

RULES OF PRACTICE AND PROCEDURE
of the
COURT OF COMMON PLEAS
GENERAL DIVISION
of
SUMMIT COUNTY, OHIO

(as of September 18, 2026, 2026)

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Applicability; Authority; Citation

These rules shall be known as the Rules of the Court of Common Pleas, General Division of Summit County, Ohio (hereinafter “Court”) and may be cited as Summit County Rules, or S.C. Rules. These rules have been promulgated by the Court of Common Pleas of Summit County, Ohio, General Division, pursuant to Article IV, Section 5 of the Ohio Constitution for the purpose of promoting the administration of justice by conforming the rules of this Court to the Ohio Rules of Civil Procedure and the Rules of Superintendence of the Supreme Court of Ohio and by providing for the efficient and expeditious management of business before this Court with due regard to local practices and requirements.

These rules shall supersede all previous rules and amendments. However, these local rules are not meant to supersede the Rules of Superintendence for Common Pleas Courts established by the Supreme Court of Ohio or the Ohio Rules of Civil Procedure. Any local rules in conflict therewith shall be rendered void and of no force and effect.

As used in these Rules, “Clerk” shall refer to the Summit County Clerk of Courts.

1. Divisions

1.01 Divisions

The Summit County Common Pleas Court shall consist of four divisions:

- (1) General Division
- (2) Domestic Relations Division
- (3) Juvenile Division
- (4) Probate Division

The judges elected by law to each division shall handle the business of their respective divisions in accordance with the Constitution and the laws of Ohio and the Rules of the Supreme Court. The judges of the Domestic Relations, Juvenile, and Probate Divisions shall adopt rules of practice and procedure for their respective divisions. The rules herein apply only to the General Division, except as otherwise specified.

The Summit County Court of Common Pleas General Division shall maintain a website at the following link: <https://www.summitpcourt.net>. Said website shall include at least the following information:

- (1) contact information for each individual judge's courtroom;
- (2) electronic access for each individual judge's virtual courtroom;
- (3) juror information; and
- (4) adult probation information.

2. Terms of Court and Hours of Court Sessions

2.01 Court Sessions

The Court shall be in continuous session for the transaction of judicial business. The session shall commence on the first Monday of the month of January, except when said first Monday is a holiday, in which case the Court session shall commence on the second Monday of January. The session shall end on the last business day before the start of the subsequent session.

2.02 Grand Jury Session

The Grand Jury sessions shall be divided into six sessions designated as January, March, May, July, September, and November sessions. These sessions shall commence during the first week of the designated months. The specific day of the week the sessions shall commence will be at the discretion of the Presiding Judge.

2.03 Jury Year

The jury year for the Summit County Common Pleas Court shall commence on the first **day** of August and end on the 31st day of July of the following calendar year.

2.04 Hours

The hours for holding the regular sessions of the Court shall be from 8:00 a.m. to 4:00 p.m. Monday through Friday of each week, except on those days designated by law as legal holidays. Each judge may establish earlier opening or later closing times as required to handle the business of the Court.

2.05 Emergency Closing of the Court

In the event of an emergency situation that requires the Court to close, the Administrative Judge, in consultation with the other Summit County Court of Common Pleas General Division Judges, shall issue an order closing the Court and shall cause said order to be broadcast to the public through a list maintained by the Public Information Officer.

3. Presiding Judge

3.01 Presiding Judge

The judges of the Summit County Court of Common Pleas, by a majority vote of the judges of the court, shall elect a presiding judge from the judges of the court. If the judges are unable, for any reason, to select a Presiding Judge as set forth herein, they shall follow the procedure set forth in Sup.R. 4.

The term of the presiding judge shall be one year beginning on the first day of January. A presiding judge may be elected to consecutive terms and may serve as administrative judge pursuant to Sup. R. 4. The presiding judge shall notify the administrative director of the Supreme Court of his or her election by the fifteenth day of January.

The designation or election and term of the Presiding Judge shall be determined in accordance with Sup.R. 4.00.

3.02 Meetings

The Presiding Judge shall call and chair at least one meeting during each term established under Local Rule 3.01 of all judges in all divisions, for the purpose of discussing and resolving administrative problems common to all divisions of the court.

3.03 Committees

The Presiding Judge shall appoint such committees as are authorized by a majority vote at a regularly called meeting of all judges in all divisions of the Court.

3.04 Assignment of Judges

The Presiding Judge shall assign judges from one division of the Court to serve another division as the business of the Court shall require.

3.05 Petit Jury and Grand Jury

The Presiding Judge shall supervise the Petit Jury and Grand Jury at each successive session of Court.

3.06 Additional Duties

The Presiding Judge shall perform such additional duties as may be required by rule of this Court or by rule of the Ohio Supreme Court.

4. Administrative Judge

4.01 Selection

Each division of the Common Pleas Court shall, by majority vote of the judges in their division, select one of their number as Administrative Judge. Such judge shall be selected annually and may be re-elected.

4.02 Alternate Method of Selection

If the judges are unable, for any reason, to select an Administrative Judge as set forth in Local Rule 4.01, they shall follow the procedure set forth in Sup.R. 4.10.

4.03 Presiding Officer

The Administrative Judge shall be the presiding officer of the division and shall have full responsibility for and control over the administration, docket and calendar for that division. **Subject to Sup.R. 4.12**, the Administrative Judge shall have full responsibility for the budget and personnel of the division.

4.04 Case Assignment

Subject to the provisions of these Local Rules, the Administrative Judge shall supervise the assignment of cases to the judges within the division and shall obtain reports as necessary from each judge concerning the status of assigned cases to assist in discharging the overall responsibility for compliance with the Rules of Superintendence for the Courts of Common Pleas, and for the timely termination of cases in the division.

4.05 Duty Judge

Pursuant to the adoption of the Rules of Practice and Procedure of the Court of Common Pleas, the schedule for the Duty Judge for each calendar year shall be kept on file with the Director of Operations and the Court Executive Officer. The authority of the Duty Judge is as follows:

(A) Administrative Judge

Unless the Administrative Judge designates a currently-sitting Summit County Court of Common Pleas General Division Judge authority to act in the Administrative Judge's absence, the Duty Judge shall perform the functions of Administrative Judge when the Administrative Judge is absent and the matter cannot wait for the return of the Administrative Judge.

(B) Trial Judge

The Duty Judge shall perform the ministerial matters of a Trial Judge when the Trial Judge is absent and will not be returning for three court days. "Ministerial matters" shall not include:

1. Default Judgments;
2. Dismissal Entries not agreed to by all parties;
3. Continuances, not previously approved by the Trial Judge;
4. Appointment of counsel;
5. Entries reflecting a ruling of the Trial Judge which has not been approved by all parties (including all ex parte orders).

Nothing in this Rule shall preclude the Trial Judge from authorizing another currently-sitting Common Pleas General Division Judge from ruling on matters in the Trial Judge's absence.

(C) Emergency Matters

The Duty Judge shall handle emergency matters for a Trial Judge who is unavailable. The Duty Judge shall be further responsible for various matters of immediate concern, including but not limited to, criminal search warrants. The Administrative Judge shall perform such tasks assigned to the Duty Judge in the event that the Duty Judge is unavailable.

4.06 Designated Assignment Judge

Pursuant to the adoption of the Rules of Practice and Procedure of the Court of Common Pleas, the schedule for the designated Assignment Judge for each calendar year shall be kept on file with the Criminal Assignment Commissioner and the Court Executive Officer.

The Administrative Judge shall perform the functions of the designated Assignment Judge when the designated Assignment Judge is absent and the matter cannot wait the return of the designated Assignment Judge.

4.07 Representative of the Court

The Administrative Judge or an appointed representative may represent the Court at all public or civic functions.

5. Notifications and Notification Fees

5.01 Official Daily Journal

The official daily law journal of the Court shall be **The Akron Legal News**, in which trial calendars of the Court shall be published, containing the case number, caption and names of the attorneys appearing herein. Also published shall be such notices and particulars regarding causes as may be required by any judge of this Court or by statute, except as hereinafter stated.

5.02 Designation Not Exclusive

The designation of **The Akron Legal News** for publication of legal notices is not exclusive. A judge of this Court may designate another newspaper in which such notice(s) shall be published. However, in all cases where no specific designation is made, publication shall be made in **The Akron Legal News**, which shall publish an abstract of each such legal notice once a week and on the same day of each week, for the number of weeks specified by statute or by Court order.

5.03 Notification by Post Card or Electronic Means Permitted

Notification by the Court to counsel of any assignment of any case for any purpose may be by postcard or by email on file with the Court.

5.04 Failure of Mail Delivery

Where mail notification is provided for by these rules or is otherwise given, failure of delivery of such mail notification shall not excuse counsel from the responsibility for appearance where such notice has also been given by publication in **The Akron Legal News**, as provided by Rule 5.01.

5.05 Fees for Publication

For publication of such calendars and notices for which the fees are not fixed by law, the publisher of **The Akron Legal News** shall receive the sum of \$14.50 for each case, to be paid by the party filing the complaint, petition, administrative appeal, notice of appeal, or lien. For the publication of abstracts of legal advertising, the publisher of **The Akron Legal News** shall receive the sum of \$5.00 for each case, matter, or proceeding requiring such advertisement, all to be taxed and collected as part of the court costs by the Clerk of Courts. An abstract shall be such legal advertising, minute reporting, or condensation of the case as described by Ohio Revised Code 2701.09.

5.06 Invoice for Publication

Publishing fees for legal advertising, other than for Sheriff's Sales, will be billed by the publisher directly to the attorney or person responsible for the same. Proof of said publication will be delivered to the Clerk at the conclusion of the advertising, upon receipt of the fee by the publisher. Under certain circumstances where the publisher feels that collection of such fees may be a problem, the publisher is authorized to collect the fees prior to typesetting and starting the publication.

(A) Deposit for Notice of Sheriff's Sale

The Clerk shall collect an advance deposit in the amount of Two Hundred Twenty Dollars (\$220.00) for publication of Notice of a Sheriff's sale. This fee shall be held by the Clerk and paid to the publisher upon receipt of proof of publication at the conclusion of the advertising. If the fees for such publication exceed the amount of the deposit, the additional amount shall be taken from the proceeds of the sale and paid to the publisher no later than thirty (30) days after the date of the sale.

(B) Deposit for Notice of Chattel Sale

The Clerk shall collect an advance deposit of \$20.00 for publication of Notice of a Chattel Sale by the Summit County Sheriff's Office. Payment to the publisher shall be made in the same manner as in Rule 5.06(A).

(C) Exceptions

Governmental agencies are excluded from the provisions of this rule and payment for government legal advertising.

6. Case Initiation and Assignment

6.01 Method of Assignment

Judges shall be responsible for the trial and disposition of all civil and criminal cases assigned to their dockets. The judge assigned to a case by lot shall have sole responsibility for the determination of every issue and proceeding in the case until its termination or reassignment.

Unless authorized by the judge to whom the case has been assigned, no judgments or orders of any nature shall be made in a case except by a judge to whom the case has been assigned. As used throughout the entirety of these Local Rules, whenever the term “Judge,” “Trial Judge,” “Court,” or other similar terms are used to refer to the specific handling of a case or courtroom matter, it shall be understood to mean that the authority to determine the matter lies solely with the judge or magistrate to whom the case has been assigned or referred.

6.02 Civil Cases

There shall be, for case administrative purposes within the Common Pleas Court – General Division, sub-classifications of civil cases.

At the time of filing a complaint, the Clerk shall, through its electronic filing system, accept for filing all civil cases and cause an assignment of judge by the electronic random selection process unless otherwise stated in these Local Rules. The assigned judge’s name will be stamped on all documents submitted through the electronic filing system.

A party who cannot file their cause electronically must file a request to be exempt from electronic filing and must state the reason for the requested exemption. The request must be approved by the assigned judge, or, in the absence of the assigned judge, the duty judge. For initial complaints not yet assigned to a judge, the request for exemption shall be submitted to the Administrative Judge or the Duty Judge prior to filing.

6.03 Criminal Cases

When a bindover from a Juvenile Court, Municipal Court or a Bill of Information is received by the Clerk, the Deputy Clerk shall assign it a case number, stamping the number on the case file and the transcript. .

For purposes of the Order of Appointment of Counsel pursuant to Local Rule 15.03(A), a case is considered a General Division Common Pleas Court case when the Clerk of Courts has received the document from the municipal court, Juvenile Court bindover, or direct indictment agency and has assigned it a Common Pleas Court criminal case number. Pursuant to Local Rule 15.03(B), a case shall be randomly assigned to a Trial Judge following indictment by the grand jury.

6.04 Refiled Cases

All cases refiled with the Clerk's Office which were dismissed on a previous occasion shall be immediately assigned to the original docket identified on the case designation form. In the event a case is incorrectly assigned to a judge, an order transferring a previously filed case or related case to another judge should be entered within 120 calendar days from the date of the filing of the new complaint in the new case.

If a case is dismissed and subsequently refiled, the refiled complaint shall contain under the case number the statement: "This is a refiled case", and the name of the judge to whom it was previously assigned.

6.05 Vexatious Litigator Filings

(A) If a vexatious litigator declaration was made by the Summit County Court of Common Pleas, the vexatious litigator must obtain a signed order granting leave to plead from the declaring judge or successor judge before any filing will be accepted. If the declaring judge or successor judge is unavailable, the Administrative Judge may decide the leave determination or refer the leave determination to another judge of this Court. The Administrative Judge shall provide written notice to the vexatious litigator that the filing has been held pending a grant of leave to proceed.

(B) If the vexatious litigator declaration was issued by a court other than the Summit County Court of Common Pleas, the vexatious litigator must obtain a signed order granting leave to plead from that court. This Court has no authority to grant leave to plead for other declaring courts.

(C) The Summit County Clerk of Court shall not accept for filing any pleading by a vexatious litigator without leave from the declaring court. The Summit County Clerk of Court shall assign a miscellaneous civil designation for administrative tracking purposes only. The Summit County Clerk of Court shall maintain a list of vexatious litigators and a link to the Ohio Supreme Court list.

(D) A person who has been declared a vexatious litigator must file a "Notice of Vexatious Litigator" with every pleading and identify the court that declared that person a vexatious litigator.

(E) All vexatious litigator filings shall be referred to the General Division Magistrate for initial review before adjudication.

7. Specialty Courts

7.01 Specialty Courts Generally

Criminal cases found to be eligible for a court's specialty docket will be transferred to the appropriate specialty docket in accordance with these Local Rules.

7.02 Specialty Courts Established in Summit County

The following Specialty Courts and/or Specialty Dockets are hereby established in Summit County and shall keep and control the individual rules for each Specialty Court or Specialty Docket:

1. Summit County Turning Point Program
2. Domestic Violence Court
3. HOPE Mental Health
4. Valor Court

These rules shall be maintained and regularly updated to ensure compliance with Sup.R. **7.00, et seq.** and Appendix I of the Rules of Superintendence.

8. Pleadings and Filing of Documents

8.01 Form of Pleadings

(A) Size and Style

All papers filed in any action or proceeding shall be filed on 8-1/2" x 11" paper under the style and number of the case and shall include the name of the judge to whom the case is assigned, a notation as to the type of case (i.e., Breach of Contract, Personal Injury), a short description of the type of pleading, and any other information required by the Ohio Rules of Civil Procedure. All papers shall remain in the Clerk's office except when required by the Court.

(B) Form for Initial Caption

The face caption of all pleadings filed over the counter in civil cases shall provide a blank space of approximately three inches (3") in diameter on the upper right portion of the page, sufficient to permit a time-stamp imprint. After the complaint is filed, the Deputy Clerk shall stamp the name of the assigned judge on the pleading.

(C) Certificate of Service

Every written pleading, motion, brief, memorandum or argument, filed with the Court or judge, shall be served upon all opposing counsel or upon all parties not represented by counsel, and proof of such service shall be shown on or attached to such written pleading, motion, brief, memorandum, or argument. No such paper filed with the Court or judge without such Certificate of Service, shall be considered by any judge, except trial briefs where it has been agreed by counsel that they shall not be exchanged.

(D) Attorney Registration Number

All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio, office address, direct phone number, individual email address and fax number on all documents filed with the Court.

8.02 Redaction of Information

(A) Personal and Private Information in Documents filed with the Clerk of Courts

1. Personal and private information includes, but is not limited to:
 - a. Social Security Numbers
 - b. Financial account numbers
 - c. Names of Minor Children
 - d. Information protected by law from public disclosure

2. Filing parties and/or legal counsel shall not include personal and private information in any document filed with the Court unless such inclusion is necessary and relevant to the case. This requirement extends to and includes exhibits or addenda attached to filings, such as financial reports which use social security numbers as case numbers or medical records.
3. If personal and private information is necessary and must be included in a document, the filing party shall partially redact the following personal and private information from the pleadings as follows:
 - a. Social Security Numbers: If the individual's Social Security number must be included in a document, only the last four digits of that number should be used.
 - b. Financial Account Numbers: If financial account numbers are relevant, only the last four digits of these numbers should be used.
 - c. Names of Minor Children: If the involvement of a minor child must be mentioned, only the initials of the child should be used.
 - d. The responsibility for redacting these personal identifiers rests solely with counsel and their parties. The Clerk will not review each document for compliance with this rule.
4. Entries and orders that necessarily include personal and private information shall partially redact the personal and private information as outlined in (A) (3) of this rule unless it is absolutely necessary to include all digits or other data in that information. In the event it is absolutely necessary to include all digits or other data in that information, the Clerk will have the authority to redact the personal and private information from public view.
5. The Clerk of Courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this rule.

8.03 Filing of Evidence

(A) Written Deposition Transcripts Filed Electronically

All written deposition transcripts that are to be used in trial or hearing or in support of any motion, including attachments and/or exhibits, shall be electronically filed by the attorney of record through the Clerk's electronic filing system. Pursuant to **Sup. R. 11.13**, the attorney of record shall omit or redact all personal and private information from the written deposition transcript prior to filing the deposition.

(B) Filing of Audio/Video of Deposition Transcript

The Court will not accept or permit the audio/video version of a deposition transcript to be presented during trial or hearing unless a written transcript of the deposition has been filed by the attorney of record through the Clerk's electronic filing system.

8.04 Continuances

(A) When a case has been assigned a trial date, no continuances may be granted except upon showing good cause to the assigned judge. Any motion for continuance shall be in writing, state the reason for the continuance, and shall be signed by both counsel and the party requesting the continuance, unless the judge waives this requirement on a showing of good cause.

(B) A party moving to continue a hearing that is within fourteen (14) days of the hearing shall certify the requesting party conferred with or attempted to confer with all other parties, and shall state the other parties' consent, opposition, or lack of response, in the motion. Motions to continue may be summarily denied for failure to comply with this rule.

(C) Unless the assigned trial judge has previously ordered otherwise, if the assigned judge is unavailable for a period of more than twenty-four (24) hours, to consider a request for continuance, the request may then be made to the Administrative Judge. The Administrative Judge may hold a hearing, and, upon showing of good cause, grant the continuance. However, such hearing by the Administrative Judge shall be confined to emergencies where the trial date is imminent, and it appears that the assigned judge will be unable to rule on the requested continuance within a reasonable time before the trial date.

8.05 Leaves to Plead

In all cases, a party desiring a leave to plead shall adhere to the following procedures:

(A) First - By Certification

When no previous leave to plead has been taken, a party may obtain one automatic leave to plead by filing a certification stating that no previous extensions or leaves to plead have been obtained by that party in that particular case. Such leave to plead may not be for more than twenty-one (21) days, and a copy of the certification must be served upon opposing counsel.

(B) Second - By Stipulation

One additional leave to plead may be obtained by a party for a period of not more than twenty-one (21) days by the filing of a stipulation indicating consent by opposing counsel to the leave to plead. In such stipulation, the party obtaining the leave to plead shall certify the number of extensions of time previously obtained by that party in that case, and the total length of time of those extensions.

(C) Additional Extensions

Except as provided herein, additional extensions of time may be obtained only upon order of the assigned judge. Application for such leaves to plead shall be made by written motion setting forth the number of previous extensions obtained by the moving party and the total length of time of those extensions.

8.06 Motions

(A) Form of Motions

Every motion filed shall be accompanied by a brief stating the grounds upon which it is based, and a citation of authorities relied upon to support the motion. Every motion so filed shall be deemed submitted and shall be determined upon the written statements of reasons in support or opposition, as well as the citation of authorities. At any time after fourteen (14) days from the date of filing of the motion, except in the case of a motion for summary judgment, the assigned judge may rule upon the motion. In the interest of justice, the assigned judge may enter a ruling at an earlier date if so required.

(B) Oral Argument

Counsel may request oral argument on any motion. However, the granting of such oral argument will be at the sole discretion of the assigned judge. If oral argument is granted, it will be heard at a time set by the assigned judge. Notice by telephone to counsel's office from the assigned judge's staff shall be deemed sufficient notice of the time and place of hearing.

8.07 Judgment Orders

Upon a finding by the Court on a matter described by Civ.R. 54(A), or upon the rendering of a verdict by a jury, a written judgment order conforming to the finding or verdict shall be prepared and filed as follows:

(A) Approved by Counsel

Within ten (10) days after such finding by the Court or rendering of a verdict by jury, counsel for the prevailing party shall submit to the Court, for approval and filing, a judgment order approved by opposing counsel.

(B) Proposed Judgment Orders

Within seven (7) days after finding or verdict, prevailing counsel shall, and other counsel may, provide to opposing counsel, a copy of a proposed order together with a notice that said order will be submitted to the Court for approval and filing at a time to be assigned by the Court, at which time the Court shall determine the content of the judgment order.

(C) Order Entered by the Court

At any time, the Court may enter its own judgment order.

(D) Post-Verdict Motion Practice

In the event of a finding or verdict on eligible future damages in excess of \$200,000.00, any motion to determine that a portion of the payment is to be made in periodic partial payments, shall be made within fourteen (14) days of the verdict or determination in favor of the plaintiff. This filing deadline applies to suits against municipalities without any limitation on amounts.

Hearings on the submitted proposal and a judgment rendered thereon must be made within sixty (60) days of said finding or verdict, whenever possible, unless the Court and parties agree otherwise.

(E) Post-Judgment Motion Practice

Motions made for prejudgment interest, consistent with R.C. 1343.03(C), may be made after verdict, but in no event any later than fourteen (14) days from the judgment entry. The Court may conduct a hearing after allowing the parties the general discovery provisions under the Ohio Rules of Civil Procedure concerning such motions and hearings.

The Court shall, upon notice to all parties, conduct a hearing consistent with R.C. 2323.51(B)(1), and render a decision within sixty (60) days of the judgment entry whenever possible, unless the Court and the parties agree otherwise.

(F) Other Post-Judgment Motions

Any other motion not contained in Sections (D) and (E) of this Rule, must be filed within the prescribed time limits of the Ohio Rules of Civil Procedure, any statutory law or case law interpreting such motion practice. The Court may conduct hearings on these motions and shall render its decision within sixty (60) days of the entry of judgment whenever possible, unless the parties agree otherwise.

8.08 Withdrawal of Counsel

It is contemplated that counsel who has entered an appearance in a case shall remain in the case until concluded. However, upon written motion for leave to withdraw from the action for good cause shown, the Court may permit counsel to withdraw. In such case, counsel shall certify that the client and all other counsel-of-record have been notified.

9. Electronic Filing of Court Documents

9.01 Electronic Filing of Court Documents

1. Internet Electronic Filings

- a. Except as provided in this rule, in conformity with Ohio Revised Code, Civ.R. 5(E) and Crim.R. 12(B), pleadings and other papers in all general civil cases and criminal cases shall be filed with the Clerk of Courts electronically via the Internet. Pleadings and other papers in other civil cases may be filed with the Clerk of Courts electronically via the Internet.

2. All Electronic Filings shall be Subject to the Following Conditions

- a. Definitions: The following terms in this Rule shall be as follows:
 - i. Electronic Filing (“E-filing” or “efiling”): The process of transmitting a digitized source document electronically via the Internet to the Clerk’s office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.
 - ii. Court Initiated Filings: Official Court documents entered into the docket or register of actions, such as notices or orders. The term “Court initiated filings” is a simplification to indicate that documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the Court so desires.
 - iii. Electronic Mail (email or e-mail): Messages sent by a user and received by another through an electronic service system utilizing the public Internet.
 - iv. Source Document: The document created and maintained by the filer which is then electronically transmitted to the Court.
 - v. Original Document: The transmitted copy of the source document received by the Clerk of Courts that becomes part of the court record and is maintained in the Court's file.
 - vi. Date and Time of Filing: The date and time the Clerk of Courts has received the entire transmission of the filing, unless rejected. (See filing acceptance below.) The date and time of receipt will be indicated on the sender's computer screen after the document has been uploaded to the Clerk of Courts.
 - vii. Electronic Service (“eService”): The electronic transmission of an original document to all case participants who are registered users of the Court’s E-File system via the E-File system. Upon the completion of any transmission to the E-File system, an electronic receipt shall be issued to the sender acknowledging receipt by the E-File system.
 - viii. Electronic Signature: An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a party with the intent to sign the electronic record.

Or signatures by an attorney or party indicated by the typewritten name of that person preceded by “s/”.

- ix. Vexatious Litigators: Individuals who have been declared vexatious litigators pursuant to R.C. §2323.52.
- x. Personal Identifiers: Shall have the same meaning as provided in Sup. R.44(H).
- b. Application of Rules and Orders: Unless modified by approved stipulation or order of the Court or a judicial officer, all applicable Ohio Rules of Civil and Criminal Procedure, these Local Rules, and orders of the Court shall continue to apply to documents electronically filed.
- c. Filings: Any document filed electronically that requires a filing fee may be rejected by the Clerk of Courts unless the filer has complied with this rule concerning the payment of filing fees.
 - i. Any document and/or court action that requires payment of a Filing Fee will be made by using a valid credit or debit card through the Clerk’s E-Filing System.
 - ii. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
 - iii. All complaints in criminal cases shall comply with Ohio Crim.R. 3.
 - iv. All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document. The notary seal shall be visible.
- d. Filings Not Accepted: Civil Protection Orders, Miscellaneous Court Actions including but not limited to Discovery Actions, Judgment Lien Cases, Sealed Cases, Petitions for Certificate of Qualification for Employment, Petitions for Certificate of Qualification for Housing, Court of Claims Complaints, Notary Public Commission, or Notary Public Verification.
- e. Hours of Operation: Electronic filings may be submitted at any time. The electronically filed document will be considered filed as of the date and time that the Clerk of Courts receives the entire transmission. All electronically filed documents shall receive a confirmation date and time acknowledgement. Time at the Court (Eastern Standard or Daylight) governs, rather than the time zone from which the filing is made, subject to Section C of this Rule. Nothing in this section prohibits a Judge from setting forth an order that establishes a time by which electronic filings must be submitted to be considered filed as of a specific date.
- f. Document Format: Documents submitted must be in a digitized format specified by the Clerk of Courts as set forth in the online guide to electronic filing.
 - i. Size of Filing: All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF) on 8½ x 11 inch pages. Submissions shall be limited to 10 MB maximum file size per document and 30 MB maximum file size for one submission. Larger

- sized documents shall be broken down and filed according to the directions maintained on the Clerk of Courts website E-Filing page.
- ii. Proposed Entries and Orders: Proposed Entries and Orders must be submitted in Microsoft Word (.doc or .docx) format and reference the specific motion to which it applies. The E-Filing system will electronically transmit the proposed orders to the assigned Judge or Magistrate.
 - iii. Attorney/Filing Party Signature: E-Filed documents that require the signature of the attorney or filing party shall be signed with a conformed signature of “/s/ [name].” The correct format for an attorney’s conformed signature is as follows:
 - s/ Attorney Name
 - Typed Attorney Name
 - Ohio Supreme Court Number/Bar Number 1234567
 - Attorney for [Plaintiff/Defendant] XYZ Corporation
 - Law Firm Name
 - Address (Full Address)
 - Telephone
 - Email Address
 - Fax Number
 - iv. Signatures: The conformed signature on an E-Filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and any other law.
 - v. Multiple Signatures: When a stipulation or other document requires two or more signatures, the filer shall:
 - 1. confirm that the content of the document is acceptable to all persons required to sign the document;
 - 2. indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
 - 3. E-File the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
 - vi. Original Signatures: Documents requiring an original signature, such as an affidavit or other notarized documents shall be E-Filed as a .pdf.
 - 1. The filer shall maintain the signed document in the filer’s records and have it available for production upon request of the Court.
 - 2. The signed document shall be maintained until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief are exhausted.
 - vii. Signature of Judge or Judicial Officer: E-Filed documents may be signed by a Judge or judicial officer via a digital signature. All orders, decrees, judgments and other documents signed in this manner shall have the same

force and effect as if the Judge had affixed his or her signature to a paper copy of the order and journalized it.

g. Exceptions to E-Filing

- i. Exhibits, attachments, or other documents that may not be comprehensibly viewed in a .pdf shall be filed in their physical form with the Clerk.
- ii. Pro se parties who are not registered users of the Court's E-File system may file documents in paper form with the Clerk in person or by U.S. Mail. Documents filed in accordance with this Rule shall be deemed filed and shall become the Court's Official Court Record when they are accepted by the Clerk in the Court's E-File system.

3. Time, Effect and Process of E-Filing

- a. Submission: Any filing may be E-Filed with the Clerk 24 hours a day, 7 days a week.
- b. Receipt: Upon receipt, the Court's E-File system shall issue a confirmation that the submission has been received.
- c. Clerk Review: After Clerk Review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.
 - i. If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document to meet the requirements. The re-submitted document shall receive a new submission date and time.
 - ii. If the submission is accepted, the document shall be docketed and filed.
- d. Official Time Stamp: Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court's E-File system.

4. Service

- a. Instructions for Service: For all documents that require service by the Clerk or documents for which a party is requesting that service be made by the Clerk, Instructions for Service shall be filed as a separate document. The Clerk shall not accept Instructions for Service that do not designate the names and addresses of the parties to be served. If the address of the party to be served is unknown, the filer shall substitute "unknown" for the address.
- b. Complaint and Related Documents in Civil Cases:
 - i. Upon filing the original complaint or any counterclaim, crossclaim, or third party complaint, in addition to the Instructions for Service required by this Rule, the filer shall include the address of the plaintiff(s) and defendant(s) in the caption of the document. If the address of any plaintiff or defendant is unknown, the filer shall substitute "unknown" for the address in the caption.
 - ii. Unless an attorney or party has obtained permission signed by the assigned Judge to defer service of summons for a specific period of time,

- the Instructions for Service filed with the original complaint or any counterclaim, crossclaim or third party complaint shall indicate a method of service pursuant to Civ. R. 4.
- iii. The Clerk shall issue a summons and process the method of service in accordance with the Ohio Rules of Civil Procedure.
- c. Documents Filed Subsequent to Complaint:
- i. In accordance with Civ. R. 5 and Crim. R. 49, unless the filer requests service by the Clerk and files the Instructions for Service required by this Rule, the filer, not the Clerk, shall be responsible for serving all documents filed subsequent to the original complaint on all parties or their attorneys.
 - 1. When a submission is deemed filed pursuant to this Rule, the E-File system shall generate a Notification of Electronic Filing to the filer and any other party who is a registered user of the E-File system. The Notification of Electronic Filing shall constitute service under Civ. R. 5 and Crim. R. 49.
 - 2. Electronic Service of documents subsequent to the complaint or indictment shall be considered valid and effective service and shall have the same legal effect as an original paper document.
 - 3. The filer shall serve a paper copy of the document on all pro se parties who are not registered users of the Court's E-File system in accordance with Civ. R. 5 and Crim. R. 49.
 - ii. Entries and Orders
 - 1. The Court's E-File system shall generate a Notification of Electronic Filing for all entries and orders signed by the Judge. This Notification of Electronic Filing shall constitute service under Civ. R. 5 and Crim. R. 49.
 - 2. After the order or entry has been signed and filed, the filer, not the Court or Clerk, shall serve on all pro se parties who are not registered users of the Court's E-File system copies of all entries and orders submitted to the Court for signature in accordance with Civ. R. 5 and Crim. R. 49.
- d. 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) and Crim. R. 49(C). 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 for each party entitled to service: "I hereby certify that on [date] this document was E-Filed via the Court's E-File system which shall send notifications of this filing to the following: [list parties or their counsel who are registered users of the Court's E-File system]. I hereby certify that on [date] I served this document in accordance with [Civ. R. 5 or Crim. R. 49] on the following: [list pro se parties who are not registered users of the Court's E-File system]."

- e. Service Date and Time to Respond or Act: For pro se parties who are registered users of the Court's E-File system and counsel of record, service shall be deemed complete at the time the Notification of Electronic Filing is generated by the Court's E-File system.
 - f. Failure of eService: If the E-File system fails to generate the Notice of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.
5. **Disposition and Maintenance of Source Documents**
A document electronically filed shall be accepted as the original filing, consistent with Ohio Revised Code Civ. R. 5(E) and Crim.R. 12(B) if the person filing electronically complies with all of the requirements set forth in this Local Rule. The person filing electronically need not file any original copy with the Clerk of Courts but must maintain the source document in his or her records, and have available for production on request by the Court, the Clerk of Courts or other counsel, the signed source document that was electronically filed. The filer must maintain this source document for five years after the final disposition of the case, including final disposition of all appeals.
6. **Public Method of Access to Electronically Filed Public**
Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper. Public access to electronically filed public documents will be available via the Internet web site of the Clerk of Courts as soon as the Clerk of Courts has processed the document. If Internet web site access is unavailable or is not provided by the Clerk of Courts, or if the Clerk of Courts is prohibited by the Court or by any law from making the document available via the Internet web site, the document will be available at one or more offices of the Clerk of Courts, either by computer terminal or in paper form in the case jacket or on microfilm. However, if a document or case record is sealed or expunged it is unavailable for public disclosure.
7. **User or Technical Errors**
Any e-filer whose filing is made untimely as the result of a technical failure of the Clerk of Court's system, or of the filer's computer hardware or software, phone lines or internet service provider (ISP), may move for leave to file instant or for other appropriate relief from the court. Such technical failures cannot extend jurisdictional deadlines. The motion shall be accompanied by an affidavit stating the circumstances of and reason for missing the deadline, and must be filed no later than noon of the first day on which the Clerk of Courts is open for business following the original filing deadline. The Court will consider the matters stated in the affidavit and order appropriate relief.
8. **Operating Procedures and Instructions**
The Clerk of Courts is authorized to prepare and maintain operating procedures and instructions for electronic filing. These are available online at the Clerk's website.

10. Court Costs

10.01 Security for Costs

No civil action or proceeding shall be accepted for filing without a deposit as security for costs in the sum set forth on a **Schedule of Filing Fees** unless otherwise ordered by the Court. When, in the opinion of the Clerk, the security deposit tendered or the documents offered for filing are not in compliance with the rules of this Court, the Clerk may require the party to secure the approval or direction of the Court before accepting the security deposit or documents. If the matter concerns a pending case, approval shall be obtained from the judge to whom the case is assigned. If the matter is not yet a pending case, approval shall be obtained from the Administrative Judge.

10.02 (A) SUMMIT COUNTY COMMON PLEAS COURT SCHEDULE OF FILING FEES

The Clerk of Courts shall maintain an updated list of all costs associated with Civil and Criminal filing fees as have been established by statute or by Court Order.

10.03 Poverty Affidavit and Indigent Parties

(A) If the party initiating a civil action believes that he/she is unable to pay the costs of filing a complaint in a civil action, a counterclaim and/or a third-party claim, then such person shall submit a Poverty Affidavit. This Poverty Affidavit shall be processed in accordance with R.C. § 2323.311.

(B) If the party is an indigent criminal defendant, as defined by Chapter 120 of the Revised Code, charged with an offense that is a violation of a state statute for which the penalty includes the potential loss of liberty, an attorney may be appointed by the Court to represent said indigent criminal defendant in accordance with Local Rule Chapter 15.

10.04 Responsibility for Costs

All entries or orders terminating or dismissing any case shall designate the party responsible for payment of court costs. No extraordinary items shall be taxed to costs unless approved, in writing, by all counsel, or by order of a judge. Any request to tax as costs, except as stated herein, shall be returned to the sender.

10.05 Application of Deposit

The Clerk is authorized to apply plaintiff's deposit to the costs when, after ninety (90) days from the date of final termination of the case, all attempts to collect the costs from the defendant have failed.

11. Record of Case Assignment and Retention of Records

11.01 Record of Case Assignment

A current file of all cases assigned to each judge is maintained by the Summit County Online Records System (SCORS) so that a complete docket of pending civil and criminal cases is available at all times to each judge. The Director of Operations shall maintain a trial assignment book of all trial and pretrial dates for each judge, unless otherwise ordered by the assigned judge.

11.02 Retention and Disposal of Court Reporter Notes, Depositions, Transcripts and Exhibits

The Court shall maintain Court Reporter notes, depositions, transcripts, and exhibits in compliance with Sup.R. 26, , R.C. 2301.20, the approved Summit County Records Retention Schedule (RC-2), and any other applicable statutory authority. Any disposal of these records shall be done in a manner consistent with Sup.R. 26 , and any other applicable statutory authority.

11.03 Reporting to Law Enforcement and Compliance Plan

(A) Duty of the Court

The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

(B) Development of Report to Law Enforcement and Compliance Plan

The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.

(C) Contents of Reporting to Law Enforcement and Compliance Plan

The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:

- (1) Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2), 109.60(A), 2923.14, 2929.44(B), and 2945.402(E)(1), **Crim.R. 39** and **Crim.R. 9(A)**;
- (2) Reporting information regarding protection orders as prescribed by the Revised Code and Supreme Court rules, including R.C. 2903.213, 2903.214, and 2919.26, and **Civ.R. 65.2**);

- (3) Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Sup.R. 3.04;
- (4) Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Sup.R. 3.04 in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors; and
- (5) Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2953 and R.C. 2903.214 and 2930.171.

(D) Review of Reporting to Law Enforcement and Compliance Plan

The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

12. Pretrial and Trial Procedure

12.01 Pretrial Procedure

The procedure for civil pretrial conferences shall be as follows:

(A) Exceptions

A pretrial conference shall be held in every civil case filed, unless:

- (1) the assigned judge enters an order dispensing with said conference; or
- (2) said judge permits an agreed statement of counsel in lieu of said pretrial conference. Upon entry of such order or agreed statement dispensing with the pretrial conference, provision shall be made for scheduling the case for trial.

(B) Appearance of Counsel; Continuance

Counsel who will actually handle the trial of a case shall attend all pretrial conferences in a manner consistent with the instructions of the assigned judge. Continuances may be granted only by the judge scheduled to preside at the pretrial conference. No trial continuance will be granted on the grounds that counsel is not prepared to go forward if such counsel has failed to attend the pretrial conference.

(C) Parties To Be Present

All parties must be present at the pretrial conference in a manner consistent with the instructions of the assigned judge. If a claim for relief by any party is covered in whole or in part by insurance, a representative of the insurance company or carrier authorized to handle the claim(s) for relief in controversy must be present at the pretrial conference, unless otherwise ordered by the judge. If a claim for relief against any party is fully covered by insurance, that party's presence at the pretrial conference is not required unless otherwise ordered by the Court.

(D) Failure to Appear

Failure of any attorney or party to appear at a pretrial conference, failure of an attorney to be prepared, and/or failure of any party to cooperate in good faith in the conduct of the pretrial conference, shall render said attorney or party, subject to sanctions as provided by Civ.R. 37, at the judge's discretion. Such sanctions may include an award of expenses and/or attorney fees to any party prejudiced by said failure and any other appropriate sanctions ordered by the Court.

(E) Final Pretrial

Trial shall proceed at the appointed time and date heretofore ordered by the Court. The Court may, but is not required to, have a final pretrial before the trial of any cause to determine if, in fact, the matter may be resolved, or if not, the following items:

- (1) length of time for presentation of each side;
- (2) number of witnesses;

- (3) whether testimony is to be received by deposition, oral or video, and the requirement of an objection transcript so the Court may rule thereon;
- (4) number of peremptory challenges;
- (5) motions in limine;
- (6) jury instructions; and,
- (7) other matters necessary to the efficient determination of the matters to be presented at trial.

12.02 Presumption Against Juvenile Restraints

(A) The Court makes the presumption that a child, while appearing before the Court, shall not be physically restrained by any device, unless the judge or magistrate before whom the child is appearing makes an individualized determination, on the record, either before or during the child's appearance, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint is necessary because of either of the following:

- (1) There is a significant risk the child will flee the courtroom; or
- (2) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom.

(B) If physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive means necessary to mitigate the risk requiring the restraint and in a manner that does not unnecessarily restrict the movement of the child's hands.

(C) A party appearing before the Court may request to be heard on the issue of whether the use of physical restraint is necessary for the particular child and at that particular proceeding.

12.03 Language Access Plan

By journal entry, the court has adopted a comprehensive language access plan to provide for interpretive services to litigants in accordance with Sup. R. 9.00 – 9.11. The court has developed forms for implementation of the language access plan that are available on the court's website or in person at the court.

[Model Language Access Plan \(summitpcourt.net\)](http://summitpcourt.net)

13. Electronic or Photographic Equipment

13.01 Use of Recording Devices in the Courtroom

In compliance with Sup.Rs. 10 and 11 and only upon application filed with the Summit County Clerk of Courts into a specific case file, the Court may permit the broadcasting, recording and taking of photographs in Court proceedings that are open to the public. Such permission may be revoked at any time by the assigned judge where the applicant causes a disturbance or prevents the Court from performing its functions. Requests for permission to use such electronic recording or photographic equipment shall be in writing. Application forms shall be available in the office of the Court Executive Officer or on the Court's website.

13.02 Use of Technology in the Courtroom

The use of technology in the courtroom by attorneys and unrepresented parties, including laptops, tablets, projectors, video conferencing systems, and other electronic devices, is permitted at the discretion of the assigned judge, provided it does not disrupt proceedings or compromise courtroom decorum. Any use of such devices for presenting evidence, remote testimony, or accessing legal materials may be pre-approved by the Court. .

14. Use of Artificial Intelligence in Court Filings

(A) Purpose

This rule governs the use of Artificial Intelligence (AI) technologies in the preparation and submission of documents to the Summit County Court of Common Pleas General Division, ensuring the integrity and accuracy of all filings.

(B) Definition

For the purposes of this rule, "Artificial Intelligence" refers to any technology employing machine learning, natural language processing, or other computational techniques that simulate human intelligence, including but not limited to generative text models and automated drafting tools.

(C) Disclosure Requirement

1. **Certification:** Any attorney or pro se party submitting a document prepared with the assistance of AI shall file a certification concurrently with the document. This certification must:
 - Affirm that the document was prepared using AI tools.
 - Confirm that a human has reviewed the AI-generated content for accuracy, including verification of quotations, citations, paraphrased assertions, and legal analyses.
2. **Form of Certification:** The certification shall substantially comply with the following form:

I, [Attorney/Party Name], hereby certify that the accompanying document was prepared with the assistance of Artificial Intelligence. I have reviewed the AI-generated content for accuracy, including verification of all quotations, citations, paraphrased assertions, and legal analyses, prior to submission.

(D) Exemptions

The use of AI for legal research purposes, such as utilizing databases like Westlaw, LexisNexis, or similar tools, does not require disclosure under this rule.

(E) Sanctions

Failure to comply with this rule may result in sanctions, including but not limited to:

- Striking the non-compliant document from the record.
- Imposition of monetary penalties.
- Other actions deemed appropriate by the Court.

15. Criminal Case Flow Management

15.01 Purpose

The purpose of these Rules is to provide the fairest and most expeditious administration of criminal justice within the requirements of the Ohio Rules of Criminal Procedure, the provisions of the U.S. and Ohio Constitutions, and the Ohio Revised Code. These local rules, promulgated pursuant to Rules 3.00 and 3.02(A) of the Rules of Superintendence for the Courts of Ohio, and Rule 57(B) of the Ohio Rules of Criminal Procedure, shall be construed and applied to eliminate delay, unnecessary expense, and all other impediments to a just determination of criminal cases.

15.02 Limitations as to Time

Recognizing the “right to speedy trial”, as guaranteed in the Ohio Constitution and delineated in R.C. 2945.71-.73, that all criminal cases shall be concluded 270 days after arrest or 90 days from arrest if the defendant is in jail, the further requirement of Sup.R. 5.21, requiring disposition of a criminal case (felony) within nine months of arraignment, it shall be the responsibility of the assigned trial judge to schedule all motions, pretrials, conferences, and final trial date for disposition within the confines of those laws and rules.

15.03 Assignment of Cases

(A) At the time a Common Pleas Court criminal case number is assigned by the Clerk of Courts, the Criminal Assignment Commissioner shall prepare an Order of Appointment of Counsel for the Designated Assignment Judge. That order shall be filed with the Clerk of Courts and served upon defendant's counsel and the Summit County Prosecutor's Office.

(B) Following indictment by the grand jury, the Criminal Assignment Commissioner shall, using the computer listing of the names of all Trial Judges of the General Division of the Court, cause the computer to assign a Trial Judge, at random, with due regard for other prior or pending criminal cases, subject to subpart (E), and pursuant to the individual assignment system in place as provided for in Sup.R. 5, et seq. Assignments shall continue, at random, until each case has been assigned.

(C) At the time of such assignment, the Criminal Assignment Commissioner shall prepare a Notice of Assignment and provide it to the Clerk of Courts for service of the indictment upon the Defendant by the Clerk.

(D) The assigned case shall be scheduled for arraignment before the Trial Judge or, in the absence or unavailability of the Trial Judge, a qualified individual designated by the Trial Judge

(E) With the exception of Defendants charged with murder, aggravated murder or facing a death penalty specification, in the case where a defendant is charged with a new

criminal offense by indictment and the defendant has then pending an existing criminal case assigned to a court in the General Division that has not been finalized by dismissal or sentencing, is currently on probation, or has then pending a probation violation set or to be set for disposition by a court in this Division, then in such circumstances, the defendant's new case shall be assigned to the court where the defendant's current criminal case is assigned; that being either the court of assignment on the earlier case or the court which is to address the probation violation.

(F) For cases in which a Defendant is charged with murder, aggravated murder or facing death penalty specification, the Court shall follow the procedures set forth in Sup.R. 5.13 for case assignment, regardless of whether said Defendant has an existing criminal case pending and assigned to a court in the General Division.

15.04 Service of Notice of Assignment, Indictment and Arraignment

(A) At the time of assignment of the case under Local Rule 15.03, the Criminal Assignment Commissioner shall cause the Notice of Assignment to be served upon the defendant. Said notice shall contain the name of the assigned Trial Judge.

(B) Upon receipt of the Notice of Assignment, the Clerk of Courts shall serve a copy of the Indictment upon the Defendant and provide a copy of said service to the Defendant's counsel of record, as appointed by the Designated Assignment Judge pursuant to Local Rule 15.09.

(C) Upon receipt of the Notice of Assignment, the Trial Judge shall set an arraignment date, preferably in one week from the service of the indictment or not more than two weeks, as consistent with the Court's "call day" for arraignment of criminal cases.

(D) The Trial Judge, or qualified individual designated by the Trial Judge, shall arraign the defendant and, if no plea of guilty is entered, shall set a trial date. In the alternative, the Trial Judge shall set a pretrial conference within four (4) weeks from the date of arraignment.

15.05 Pretrial Conference

Having assigned a pretrial date at the arraignment, the Court may then proceed to hold a conference with the Assistant Prosecutor assigned and the defense counsel to determine the following:

- (1) status of discovery;
- (2) whether a plea or trial is anticipated;
- (3) motions to be filed; and,
- (4) trial date if no plea is anticipated due to the pretrial conference.

15.06 Duties of Counsel

It shall be the responsibility of the Assistant Prosecutor assigned and the defense counsel, to carry out the policy of “open-file discovery”, as is the custom of this Court and the Prosecutor's office. Defense counsel must, between the time of arraignment and pretrial, review the Prosecutor's file for pertinent evidence and factual determinations as to the truth of the charge so that meaningful discussion shall be had at the pretrial conference regarding plea or trial.

It shall be the responsibility of the Assistant Prosecutor assigned, to have available early and open discovery of pertinent evidence and availability of lab tests that they intend to introduce into evidence. It shall be the responsibility of the Court to supervise and monitor the handling of the discovery, and determine whether or not motion dates, if requested, are set for evidentiary hearing or ruling, as the case may be.

15.07 Sentencing

Provided the defendant in a criminal case is available, the court shall impose sentence or hold a sentencing hearing with all parties present within fifteen days of the verdict or finding of guilt or receipt of a completed pre-sentence investigation report. In the absence of good cause shown, any failure to meet this time standard shall be reported to the administrative judge, who shall take the necessary corrective action.

15.08 Post-Judgment Proceedings

All post-judgment and post-sentence proceedings shall be set by the Court with notice to all parties, pursuant to Sup.R. 5.21 and the Ohio Revised Code where post-judgment proceedings are allowed.

15.09 Representation of Indigent Defendants

(A) Felony Appointments

1. The Pretrial Services Department will provide the Criminal Assignment Commissioner a list of all individuals charged with a felony crime[s] in Summit County. Pretrial Services will gather this information from various sources, including the Summit County Jail, local municipalities, municipal prosecutor's office, Summit County Prosecutor's Office, Summit County Legal Defender's Office and local municipal courts.
2. The Pretrial Services Department will provide that list of individuals to the Designated Assignment Judge. Any person charged with a felony crime and found to be indigent, in need of an attorney, and entitled to the same, shall be appointed a practicing attorney from the Appointment List, as defined in Section (B).
3. The Designated Assignment Judge will notify the Criminal Assignment Commissioner, who will then notify the municipal courts, the Summit County Prosecutor, the prosecutor of the appropriate municipal jurisdiction, and any

lawyer appointed in municipal court of the identity of the counsel to be appointed by the Designated Assignment Judge.

4. The Designated Assignment Judge shall appoint counsel from the Appointment List. In making an appointment, the appoint Judge shall consider:

- a. The skill, expertise, disciplinary record, promptness and past experience(s) with and of potential appointee;
- b. The anticipated complexity of the case in which appointment will be made;
- c. Any educational, mental health, language, or other challenges facing the party of whom the appointment is made;
- d. The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
- e. The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
- f. Intangible factors, including the court or judicial officer's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

5. A record of appointments will be maintained by the Court and reviewed periodically, but not less than annually, by the Administrative Judge to ensure an equitable distribution of appointments.

(B) Appointment List

1. The Summit County Common Pleas Court shall maintain a list of attorneys who are willing to accept appointments for felony criminal cases. Approved trial attorneys shall appear on the appointment list until the expiration of their current biennial continuing legal education report is due. Attorneys whose names appear on the appointment list may file an application for renewal to serve as appointed counsel upon renewal of their license through the Ohio Supreme Court. Attorneys who fail to timely file an application for renewal shall be removed from the appointment list. Applications for reinstatement may be filed at any time and considered on a rolling basis at the end of the month submitted.

2. Attorneys who wish to be placed on the Appointment List shall apply in writing to the Court, at felonyappointments@summitcpcourt.com, and submit a photograph, proof of malpractice insurance, and other information described herein.

3. In order to be approved for inclusion on the Appointment List, an attorney must meet the following standards:

- a. Be a licensed Ohio attorney in good standing;

- b. Meet the requirements set forth in the Ohio Administrative Code 120-1-07 and 120-1-10;
- c. Take the Annual Criminal Law Update, offered through the Akron Bar Association or equivalent course, during each calendar year;
- d. Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct. An attorney shall file a certificate of compliance with this requirement with his or her application, and thereafter with each renewal as prescribed in (B)(1).
- e. For attorneys with less than two years of practice, take the ABCs of a Jury Trial, offered through the Akron Bar Association, or equivalent course;
- f. For attorneys with less than two years of practice, take the Nuts-n-Bolts of Criminal Practice, offered through the Akron Bar Association or equivalent course;

Proof of an attorney meeting these requirements must be sent to felonyappointments@summitpcourt.com prior to inclusion or renewal on the Appointment List.

4. Upon appointment, the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.

5. The attorney shall have an active email address, a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients, the ability to receive text messages to a designated cell phone number, and the ability to connect via video and audio to the Court's remote technology, as instructed. The attorney shall inform the Court promptly of a change of designated cell phone number, cell phone carrier, email address, physical address and/or phone number. The attorney shall email all changes to felonyappointments@summitpcourt.com.

6. An attorney may be removed from the Appointment List with the approval of a majority of the Summit County Common Pleas Judges. Any attorney being considered for removal will be notified by the Court in writing with the reasons for removal and given an opportunity to respond in writing within fourteen (14) days of receiving said notice. Such response will be distributed prior to any meeting at which the removal will be discussed and determined. If an attorney is so removed, the attorney may seek reinstatement upon correction of the reasons for removal. Such reinstatement shall be requested in writing and emailed to felonyappointments@summitpcourt.com.

7. Applicants shall refer to the Summit County Common Pleas Court website for additional information regarding application procedures and deadlines.

(C) Fee Schedule

The fee schedule applicable to all practicing attorneys on the Appointment List will be the fee schedule identified by the Ohio Public Defender Commission and approved by the Summit County Council and the time of the request, as well as expenses allowed by Court.

16. Bond Forfeitures

16.01 Purpose

Whereas, the procedures set forth in this Rule address the release of bail and securities deposited with the Clerk of Courts.

16.02 Bonds deposited by other than the accused

In all cases where receivers are appointed by this Court, the procedures set forth in this rule shall apply.

When cash or securities have been deposited as bail by a person other than the accused and the bail is discharged and released pursuant to division R.C. § 2937.40(A), or when property has been pledged by a surety on recognizance and the surety on recognizance has been released pursuant to R.C. § 2937.40(A), the court shall not deduct any amount from the cash or securities or declare forfeited and levy or execute against pledged property. The court shall not apply any of the deposited cash or securities toward, or declare forfeited and levy or execute against property pledged for a recognizance for, the satisfaction of any penalty or fine, and court costs, assessed against the accused upon the accused's conviction or guilty plea, except upon express approval of the person who deposited the cash or securities or the surety.

17. Civil Case Flow Management

17.01 Purpose

The purpose of this Rule is the prompt and fair disposition of litigation. To ensure that all parties are equally and fairly treated, it is the goal of this Court to initiate early and continuing judicial control and management of each case assigned to a judge's docket.

It is therefore incumbent upon the judges to provide this general framework for management of cases, and the individual judges to articulate orders in each case for the uniform enforcement of procedural requirements and to insure that time deadlines applicable to any particular case or type of case are observed as is consistent with equitable treatment and the needs of the litigants.

17.02 Assignment of Cases

The assignment of cases shall conform to Sup.R. 5.10, et seq. The management and control shall then be the responsibility of that individual judge who is so assigned.

17.03 Limitations as to Time

Civil cases shall be decided within the time limitations set forth by the Supreme Court.

17.04 Complex Litigation

(A) Cases shall not be classified by parties upon filing as “complex litigation.”

(B) Counsel shall, within 120 days of filing of the complaint, file a separate “Suggestion of Complex Litigation,” to bring to the Court’s attention, in a timely fashion, the potentially complex nature of the litigation. This Suggestion of Complex Litigation shall be in a form consistent to address the criteria in Sup.R. 5.22.

(C) The Court upon receipt shall review the “Suggestion of Complex Litigation” to determine if the case meets the criteria for complex litigation as defined in the Rules of Superintendence.

(D) Nothing in Local Rule 17.04 shall preclude the Court from sua sponte designating a case as complex litigation.

18. Consolidation of Cases

18.01 Civil Cases

Pursuant to Civil Rule 42, when actions involving a common question of law and fact are pending in this court, upon motion by any party, the court may order a joint trial of any or all of the matters in issue; it may order all or some of the actions consolidated; and, it may make such orders concerning proceedings as may tend to reduce unnecessary costs or delay. The motion for consolidation shall be filed in all actions for which consolidation is sought. All judges involved in the consolidation motion shall confer in an effort to expedite the ruling. The judge who has the lower or lowest numbered case shall rule on the motion. In the event that the judges cannot agree, the motions shall be referred to the Administrative Judge for ruling.

18.02 Civil Stalking Protection Orders / Civil Sexually Oriented Offense Protection Orders

Upon filing of a Civil Stalking Protection Order or a Civil Sexually Oriented Offense Protection Order (collectively, a “Protection Order”), a judge is assigned to the petition for Protection Order, and the case is referred to the General Division Magistrate for adjudication thereon.

Thereafter, if the Respondent in a given case files a petition for Protection Order against the Petitioner in the original petition for Protection Order while said case is pending, the case filed by the Respondent will automatically be assigned to the judge assigned to the original petition for Protection Order, and the cases will be automatically consolidated into the lower case number.

In the case that a Petitioner files multiple petitions for Protection Order on the same day, the first case filed to be randomly assigned to a judge, and all subsequent petitions filed at the time of the filing of the first petition shall be assigned to said judge.

19. Jury Use and Management Plan for All Summit County Jurors

19.01 Opportunity for Service

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

19.02 Jury Source List

(A) Pursuant to Court Order, the jury source list shall be obtained from a combined list of the Board of Elections' list of registered voters and the State of Ohio list of licensed drivers and state identification holders over the age of 18. Duplicates shall be merged. The Court shall determine the total number of jurors needed for that calendar year. From the combined list the number needed shall be randomly selected.

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

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

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

19.03 Random Selection Procedures

(A) Pursuant to Court Order, the jury source list shall be compiled electronically. The Court shall utilize a computer program to generate individual names and addresses selected at random during a public jury drawing, according to law.

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

19.04 Eligibility for Jury Service

(A) All persons shall be eligible for jury service except those who are prohibited by Ohio law. This includes persons who:

1. Are less than eighteen (18) years of age;
2. Are not citizens of the United States;
3. Are not residents of Summit County;
4. Are not able to communicate in the English language; or

5. Pursuant to R.C. 2961.01, any person convicted of a felony under the laws of this state or any other state or the United States, unless the conviction is reversed or annulled, is incompetent to serve as a juror, excepting those persons who have been convicted under Ohio law and incarcerated under Ohio law and have had the restoration of their rights restored pursuant to R.C. § 2967.16.

Pursuant to R.C. § 2967.16, those persons who have been granted a final release by the Ohio Parole Authority, as otherwise provided in R.C. § 2967.16, are competent to serve as jurors in Ohio. This section is applicable only to those persons convicted under Ohio law and incarcerated in Ohio institutions and are otherwise restored to their rights pursuant to R.C. § 2967.16.

19.05 Term of and Availability for Jury Service

(A) The time that persons are called upon to perform jury service and to be available shall be the shortest period consistent with the needs of justice in Summit County.

(B) Petit Jurors shall be available to trial judges for a one-week or one trial period of service. The Jury Bailiff or those assigned by the Jury Bailiff shall schedule available jurors as needed on a one-week, one trial basis and notify them to appear. Petit Jurors shall report only as scheduled. They shall call in every day of their week of service to see if they are required to serve. The Jury Commissioners shall insure that appropriate written jury notices are mailed to prospective jurors and maintain any electronic/telephonic communications equipment used to provide juror information, also known as the juror call-in system.

(C) Grand Jurors shall be available as necessary to perform the duties during their respective terms as established by Local Rule 2.02.

19.06 Exemption, Excuse and Deferral

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

(B) Eligible persons who are summoned may be excused from jury service only if:

1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a judge; or
2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by a judge or a specifically authorized court official.

(C) Deferrals for jury service for reasonably short periods of time may be permitted by the Presiding Judge or by a person or persons specifically authorized by the Presiding Judge to so act.

(D) Requests for excuses and deferrals and their disposition shall be written or otherwise recorded. Specific uniform guidelines for resolving such requests should be adopted by the Presiding Judge. All such requests shall be ruled upon by the Presiding Judge, unless the Presiding Judge specifically delegates such requests in part to the Jury Bailiff or other jury staff.

19.07 Voir Dire

(A) Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

(B) The trial judge shall conduct a preliminary voir dire examination. Counsel may then be permitted to supplement that examination using the following rules on voir dire:

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

19.08 Removal from the Jury Panel for Cause

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

19.09 Peremptory Challenges

(A) The exercise of peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

19.10 Administration of the Jury System

(A) The responsibility for administration of the jury system in Summit County is vested exclusively in the Summit County Common Pleas Court to the extent required by law.

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

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

19.11 Notification and Summoning Procedures

(A) The Court's notice summoning a person to jury service shall:

1. Have a record of such retained by the Jury Bailiff, which shall contain pertinent information regarding the person's summons (i.e. address, date mailed, etc.);
2. Be phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems;
3. Be delivered by ordinary mail.

(B) A summons or notice shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

(C) The jury questionnaire shall be completed by those prospective jurors when they are identified with a particular case, and filled out just prior to the commencement of voir dire. Upon specific order of a trial judge, who has directed a separate jury summons be issued due to the type of case, then in such case jury questionnaires may be mailed with the summons. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;
2. Providing a basic background information ordinarily sought during voir dire examination.

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

19.12 Monitoring the Jury System

(A) The Court shall, on an annual basis, collect and analyze information regarding the performance of the jury system in order to evaluate:

1. The representativeness and inclusiveness of the jury source list;
2. The effectiveness of qualification and summoning procedures;
3. The responsiveness of individual citizens to jury duty summonses;
4. The efficient use of jurors;
5. The cost-effectiveness of the jury management system.

19.13 Juror Use

Each Court that requires jurors shall determine the minimally sufficient number of jurors needed to accommodate the particular trial activity. Such number shall be relayed to the jury bailiff, or the person acting on behalf of such bailiff, and that person shall summon for trial each number as required by the trial court. Herein the term "jurors" includes alternate jurors. Nothing in this

Local Rule prohibits a Court from summoning additional jurors present within the courthouse who are not already summoned to another Court if they are available.

19.14 Jury Facilities (Common Pleas General Division, Municipal Courts, etc.)

- (A) The Court shall provide an adequate and suitable environment for jurors.
- (B) The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- (C) Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
- (D) To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, counsel and the public.

19.15 Juror Compensation

- (A) Persons called for jury service shall not receive a fee for their service and expenses other than for parking in the designated area.
- (B) The Court may alter Local Rule 19.15 by Miscellaneous Order of the Court and pay jurors under certain circumstances. In the event that the Court orders juror compensation, such fees shall be paid promptly.
- (C) Employers shall not discharge, threaten to discharge, or take disciplinary action that could lead to the discharge of an employee because of the employee's absence from employment for actual jury service, provided the employee has given reasonable notice of the jury summons prior to commencement of jury service, as provided in R.C. 2313.19(A). An employer shall not require or request an employee to use annual, vacation, or sick leave for time spent responding to a jury summons, participating in jury selection, or actually serving on a jury, as provided in R.C. 2313.19(B).

19.16 Juror Orientation and Instruction

- (A) The Court shall have an orientation program that is:
 - 1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors;
 - 2. Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials.
- (B) The trial judge shall:
 - 1. Give preliminary instructions to all prospective jurors;
 - 2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures, including note taking and questioning by

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

3. Explain the duties to an alternate juror who is released prior to deliberation that they may still be needed until a verdict is reached.
4. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions shall be made available to the jurors during deliberations;
5. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
6. Prepare written instructions for the jury, as required by law;
7. Before dismissing a jury at the conclusion of a case:
 - a. Release the jurors from their duty of confidentiality;
 - b. Explain their rights regarding inquiries from counsel or the press;
 - c. Either advise them that they are discharged from service or specify where they must report;
 - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of their deliberation.

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

19.17 Jury Size and Unanimity of Verdict

(A) Jury size and unanimity of verdict in civil and criminal case shall conform with existing Ohio law.

19.18 Jury Deliberations

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

(B) The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

(C) A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

(D) Training shall be provided to personnel who escort and assist jurors during deliberation.

19.19 Sequestration of Jurors

(A) A jury should be sequestered only for cause, including but not limited to insulating its members from improper information or influences.

(B) The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.

(C) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

(D) Standard procedures should be promulgated to:

1. Achieve the purpose of sequestration;
2. Minimize the inconvenience and discomfort of the sequestered jurors.

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

(F) Designated Court personnel shall coordinate all arrangements for transport, housing, security, and meals for a sequestration of jurors.

19.20 Jury Views

(A) Upon the granting of a motion for jury view, any party in a civil case who desires a jury view shall coordinate in advance with the Court and opposing counsel concerning transportation arrangements and confirm the same in written form.

19.21 Applicability

(A) These Rules shall be applicable to jurors summoned for use by the Summit County Common Pleas Court, the Akron Municipal Court, the Stow Municipal Court, and the Barberton Municipal Court.

The Municipal Courts may adopt a Jury Management Plan that addresses the circumstances related to such Municipal Courts - provided, however - that such rules do not conflict with the Summit County Common Pleas Court, which initially summons all jurors used by the Common Pleas Court and the three Municipal Courts, and otherwise are made in conformity with the State.

20. Foreclosures

20.01 Title Evidence; Preliminary Judicial Report and Certificate of Readiness

In actions for the marshaling and foreclosure of liens on real property or partition of real estate, a Preliminary Judicial Report or a Title Commitment as authorized by R.C. 2329.191(C) shall be filed with the Clerk by the attorney for the plaintiff at the time of the filing of the complaint. This shall serve as evidence of the state of the record title of the real property in question. Said report may be prepared by an attorney or a competent abstractor or title company. A copy, certified by the attorney or a photographic copy of the original evidence of title, may be filed with the Clerk in lieu of the original, and shall become and remain a part of the case file. Along with the filing of the Preliminary Judicial Report or a Title Commitment, the attorney shall file a Certificate of Readiness and any required supporting documentation, demonstrating that plaintiff is the real party in interest and the matter is ready to proceed against all necessary parties. This shall be signed by the attorney.

The complaint, the Preliminary Judicial Report and the Certificate of Readiness shall be filed as separate documents at the same time and shall be separately time-stamped with the complaint being filed first.

20.02 Failure to Provide Evidence

If a Preliminary Judicial Report and the Certificate of Readiness, along with all supporting documentation, are not presented to be filed at the time of the filing of the complaint, the Clerk of Courts shall not accept such complaint for filing.

20.03 (1) Final Judicial Report

(A) The Final Judicial Report must include the correct legal description, parcel, and routing numbers for such property taken from the property deed as approved and released by the County Fiscal Officer's Property Deed Transfer Division.

(B) Three (3) copies of the Property Description Approval form and the approved legal description shall be filed and time-stamped with the Clerk of Courts and shall be attached to the filing of the Final Judgment Entry in the foreclosure case. The Clerk of Courts will attach one copy to the Final Judicial Report and return the two (2) copies to the party filing the Final Judicial Report which shall then be attached to the Praecipe.

(C) A Final Judicial Report shall be issued and filed with the Clerk of Courts before the Decree of Foreclosure or Decree of Partition is filed. Said 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 the Preliminary Judicial Report was issued.

20.03 (2) PROPERTY DESCRIPTION APPROVAL FORM

The prescribed Property Description Approval form adopted by the Courts will be made available on the Fiscal Officer's website and at the Office of Deed Transfer.

20.04 Expenses for Title Evidence

Expenses of the title work required under this Rule shall include a base search fee not to exceed Two Hundred twenty five Dollars (\$225.00), plus a premium on the Judicial Report issued, based on the fair market value of the property or in the case of a foreclosure, the balance due on the first mortgage or such additional amount as may be allowed by the Court for each property involved. Said cost shall be taxed as part of the costs in said case. No action commenced pursuant to this Rule shall be dismissed without first having paid the Judicial Title costs allowable under this Rule.

20.05 Summit County Fiscal Officer as Party Defendant

In all foreclosure actions it shall not be necessary to name the Summit County Fiscal Officer as a party unless a party is contesting the amount of real estate taxes or the Fiscal Officer holds a personal property tax lien on the premises. In all actions in which the Fiscal Officer has been named a party, and in which the taxes are not in dispute nor is there a personal property tax lien, the Fiscal Officer need not file an answer to the complaint or to any cross-claims but shall be served with a copy of the Confirmation of Sale or the dismissal entry.

20.06 Notification of Sheriff's Sale

The judgment creditor who has requested that an Order of Sale be issued, shall no later than two (2) weeks prior to the sale scheduled thereon, serve written notice in accordance with Civ.R. 5 upon the judgment debtor and upon each other party to the action in which the judgment giving rise to the execution was rendered.

Written notice shall include a photocopy of the advertisement of Sheriff's Sale and all information required by R.C. 2329.26. At least seven (7) calendar days prior to the date of the sale, the judgment creditor shall file with the Clerk of Courts a copy of such written notice with proof of service endorsed thereon.

The Sheriff's Office will, upon receipt, file the Proof of Publication, or a copy if a correction/cancellation was made to the Advertisement, with the Clerk of Courts.

20.07 Appraisers' Fees

In all actions in which the Summit County Sheriff is called upon to appoint appraisers to appraise real property for the purpose of conducting a judicial sale, the appraisal fees shall be taxed as costs in the action, and each appraiser so appointed shall be compensated and receive fees based upon the Summit County FISCAL OFFICER, AUDITOR'S DIVISIONS, last tax appraisal of the property as shown by the appraisal records. A table of how much each appraiser shall receive

based upon value of the real property may be obtained through the Summit County Sheriff's Office.

If Residential Property, the appraisers shall return the appraisal to the Sheriff within twenty-one (21) calendar days of the issuance of the order of appraisal by the clerk of courts. 2329.17(B) If Commercial Property, the appraisers shall return the appraisal to the Sheriff within the timing requirements, as established for the sale of the commercial property. R.C. 2329.17(D). If no timing requirements have been established, then the timing as used for Residential Property appraisals shall apply.

20.08 Payment of Real Estate Taxes

(A) PRORATED TAXES (Mortgage Sales Only)

1. The Lien for Taxes and Assessments that attaches before the date of the sale, but that are not yet determined, assessed, and levied for the year in which the sale occurs, will be apportioned as PRO RATA to the part of that year that precedes the date of sale, including any penalties and interest on those taxes and assessments. R.C. 323.47(B)(1)(a).
 - a. Summit County Fiscal Office will provide to the Sheriff the Prorated Tax Amount
 - b. Prorated Taxes will be as of the Date of Sale
2. Prorated Taxes will be paid out of the Proceeds of the Sale
 - a. If, the Judgment Creditor is the BUYER at the sale, then Prorated Taxes shall not be deducted from the proceeds of the sale, unless such deduction is approved by that Judgment Creditor/BUYER.

(B) TAXES ON TAX DUPLICATE (Delinquents, Liens & Currents) (Mortgage and Tax Sales)

1. The Lien for ALL other Taxes, Assessments, Penalties and Interest that are already attached for a prior tax year, but that have not been paid on or before the date of the Sale, will be included and listed on the Sheriff's website, as provided by the Fiscal Office.
 - a. Summit County Fiscal Office will provide to the Sheriff the amount of Taxes as listed on the Current Tax Duplicate; this is for any Delinquent Taxes, Tax Liens, and Current Taxes not yet paid
2. Payment of taxes is to be made at the Summit County Fiscal Office directly. Tax Verification Forms will be required on all foreclosure sales, non-tax included, as of May 1, 2018.
3. The Summit County Sheriff's Office will not provide the Tax Verification Forms to the buyers for the payment of the taxes as listed on the Tax Duplicate for the Mortgage Sales nor for the Delinquent Tax Sales.

4. The **BUYER** will be responsible for the following:
 - a. Obtain a Blank Tax Verification Form from the Summit County Sheriff's Website, Complete the Top Portion in Full, then Sign the Top Portion.
 - b. Contact the Summit County Fiscal Office to request, obtain and pay the amount due on the Tax Duplicate, with the minimum amount to be paid being the amount due as of the Date of Sale.
 - i. The Fiscal Office can be reached at 330-643-2600 to obtain tax amount due
 - c. Terms:
 - i. **For Mortgage Sales:** Cash, Cashier's Check, Money Order (no wire transfers)
 - ii. **For Tax Sales:** Guaranteed Funds Only (Cash, Cashier's Check, Money Order) (no wire transfers)
 - d. Submit the Completed Tax Verification Form and Payment for taxes due on the Tax Duplicate to the Summit County Fiscal Office.
 - i. Mail to:
Summit County Fiscal Office,
Treasurer's Division,
175 S. Main Street, 3rd Floor,
Akron, OHIO 44308
5. Once payment is made, the Fiscal Office will complete the Bottom Portion of the Tax Verification Form, will sign and Red Stamp Seal it, and then will send the Tax Verification Form directly to the Sheriff's Office on a daily basis, via electronic mail.
6. Tax Duplicate Tax Amounts will be as of the Date of Sale. Additional taxes may be due at the time of payment and will be collected by the Fiscal Office.
7. Tax Duplicate Tax Amounts will be paid out of the Proceeds of the Sale, R.C. 323.47(B)(1)(b), and are to be paid directly to the Fiscal Office by the Buyer. (Mortgage Sales Only)

NOTE: Both Tax Amounts (Prorated and Delinquent/Currents) can be found on the Sheriff's website at www.co.summit.oh.us/sheriff. These amounts are provided to the Summit County Sheriff from the Fiscal Office and will be posted on the Sheriff's website within one (1) week prior to the sale.

The purchaser shall be responsible for those costs, allowances and taxes that the proceeds of the sale are insufficient to cover. R.C. 2329.52(B).

20.09 Foreclosure Order of Sale Publication Deposit

(A) The filing fee for the Order of Sale Publication deposit is Six Hundred Twenty and No/100 dollars (\$620.00) effective October 1, 2007.

The revenue funds shall be disbursed as follows:

REVENUE DISBURSEMENT

Akron Legal News	\$220
Summit County Sheriff -Sheriff Foreclosure Fee Account	\$200
Clerk of Courts -Computerization Account	\$100
General Division Special Projects Revenue Fund Account	\$100

(B) In addition to 20.09 Section (A), for Online Sheriff Sales, a licensing fee will be charged at the filing of a Praecipe for Order of Sale. **This fee is a ONE-TIME ONLY FEE charged per case.** This fee is pursuant to the contract of RealAuction.com with the Ohio Department of Administrative Services, for the purposes of statewide online Sheriff Sales.

1. Licensing Fee is a One-Time charge per Case.
2. This fee is to be taxed as a cost to the case. No additional licensing fees shall be assessed to the county sheriff. R.C 2329.153 (D).
3. The Clerk of Courts is to disburse the Licensing Fees to RealAuction on a monthly basis.
4. Praecipes filed AFTER March 9, 2020 will be set for Online Sheriff Sales; the first Sheriff Sale Date held ONLINE will be May 1, 2020.

20.10 Service of In-County Foreclosure Complaints by the Summit County Sheriff and/or his Deputies - Excluding Tax Foreclosure Complaints

(A) All civil foreclosure complaints (EXCLUDING TAX FORECLOSURE COMPLAINTS) filed with the Summit County Clerk of Courts shall only be served upon party defendants, including any Unknown Defendants who are listed in the complaint in accordance with Civ.R. 15(D), who reside within Summit County by the Summit County Sheriff and/or his designated Deputies. All party defendants who reside outside of Summit County, Ohio shall have service made in accordance with the Civ.R. 4.1 and those related Rules which are applicable. If service is not able to be made by the Sheriff under this Rule, the plaintiff may then avail itself of service by publication and/or by other methods of service as previously set out. If the Sheriff was unable to serve any Unknown Defendants under this Rule and the plaintiff has determined that the Unknown Defendant is a necessary party, plaintiff shall proceed to serve the Unknown Defendant in accordance with Civ.R. 4.4(A) and R. C. 2703.24.

(B) Such service shall be made by the Summit County Sheriff and/or his designated Deputies assigned by the Summit County Sheriff.

(C) The Summit County Clerk of Courts for the Summit County Common Pleas Court General Division shall, upon the filing of all foreclosure actions, transmit all necessary documents and paperwork promptly to the Summit County Sheriff's Civil Division so

that the Sheriff and/or his designated Deputies can commence service of such foreclosure complaints on those defendants who have listed their residential or business address as shown to be within Summit County, Ohio.

(D) The Summit County Sheriff and/or his designated Deputies shall make at least three (3) attempts of service upon each of the designated defendants within the complaint who reside within Summit County, Ohio. Additionally, the Sheriff shall leave door hangers with information as to how to contact the Sheriff regarding such matters should personal service fail at the designated location prescribed for service. The Sheriff and/or his designated Deputies shall make a written return after each attempt of service and of said service when it is made. Such return shall be sufficiently detailed for purposes of the Sheriff to maintain necessary administrative information regarding his duties, and also for the Summit County Clerk of Courts to maintain appropriate records required by law. All said returns shall be made promptly by the Summit County Sheriff and/or his designated Deputies to the Summit County Clerk of Court.

(E) The Summit County Clerk of Courts may purchase electronic service equipment for use by the Summit County Sheriff and/or his designated Deputies when making service. Such electronic service equipment shall be capable of receiving and storing signatures for service of complaints or summons. The Summit County Sheriff and/or his designated Deputies shall initiate the use and training of such electronic service equipment as soon as practicable in cooperation with the Summit County Clerk of Courts. The Summit County Clerk of Courts and the Summit County Sheriff shall maintain close coordination to ensure the accuracy of all recorded information received and stored by the electronic service equipment.

(F) The Summit County Common Pleas Court General Division and the Summit County Clerk of Courts shall, by separate written agreement, provide for the cost of maintaining, repairing and/or replacing electronic equipment.

20.11 - ORDERS TO WITHDRAW/CANCEL SALE

An Order to Withdraw/Cancel a Sheriff's Sale must be filed at least seventy-two (72) hours prior to the scheduled Sheriff's Sale. For Mortgage Sales held on Fridays, the Order to Withdraw/Cancel must be filed no later than 10:00 a.m. on the Tuesday prior to the sale. For Delinquent Tax Sales held on Tuesdays, the Order to Withdraw/Cancel must be filed by 10:00 a.m. on the Thursday prior to sale. If the Order to Withdraw/Cancel is not timely filed, the sale will proceed as scheduled. This rule does not apply in the case of payment in full or the filing of a bankruptcy.

21. Sheriff's Sales

21.01 – BID AND DEPOSIT

(A) For Mortgage Sales

Effective May 1, 2020, pursuant to R.C. 2329.211, in every sale of real estate, the bidder shall be required to make a deposit by Wire Transfer or ACH Debit to the Sheriff's online sale site, RealAuction, at <https://summit.sheriffsaleauction.ohio.gov>, in amounts as follows:

1. For Residential Properties:
 - a. **\$2,000**, If Appraised Value is \$10,000 or less
 - b. **\$5,000**, If Appraised Value is more than \$10,000, but less than or equal to \$200,000
 - c. **\$10,000**, If Appraised Value is more than \$200,000
 - d. If the Judgment Creditor is the purchaser at the sale of residential property, they shall not be required to make a sale deposit. All other purchasers shall make a sale deposit as listed above.
2. For Commercial Properties:
 - a. The purchaser at the sale shall make a deposit pursuant to the requirements, if any, established for the sale by way of Court Order. If no requirements have been established by Court Order, then the deposit for Commercial Properties will follow the rules for deposit for Residential Properties.
 - b. Minimum deposits (\$2,000/\$5,000/\$10,000 set by law) must be at RealAuction prior to bidding:
 - c. For **WIRE TRANSFER DEPOSITS: MUST BE RECEIVED BY 5:00PM (Eastern Time), TWO (2) Business Days BEFORE the Friday auction**
 - d. For **ACH DEBIT DEPOSITS: MUST BE RECEIVED BY 4:00PM (Eastern Time), SEVEN (7) Days BEFORE the Friday auction**
 - e. This means the deposited funds **MUST BE** in the account of RealAuction by Wire Transfer or by ACH Debit by that date and time.

(B) For Delinquent Tax Sales

Deposits for Delinquent Tax Sales will be \$1,000.

1. **Delinquent Tax Sales held at a PHYSICAL LOCATION:** At the West Door of the Summit County Courthouse, 209 S. High Street, Akron, Ohio 44308.

When required, sale deposits shall be tendered to the Sheriff at the time of acceptance of the bid, at the sale in Cash or Cashier's Check, PAYABLE to the Summit County Sheriff.

If such deposit is not so tendered forthwith, the Sheriff shall reopen the bidding immediately, starting with the next highest bid, if still available, and continuing until a sale is made to a bidder who meets the requirements of this Rule regarding deposits.

2. Delinquent Tax Sales held ONLINE

at <https://summit.sheriffsaleauction.ohio.gov>

Minimum deposit (\$1,000.00) must be at RealAuction prior to bidding:

- a. For **WIRE TRANSFER DEPOSITS: MUST BE RECEIVED BY 5:00PM (Eastern Time), TWO (2) Business Days BEFORE the Tuesday auction**
- b. For **ACH DEBIT DEPOSITS: MUST BE RECEIVED BY 4:00PM (Eastern Time), SEVEN (7) Days BEFORE the Tuesday auction**
- c. This means the deposited funds **MUST BE** in the account of RealAuction by Wire Transfer or by ACH Debit by that date and time.

(C) The entire balance of the purchase price for Mortgage or Tax Sales, shall be paid within thirty (30) days of the filing of the Order of Confirmation of Sale, to the Summit County Sheriff.

21.02 – TIME AND PLACE

Beginning MAY 1, 2020, Mortgage Sales shall be held ONLINE at <https://summit.sheriffsaleauction.ohio.gov> on Fridays at 10:00 AM Eastern Time.

Sale deposits for ONLINE Sales shall be tendered to RealAuction prior to the Sale. See Rule 12.01 for time restrictions.

Tax Sales shall be held at <https://summit.sheriffsaleauction.ohio.gov> on Tuesdays at 10:00AM Eastern Time. Sale deposits shall be tendered to RealAuction prior to the Sale. See Rule 12.01 for time restrictions.

21.03 – SHERIFF'S RETURN OF SALE

Immediately following the sale on Friday, the Sheriff shall make the Sheriff's Writ of Execution - **Report of Sale** to the Court showing the name and address of the purchasers and the amount of the bid with a Purchaser Information Form as prescribed by R.C. 2329.26, 2329.27 and 2329.271, endorsed by the Sheriff.

If any tax certificate parcel is twice offered for sale pursuant to R.C. 5721.39 and remains unsold for want of bidders, the officer who conducted the sales shall certify to the Court that the parcel remains unsold after two (2) sales. The Court, by entry, shall order the parcel forfeited to the

certificate holder who filed the request for foreclosure or notice of intent to foreclose under R.C. 5721.37.

21.04 – CONFIRMATION OF SALE OR VACATED SALE

No later than thirty (30) days from the Return of the Sheriff's Writ of Execution, Counsel for plaintiff shall file a Motion for Confirmation of Sale in accordance with these Local Rules. Simultaneously, Counsel shall prepare and submit to the Court an Order of Confirmation of Sale approved by all parties who have entered an appearance in the matter. This Order of Confirmation of Sale must include both the **Report of Sale** and the endorsed Purchaser Information Form.

Upon filing the signed Order of Confirmation of Sale, counsel shall provide to the Sheriff, within seven (7) calendar days, the deed packet, to include:

A. For a Plaintiff Purchase:

1. Time-Stamped copy of filed Confirmation of Sale
2. Prepared, completed Sheriff's Deed
3. Completed Conveyance Form
4. Monies Due

B. For a Third Party/2nd Lienholder Purchase:

1. Time-Stamped copy of filed Order of Confirmation of Sale
2. Prepared, completed Sheriffs Deed
3. Completed Conveyance Form

Note: The Third Party/2nd Lienholder Purchaser is responsible to pay the remainder of the Purchase Price to the Sheriff's Office within thirty (30) days from the filing of the Order of Confirmation of Sale.

Sheriff shall review and approve or reject the Deed and Conveyance Form. The approved Deed will be recorded by the Sheriff with the Fiscal Officer's Recording Division, within fourteen (14) business days of payment of the purchase price. The Sheriff will charge a fee of Seventy-Five Dollars (\$75) as an associated administrative cost to process each Conveyance Form and to record each Deed.

Pursuant to Summit County Local Ordinance 2008-394, the \$200 Foreclosure Education fee shall be disbursed by the Sheriff's Office at the time of Final Distribution.

The Clerk of Courts shall ensure that all Orders of Confirmation of Sale and Orders Vacating Sale are served upon the Summit County Sheriff, Civil Division, either electronically or via hand delivery.

21.05 – FAILURE TO PAY BY PURCHASER

Terms: Cash or Cashier's Check Only, PAYABLE to the Summit County Sheriff

A purchaser who fails to pay the entire purchase price to the Sheriff within said thirty (30) days from the filing of the Order of Confirmation of Sale may be held in contempt of Court, unless an extension of time is granted by the Court. If such extension is not granted, the Sheriff, or other parties in interest, may immediately cause a citation to be issued commanding the purchaser to appear before the Court and show cause as to why such purchaser should not be held in contempt. If the purchaser is found in contempt, the Court, in determining the penalty, shall take into consideration the cost of readvertising and all expenses and losses necessarily incurred by reason of delay in the sale of the premises and any party in interest may request the issuance of an Alias Order of Sale by filing a praecipe with the Clerk of Courts.

21.06 – ADDITIONAL COSTS AND TAXES

The purchaser shall be responsible for those costs, allowances, and taxes, etc., that the proceeds of the sale are insufficient to cover. (Based on Sections 2329.20, 2329.21, 2329.26 of the Revised Code.)

21.07 – POSTING OF RULES

These Court Rules shall be posted on the Sheriff's Website
at <https://www.co.summit.oh.us/sheriff> and on the Sheriffs RealAuction Sale Site
at <https://summit.sheriffsaleauction.ohio.gov>

If held at a physical location, the Sheriff shall keep a copy of these Rules conspicuously posted at the place where sales are conducted, and shall call attention to them before receiving bids, if needed.

22. Receiverships

22.01 Application for Appointment

When an application for appointment of a receiver is filed, the judge assigned to the case shall determine whether the application should be granted, and the appropriate procedure for notice and hearing, if any. The assigned judge shall have sole supervision of the case.

22.02 Duties of Receiver

In all cases where receivers are appointed by this Court, the procedures set forth in this rule shall apply.

(A) Control of Assets

Unless by entry, the Court specifically authorizes the receiver to continue a business, the receiver shall expeditiously take control of the assets of the defendant debtor; give notice to all known creditors of the appointment of receiver and afford them the opportunity to present and prove their claims; cause the assets to be inventoried and appraised; determine the validity and priority of creditors' claims; take such steps as may be necessary to reduce the assets to cash; and, make distribution of said cash among the various classes of creditors.

(B) Initial Report to Court

Within two (2) months after appointment, the receiver shall report to the Court, submitting an inventory and appraisal, including an accounting of receipts and expenditures to date. The several matters mentioned herein shall be considered by the assigned judge, whose approval shall be by entry, approved first by the receiver and the receiver's counsel.

(C) Semi-Annual Report

Semi-annually, after filing the first report with inventory, appraisal and account, the receiver shall file consecutively numbered reports with accounts for approval of the Court by entry as to all receipts and expenditures made by the receiver during the reporting period and a summary of plans for the future conduct of the receivership.

(D) Authority to Expend Funds

In cases involving receivers appointed to take charge of property and collect rents and other income, the receiver may expend funds to pay insurance premiums, water and utility bills, without first having obtained Court approval, and to pay for emergency repairs necessary for the proper maintenance of the property. For authority other than that conferred upon receiver by virtue of this Rule, the receiver shall make application to the Court.

(E) Report Prior to Sale

In all receiverships in which property appraised in excess of One Thousand Dollars (\$1,000.00) 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 amount of expenditures incurred or to be incurred, prior to the time the sale is to be conducted.

(F) Application for Fees

Any application for payment of fees (partial or final) to a receiver and counsel for receiver, shall be submitted for approval by the Court. Written notice of the hearing on application for fees in excess of Five Hundred Dollars (\$500.00), shall be served personally or by mail on all creditors or their counsel-of-record, unless otherwise provided by court order.

Such application shall show time spent on enumerated items; amounts of money collected, disbursed, and on hand; 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 to make final distribution.

23. Mediation

23.01 Mediation Procedures

Mediation shall be conducted in accordance with the procedures set forth in this Rule and Sup.R. 6.02. All mediations shall be conducted in conformance with the Ohio Uniform Mediation Act.

23.02 Definition

Mediation involves a neutral mediator who assists the parties and their counsel in arriving at a mutually acceptable resolution to their case.

23.03 Procedure

Cases will be referred to mediation in one of two ways: (1) voluntary referral by motion of all parties; or (2) selection by the judge of this court who is assigned to the case. Upon referral process, where at least one of the parties is pro se, the judge making the referral must provide information on and encourage the parties to engage with legal counsel and other support services.

All civil case types may be referred to mediation, except for the following case types:: administrative appeals; habeas corpus; declaratory judgment; injunction; default on notes; forfeiture of property; extraordinary writs; replevin; petitions to perpetuate testimony; discovery actions; and any case involving domestic violence cases pursuant to R.C. 2919.25, 2919.26, 2919.27, and 3113.31.

Notices of a mutually acceptable conference date and time will be transmitted to all parties by the mediation office.

23.04 Mediation Process

(A) Scheduling and Notification

After a case has either been voluntarily submitted or referred by the Court a Mediation Conference will be scheduled by the Mediation Office within 120 days of referral. Notices will be sent to all parties.

(B) Case Summary

Prior to the Mediation Conference, the parties will prepare case summaries on a form provided by the Mediation Office and submit these to the Mediation Office four (4) business days prior to the Mediation Conference. These case summaries may be designated as confidential and are not to be filed with the Clerk of Courts.

(C) Mediation Conference

The Mediation Conference is an informal session where the parties, as well as their attorneys, participate. All necessary discovery, including documents, medical records, and bills should be exchanged by the parties five (5) days prior to the conference. The

Court requires that insurance representatives with adequate authority to settle the claim be present at the conference unless excused by the Court.

23.05 Final Agreement

If the parties agree to settle the case prior to the scheduled conference, the conference will be canceled by the mediator if a written settlement agreement or notice of dismissal has been filed with the court. Copies of such dismissal will be exchanged between the parties and their counsel, including pro se parties, with a courtesy copy to the mediator.

Upon reaching agreement during the mediation conference, the parties and their counsel shall reduce the agreement to writing, sign and date the same and each retain the original or a copy. The mediator shall not retain a copy of the terms of the agreement and the report to the court shall indicate only that the case is settled, who will pay court costs and who will prepare the dismissal entry.

23.06 Confidentiality

Statements made during a mediation conference do not constitute admissions against interest and cannot be used by an adverse party in evidence or for impeachment in any subsequent proceeding. If a final agreement is reached during the conference that agreement may be filed under seal to preserve confidentiality, provided that the parties request that the agreement be sealed and the court approves.

23.07 Report to the Court

In all cases where a mediation conference has been conducted the Mediation Office will, within ten (10) days, report to the assigned judge in writing whether a full or partial agreement was reached; whether efforts to settle the case have ceased or are continuing; or that mediation did not produce a final resolution.

23.08 Continuances

(A) Authority of the Mediation Department When Trial Date Is Set.

If a continuance of a scheduled mediation is requested and a Trial date has been set, the Mediation Department shall have the authority to reschedule the mediation, provided that the rescheduled mediation occurs prior to the Final Pretrial and/or Trial date.

(B) Authority of the Mediation Department When No Trial Date Is Set.

If no Trial date has been scheduled, the Mediation Department shall have the authority to reschedule the mediation to a date not more than one hundred twenty (120) days from the date of the initial referral to mediation.

(C) All Other Requests.

All other requests to reschedule a mediation shall be submitted to and decided by the judge assigned to the case.

23.09 Discovery

Mediation shall not stay discovery, which may continue throughout the mediation process in accordance with the Civil Rules of Procedure.

23.10 Good Faith

Each party shall proceed with mediation in good faith to reach a compromise agreement. Any party referred to mediation shall perform all obligations expeditiously and shall not use the mediation process for purposes of delay or discovery in any manner other than a good faith attempt at resolution.

24. Arbitration

24.01 Arbitration Procedures for Court Arbitration

Arbitrations in the Common Pleas Court of Summit County, Ohio shall be conducted in accordance with the procedures set forth in this local rule.

24.02 Cases for Submission

(A) Mandatory Arbitration / Amount

Every civil case, except those involving title to real estate, equitable relief, or appeal, in which the amount actually in controversy (exclusive of interest and costs) has been determined at pretrial by the assigned judge to be Fifty Thousand Dollars (\$50,000.00) **per claimant** or less, may be submitted to mandatory arbitration pursuant to this rule.

(B) Stipulation

Without limitation as to amount, counsel in any civil action may stipulate, in writing, before or after pretrial, that the case may be submitted to mandatory arbitration in accordance with this rule. Upon the filing of such stipulation, the action shall be submitted to mandatory arbitration.

(C) Motion

Counsel in any civil action which is at least six (6) months old may file a motion, before or after pretrial, accompanied by a pretrial statement, requesting that the case be submitted to mandatory arbitration in accordance with this rule. The assigned judge may, after a hearing, grant such motion and order the case submitted to mandatory arbitration.

24.03 Arbitrators

(A) Selection

In all cases subject to arbitration, arbitrator(s) shall be appointed by the assigned judge from the list of attorneys maintained by the mediation department who have been admitted to the practice of law for more than one year, and who have consented to act as arbitrators, and who have filed with the Administrative Judge their consent to so act. Attorneys subsequently desiring to be eliminated from the list may so notify the Administrative Judge and the mediation department by letter. The list of arbitrators shall be kept on file with the mediation department, who shall record all appointments.

(B) Manner of Appointment

The assigned judge in each case submitted to arbitration shall appoint three lawyers from the list to act as arbitrators. One of the attorneys so appointed shall be designated as chair of the panel of arbitrators by the assigning judge. The parties may, by agreement, stipulate that the case shall be submitted to a single arbitrator rather than a panel of arbitrators.

(C) Single Arbitrator

In all cases submitted to arbitration, parties may stipulate to have the case heard by a single arbitrator chosen by agreement of the parties from the list provided for in Rule 24.03 (A). In all such cases submitted to one arbitrator, the sole arbitrator shall receive a fee of One Hundred Thirty Dollars (\$130.00).

Additionally, the parties may stipulate to compensate a sole arbitrator more than One Hundred Thirty Dollars (\$130.00); however, in such cases, any amount paid to the sole arbitrator over One Hundred Thirty Dollars (\$130.00) shall not be paid out of County funds, but shall be paid by the parties as they may agree.

(D) Composition of Board; Disqualification

Not more than one member of a law partnership or an association of attorneys shall be appointed to the same panel, nor shall an attorney be appointed to a panel who is related by blood or marriage to any party in the case or to any attorney of record in the case, or who is a law partner or associate of any arbitrator-of- record in the case, or who has an interest in the determination of the case which would interfere with an impartial consideration of the case.

24.04 Non-disclosure of Offers of Settlement

No disclosure shall be made to the arbitrators prior to the filing of the report and award of any offers to settle made by either party.

24.05 Hearings

All arbitration hearings must be held within ninety (90) days from the date of referral.

(A) Time and Place

Hearings shall be held at a place designated by the Court, preferably in the courthouse or other County building. The mediation department shall fix a time and date of hearing and shall notify the arbitrators and all parties and/or attorneys to the suit. No hearing shall be fixed for Saturdays, Sundays, legal holidays, or evenings, except upon agreement by counsel for all parties and the arbitrators.

(B) Settlement

Since sufficient time is available to the parties prior to the hearing date to settle or compromise their disputes, once a hearing date is set the hearing shall proceed forthwith at the scheduled time. There shall be no unilateral communications by counsel or the parties with the arbitrators concerning the merits of the case at any time prior to the filing of the report and award of the arbitrator(s).

24.06 Inability of Party to Proceed

(A) Continuance

In the event that counsel for any party is unable to proceed on the date assigned, unless otherwise ordered by the assigned judge, the chairman may mark the case CONTINUED and reset it for hearing within ninety (90) days from the date of referral.

(B) Pending Motions

Any motion that has not been ruled on prior to the referral of the action to arbitration or that has been filed subsequently to the referral shall be disregarded by the panel and for the purposes of arbitration treated as a nullity.

24.07 Case Continued Twice-Certified to Court

Whenever any arbitration hearing has been continued two (2) times after assignment to a panel, said case shall be certified by the chairman to the judge, who shall summon the parties or their counsel. The judge shall have the power to make an appropriate order, including an order of dismissal for want of prosecution, or an order that the case be again assigned to the Board of Arbitration and be heard and an award made whether or not a party appears.

24.08 Oath of Arbitrators

When the arbitration panel has been assembled, they shall be sworn or affirmed in the presence of the litigants as follows:

“I solemnly swear or affirm that I will faithfully and fairly hear and examine the matters in controversy, and that I will make a just award to the best of my understanding.”

The oath or affirmation may be administered by counsel for a party who is a notary public, or in the absence of such person, by one of the arbitrator(s).

24.09 Default of a Party

The arbitration may proceed in the absence of any party, who, after due notice, fails to be present or who fails to obtain an adjournment. An award shall not be made solely on the default of a party. The arbitrator(s) shall require the other party to submit such evidence as they may require for the making of an award. The failure of a party to appear either in person or by counsel and participate in an arbitration proceeding shall be considered a waiver of that party's right to file an appeal de novo and a consent to the entry by the Court of judgment on the report and award of the panel.

24.10 Conduct of Hearing/ General Powers

A majority of the arbitrator(s), unless the parties agree upon a single arbitrator, shall be the judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrator(s) and all of the parties except where any of the parties is absent, in default, or has waived the right to be

present. The arbitrator(s) may receive the evidence of witnesses by sworn testimony or by affidavit or written report and shall give it such weight to which they deem it is entitled after consideration of any objections made to its admission. Counsel shall upon request, whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

24.11 Specific Powers

The arbitrator(s), by a majority thereof, shall have the general powers of a court, including but not limited to, the following:

(A) Subpoenas

Subpoenas may be issued as provided in Civ.R. 45, through the office of the Clerk as in any other case filed in the Common Pleas Court. The subpoena forms should be altered to show the correct place of hearing.

(B) Production of Documents

The arbitrator(s) shall have the power to compel the production of all books, papers, and documents which they deem material to the case. Should a party or witness fail to produce documents or to testify regarding a matter after being ordered to do so by a panel, the panel shall consider that particular matter uncontested and may proceed to make a final award without the necessity of issuing a citation for contempt.

(C) Administering Oath/ Admissibility

The arbitrator(s) shall have the power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions, and to decide the law and the facts of the case submitted to them.

(D) Medical Expenses; Property Damage

In actions involving personal injury and/or damage to property, bills or estimates as described herein may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of charges for services, labor and materials, or items contained therein, and where applicable, the necessity for such expenses, on condition that one (1) week's written notice has been given to the adverse party, accompanied by copies of the bills to be offered in evidence.

1. Hospital Bills

Bills for hospital services must be on the official letterhead or billhead of the hospital and must be dated and itemized.

2. Doctor/Dentist Bills

Bills for services rendered by doctors and dentists must be on the official letterhead or billhead of the doctor or dentist, and must state the dates of each visit and an itemization of the charges for each visit.

3. Bills for Nurses, etc.

Bills for services rendered by registered nurses, licensed practical nurses, or physical therapists must be dated and must contain an itemization of the days and hours of services and the corresponding charges for such services.

4. Bills for Medications, etc.

Bills and receipts for medications, eye glasses, prosthetic devices, medical belts, or similar items must clearly show the date and place of purchase and the amount of each purchase.

(E) Property Repair Bills or Estimates

Bills or estimates for property repair must clearly identify and set forth the charges for labor and materials necessary for repair of the property. In the case of an estimate, the party intending to offer the estimate into evidence shall, at least one (1) week prior to the arbitration, forward to the adverse party notice of such intention, together with a copy of the estimate and a statement indicating whether or not the property was repaired in full or in part. If repairs were made, such notice shall include a copy of the receipt or bill showing the items of repair made and the amount paid for labor and materials.

(F) Supervisory Powers of Judge

The assigned judge or a judge designated to serve in the assigned judge's absence shall have full supervisory power with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

24.12 Witness Fees

Witness fees in any case referred to arbitration shall be in the same amount as now or hereafter provided for trial witnesses in the Common Pleas Court of Summit County, Ohio, and may be ordered taxed as costs in the case. The costs in any case shall be paid by the same party or parties by whom they would have been paid had the case gone to trial.

24.13 Transcript of Testimony

There shall be no recording or transcription taken during an arbitration hearing unless permitted by court order.

24.14 Report and Award - Not a Judgment

Within thirty (30) days after the hearing, the chairman of the arbitrators shall prepare and file a report and award with the Clerk, and on the same day shall mail or otherwise forward copies thereof to all parties or their counsel. An award may not exceed Fifty Thousand Dollars (\$50,000.00) **per claimant**, exclusive of interest and costs. The report and award shall be signed by all of the arbitrator(s). In the event all three members do not agree on the finding and award, the dissenting member shall write the word "dissents" before his or her signature. A minority report shall not be required unless the dissenting arbitrator elects to submit the same due to unusual circumstances. The chairman shall also submit a copy of the report and award to the assigned judge.

24.15 Legal Effect of Report and Award

The report and award, unless appealed from as herein provided, shall be final and shall have the attributes and legal effect of a verdict. If no appeal is taken within the time and in the manner specified therefor, the Court shall enter a judgment in accordance therewith. After order of such judgment, execution process may be issued as in the case of other judgments.

24.16 Compensation of Arbitrators

(A) Members of the Panel

Each member of the panel of arbitrators who has signed an award or files a minority report, shall receive, as compensation for his/her services in each case, a fee of \$70.00 per half day. When more than one case arising out of the same transaction is heard at the same hearing(s), it shall be considered one case in determining compensation of arbitrators. In cases requiring hearings of unusual complexity, the assigned Judge, upon motion of the arbitrators and for cause shown, may allow additional compensation. The arbitrators shall not be entitled to receive their fee until after filing the Report and Award with the assigned Judge. Fees paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

(B) Chairman

The Chairman shall also receive compensation of \$20.00 per half day for each case heard by the arbitrators, in addition to the compensation in **Rule 24.16(a)**.

(C) Source of Funds

All compensation for arbitrators shall be paid from funds of Summit County, upon proper warrant, which have been allocated for the operation of the Summit County Common Pleas Court.

(D) Settlement/Dismissal of Claim

In the event a case is settled or dismissed more than two (2) days prior to the date scheduled for the hearing, the arbitrators shall not be entitled to the aforesaid fees. In the event a case has been settled or dismissed within said 2-day period, arbitrators shall be entitled to receive said fees. The 2-day period shall include Saturdays, Sundays and holidays.

Counsel for the parties are required to notify the Arbitration Clerk immediately of any settlement or dismissal. If the arbitration notice is not more than two working days, the assigned Judge, for good cause shown, can require one or more of the parties to pay the arbitrator fees if the arbitrator does not proceed as scheduled.

24.17 Appeals

(A) Right of Appeal De Novo and Filing Requirements

Any party may appeal an award of the arbitrators to the Common Pleas Court of Summit County, if within thirty days (30) after filing of the award with the Clerk, the party does both of the following:

1. Files a notice of appeal with the Clerk and serves a copy on the adverse party or parties and assigned judge accompanied by an affidavit that the appeal is not being taken for delay. The affidavit accompanying the notice of appeal shall be signed by the appealing party or counsel for the appealing party. The appellant's notice of appeal shall be accompanied by an appeal fee payable to the Clerk.
2. Reimburses the Clerk for all fees paid to the arbitrators in the case. The sum so paid shall not be taxed as costs in the case and shall not be recoverable by the appellant in any proceeding.

(B) If the party appealing is indigent, then upon proper motion or affidavit of indigency, the assigned judge may allow the appeal to proceed without the payments as required herein.

(C) An appeal de novo duly made, shall be an appeal of all claims and issues raised by the pleadings in the appealed case.

(D) All appeals shall be de novo proceedings at which the arbitrator(s) is/are barred as witness(es).

24.18 Exceptions

(A) Reasons for Exceptions

Any party may file exceptions with the Clerk from a decision of the arbitrator(s) within thirty (30) days from the filing of the report and award for either or both of the following reasons and for no other: (1) that the arbitrators behaved improperly in the conduct of the case; and/or (2) that the action of one or more of the arbitrators was procured by misconduct or corruption.

(B) Procedure

Copies of said exceptions shall be served upon each arbitrator within forty-eight (48) hours after filing and the matter shall forthwith be set for hearing before the assigned judge. If such exceptions are sustained, the report of the arbitrator(s) shall be vacated by the Court and the case shall be set for trial. The filing of exceptions shall toll the running of the thirty (30) day period for appeal as provided in Rule 24.17 (A) herein until a ruling on the exceptions has been made by the Court.

24.19 Time Parameters

(A) All arbitrations conducted under these rules will be governed by the following time parameters:

1. All plaintiffs to the action shall have a total of one and a half hours to present their case(s) in chief, case(s) in rebuttal or in defense of any and all claims. This one and a half hours, includes time for opening statements and closing arguments. The one and a half hours may be allocated between all plaintiffs as all plaintiffs may agree.
2. All defendants to the action shall have a total of one and a half hours to present their case(s) in chief, counterclaim(s) and case(s) in rebuttal or in defense of any and all claims. This one and half hours includes time for opening statements and closing arguments. The one and a half hours may be allocated between all defendants as all defendants may agree.

(B) For good cause shown, including, but not limited to cases involving third-party practice, the time parameters set forth in Section 24.19 (A) may be altered, but only by the judge assigned to the case. In such cases, the chairman and arbitrators shall be compensated in half day increments as provided under Rule 24.16 for additional time spent.

24.20 Confirmation of Arbitration Awards from Foreign Tribunals

(A) Pursuant to R.C. 2711.01, et seq., any party to an arbitration held by a foreign tribunal may seek a confirmation order from this Court within one year after an award has been made unless the award is vacated, modified, or corrected pursuant to R.C. 2711.10 and 2711.11.

(B) A party seeking a confirmation order must first file an application with the Clerk of Courts to commence the proceedings. The Clerk of Courts shall docket the matter in a manner consistent with Chapter 6 of these Local Rules and shall docket the matter as a miscellaneous case type.

(C) Pursuant to Chapter 2711 of the Revised Code, service of the application shall be deemed sufficient to initiate the proceedings so long as said application contains a certificate of service.

25. Appeals to Court of Common Pleas from Administrative Agencies

25.01 Scope of Rule

All appeals to the Common Pleas Court provided in R.C. 119.12, R.C. Chapter 2506, or any other applicable statute from administrative agencies shall be governed by this Rule.

25.02 Notice

The Notice of Appeal filed with the officer, agency, commission, board or other entity whose final order is being appealed, together with a copy of the praecipe for the record of proceedings, shall be filed with the Court within the time prescribed by law for such appeal.

25.03 Time Table for Appeal

In all appeals where no additional evidence is required, the case shall be submitted to the Court on briefs on the following schedule;

(A) Appellant's Brief

Within thirty (30) days after the filing of the Record of Proceedings with the Clerk, the appellant shall file its assignments of error and brief;

(B) Appellee's Brief

Within thirty (30) days after the filing of the appellant's brief, the appellee shall file its brief and assignments of error, if any.

(C) Reply Brief

Within ten (10) days after the filing of appellee's brief, the appellant may file a reply brief.

(D) Extensions and Exceptions

For good cause shown, the Court may, upon motion, extend or otherwise modify the foregoing schedule. If the appellant fails to file its brief and assignments of error within the time provided, the Court may dismiss the appeal or otherwise dispose of the case as justice requires.

25.04 Additional Evidence

In all appeals where the submission of additional evidence is required or permitted by law, a motion to supplement the record may be filed within fourteen (14) days after the filing of the record of proceedings, supported by affidavit requesting the submission of additional evidence and specifying the nature and type of additional evidence to be submitted and the reasons therefor. This section does not apply to unemployment compensation appeals, as R.C. §

4141.282(H) provides that the only evidence the Court is permitted to review is the certified record provided by the Unemployment Compensation Review Commission.

The Court shall set such cases for conference in order to determine whether additional evidence is required, and to schedule a hearing, if necessary. After such conference or hearing, the Court shall set a schedule for the submission of briefs as provided in Rule 25.03.

25.05 Hearing

The Court may grant a hearing for oral arguments, if requested.

25.06 Exception

The above rules do not apply to appeals from an agency where the Revised Code has specifically outlined a statutory procedure for such an appeal.

26. Certificate of Qualification for Employment and for Housing

26.01 Certificates of Qualification

The Summit County Court of Common Pleas is charged with certain duties regarding the disposition of petitions for Certificates of Qualification for Employment under R.C. 2953.25 and petitions for Certificates of Qualification for Housing under R.C. 2953.26.

26.02 Processing Certificates of Qualification for Employment

(A) All petitions for Certificates for Qualification for employment (“CQE”) must be filed first time with the Ohio Department of Rehabilitation and Correction (“ODRC”). Once ODRC has determined the content of a petition to be complete, it will then electronically forward notice of its review of the completeness of the petition to the Summit County Clerk of Courts. ODRC will also provide the petitioner with a paper copy of the ODRC-reviewed petition, bearing notice thereon that the petition has been reviewed and found to be complete. Upon receipt of this notice from the ODRC, the petitioner must then file the petition with the Clerk of Courts.

(B) Upon receipt of a petition for CQE that has been reviewed and been found sufficient for filing by ODRC, a filing fee shall be charged, collected, and distributed by the Clerk of Courts in a manner consistent with the Revised Code. The clerk shall file an ODRC-reviewed petition as a civil case filing, and assign a civil case number and judge. A petition shall be considered filed upon payment of the filing fee. The clerk shall only accept for filing ODRC-reviewed petitions from persons who provide satisfactory proof of the clerk that their legal residence is in Summit County, Ohio. Proof of residence shall be deemed established by valid Ohio Driver’s License, State Identification card, or a current utility bill.

(C) Upon a filing of a petition, the clerk shall provide a time-stamped copy to the Summit County prosecutor.

(D) Each filed petition is hereby referred to a magistrate pursuant to Civil Rule 53(D)(1) for initial consideration. The magistrate shall conduct any necessary investigation and proceedings and issue a magistrate’s decision, pursuant to Civil Rule 53(D)(3), on whether the petition for CQE shall be approved or denied.

(E) The judge to whom the petition is assigned shall adopt or reject the magistrate’s decision within the time limit provided by statute for the determination of the petition. All notice and objection periods regarding a magistrate’s decision, as set forth in the Civil Rules, shall apply.

(F) Upon determining that a petition for CQE should be approved pursuant to R.C. 2953.25(C)(3), the assigned judge shall file a judgment entry stating that such petition is being granted and stating the grounds for that determination. The clerk shall serve a time-stamped copy of the judgment entry upon ODRC. A CQE shall be prepared on a form prescribed by the state. The state, as the issuing authority, will serve the petitioner with the CQE and provide notice to the court that the certificate was issued.

(G) In the event a petition for CQE is denied, the assigned judge shall file a judgment entry of denial containing the grounds for that determination. Such judgment entry shall contain notice that the judgment entry is a final appealable order, and record of the decision shall be entered pursuant to Civil Rule 58(B). An order of denial shall be served by the clerk both upon the petitioner and ODRC.

26.03 Processing Certificates of Qualification for Housing

The Court shall follow the process outlined in R.C. § 2953.26 in evaluating a Petition for Certificate of Qualification for Housing.

27. Magistrates

27.01 Appointment/Powers

Magistrates may be appointed by the Common Pleas Court, General Division, and shall serve as full-time employees of the Court as provided in Civ.R. 53 and Crim.R. 19. The Court may appoint a person to serve both as civil magistrate and as criminal magistrate. The civil magistrate and the criminal magistrate shall have those powers as set out in Civ.R. 53 and Crim.R. 19 respectively, and as set out in any order of reference.

27.02 Automatic Orders of Reference *Needs date in place of [INSERT DATE HERE]**

(A) Pursuant to MISC Order 325 filed [INSERT DATE HERE], the following cases are automatically assigned by order of reference to the General Division Chief Magistrate:

Garnishment or Debtor Examinations in Relation to JL Cases;

1. All Miscellaneous Filings (Designated as an MS Case);
2. All Replevin Actions Pursuant to R.C. 2737.01;
3. All Petitions for Civil Stalking Protection Orders and Civil Sexually Oriented Offense Protection Orders;
4. All Petitions for Certificate of Qualification for Employment;
5. All Petitions for Certificate of Qualification for Housing;

Any objections to the decision of the Magistrate for JL and MS Cases shall be made to the duty judge assigned at the time of case initiation. Any objections to the decision of the Magistrate for other case types automatically referred under this Rule shall be made to the duly assigned judge.

(B) Additional cases may be automatically referred to the General Division Chief Magistrate by miscellaneous order, these Local Rules, the Civil Rules, the Criminal Rules, or any other statutory authority.

(C) Nothing in this Rule prohibits a judge from referring other cases to the General Division Chief Magistrate in a manner consistent with the Civil Rules and the Criminal Rules.

(D) The General Division Chief Magistrate may assign any referred cases to any duly appointed general division magistrate.

27.03 Hours for Hearing Civil Stalking / Sexually Oriented Offense Protection Orders

Upon the filing of a Petition for Civil Stalking/Sexually Oriented Offense Protection Order, the Petitioner shall be heard by the General Division Magistrate, provided that the General Division Magistrate shall hear petitions between the hours of 8:00 A.M. and 3:00 P.M. If a Petitioner files a Petition after 3:00 P.M., the Petitioner may be required to appear before the General Division Magistrate on the next day the Court is open to present the Petitioner's case.

28. Special Projects Fund

(A) Pursuant to Ohio Revised Code Section 2303.201(E)(1), the Court of Common Pleas established a Special Projects Fund on October 1, 2003 under Miscellaneous Order No. 700 that further established a Revenue Account.

(B) A fee shall be assessed and collected by the Clerk of Courts in the amount of One Hundred Fifty Dollars (\$150.00) on each civil action or proceeding, or judgment by confession. This amount shall be immediately paid to the County Fiscal Officer and placed into the Revenue Account.

(C) A fee shall be assessed and collected by the Clerk of Courts in the amount of Fifty Dollars (\$50.00) for not more than one criminal cause against an individual defendant on each criminal case filed in the Court of Common Pleas. This amount shall be immediately paid to the County Fiscal Officer and placed into the Revenue Account.

(D) The Court Executive Officer shall be authorized to expend funds from the Revenue Account for the Court's operation, including computerization and other items set forth in Ohio Revised Code Section 2303.201(E)(1). The Court Executive Officer shall also have the authority to determine whether there is an existence of a surplus in the Revenue Account and direct the use thereof.

29. Review of the Local Rules

These Local Rules shall be reviewed on an annual basis. The period for review shall begin each December and last through the adoption of any new or amended Rules in or around the first week of April of each year. This rule does not prohibit the Court from adding to, amending, and/or rescinding part(s) of these Local Rules immediately and on an as-needed basis.