse/dependency problem, and must reside in Trumbull County.

3. There must be no crimes of violence in the defendant's past, unless waived by the Trumbull County Prosecutor.

B. Upon being approved for Post-Conviction Drug Court by the Prosecuting Attorney and the Drug Court Team, a defendant shall, upon being properly advised of all constitutional rights and in open Court, enter a plea of "guilty" to the felony offense. The Court shall order a preliminary drug and alcohol assessment from a licensed treatment provider. The defendant must fully cooperate and comply with all requirements placed upon him/her by the Adult Probation/Adult Parole Authority and licensed treatment providers during the assessment/evaluation process. Once the assessment process is successfully completed, the Drug Court Team shall meet to assess the defendant's suitability for Drug Court and devise a treatment plan.

C. The Drug Court Team shall notify the Court of its determination as a defendant's acceptance into program and the devised treatment plan. The Court then may in its sole discretion, adopt the recommendations of the Drug Court Team and sentence the defendant to complete the Drug Court Program as a condition of a sentence of community control. An application by a defendant to enter the Drug Court Program operates as an effective waiver of a pre-sentence investigation. The Court may further sentence a defendant to complete the Drug Court Program as a result of a community control violation or as a condition of

judicial release. If sentenced to the Drug Court Program, the defendant shall execute a Drug Court Participation Agreement, accepting the terms and conditions of participation in the Trumbull County Drug Court Program Handbook, both of which are fully incorporated herein by reference.

23.03 Drug Court Assignment:

Once the defendant has been properly referred to Drug Court, and in the event that his/her case is not already assigned to the docket of the designated Drug Court Judge, his/her case shall be reassigned to the docket of the Drug Court Judge.

23.04 Rejection for Drug Court:

Cases rejected for Drug Court at any stage of the above-described process shall proceed normally on the docket of the Judge to whom their case was originally assigned.

23.05 Drug Court Case Management:

All case management action for cases on the Drug Court docket shall be according to the specific procedures set forth by the designated Drug Court Judge, with case management services coordinated by the Drug Court Coordinator. However, the Drug Court Judge shall have the primary responsibility for case management.

23.06 Removal of Cases from Drug Court Docket:

If a defendant is unsuccessfully terminated from the Post-Conviction Drug Court Program for any reason, pursuant to the criteria and procedure set forth in the Drug Court Program Description, then the Adult Probation Department shall file a complaint on violation of community control and his/her case shall be returned to the regular criminal docket. In such event, the defendant's case shall

not return to the docket of the originally assigned judge, but shall be placed on the regular criminal docket of the Drug Court Judge.

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

IN RE:

CASE NO.:

DRC NO.:

JUDGE:

PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned hereby petitions for a Certificate of Qualification for Employment (see attached Exhibit A) with the Court of Common Pleas where the Petitioner resides. Petitioner claims to have suffered a collateral sanction that is related to employment or occupational licensing as a result of one or more convictions or pleas of guilty to an offense. If filing is made directly with the Court, Petitioner also asserts no time has been served on a term in a state correctional institution or in a department-funded program.

Respectfully Submitted,

_____
Signature

_____
Name

_____
Street Address

_____
City State Zip

_____
Phone Number

_____
Email

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

IN RE:

CASE NO.:

DRC NO.:

JUDGE:

AFFIDAVIT OF INDIGENCY

I, _____, being first duly sworn, do hereby state:

1. I am a party in the foregoing action;
2. I am without funds to pay the costs of this action at this time;
3. I would be deprived of the necessities of life in order to pay these court costs at the time of filing;
4. I understand that I must inform the court if my financial situation should change before the disposition of my case;
5. I understand that I am subject to criminal charges for providing false information;
6. I understand that if it is determined by the court that I was not entitled to the suspension of court costs provided to me, I may be required to pay the court costs immediately.

I am requesting that the filing fee and security deposit, if any, be waived.

_____
Affiant

Sworn to, or affirmed, and subscribed in my presence this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

NOTE: This affidavit must be executed not more than six months prior to being filed in the court. Affidavits not in compliance will be rejected for filing by the Clerk.

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

IN RE:

CASE NO.:

DRC NO.:

JUDGE:

NOTICE TO COURT REGARDING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within seven days.

CLERK OF COURTS,

_____
DATE

_____
Trumbull County Clerk of Courts
161 High Street NW
Warren, OH 44481

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

IN RE:

CASE NO.:

DRC NO.:

JUDGE:

NOTICE TO PROSECUTOR REGARDING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (a copy of the Petition is available to be viewed on CourtView). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within seven days.

CLERK OF COURTS,

_____
DATE

_____
Trumbull County Clerk of Courts
161 High Street NW
Warren, OH 44481
330-675-3051

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

IN RE:

CASE NO.:

DRC NO.:

JUDGE:

SUBMISSION OF INFORMATION REGARDING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned voluntarily submits the following information regarding the above captioned Petition. NOTE: It is not necessary to submit any or all of the information listed below.

1. Please check one of the following:
   - o I recommend the Petitioner receive a CQE.
   - o I do not recommend the Petitioner receive a CQE.
   - o I have no opinion.

   If you marked "recommend" or "do not recommend," please comment below:

2. The Petitioner did/did not (circle one) successfully completed community control sanctions. Comments:

3. The Petitioner does/does not (circle one) owe any outstanding monies. Comments:

4. Additional Comments:

Respectfully Submitted,

_____
Signature

_____
Name of Person Submitting Information

_____
Position (if victim, indicate here _____)

_____
Name of Organization: Court, Prosecutor's Office, Other

_____
Street

_____
City, State Zip

_____
Phone Number

_____
Email